

# 16<sup>th</sup> Street Mall Policies and Procedures

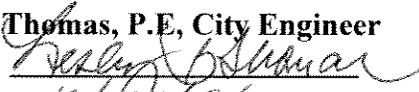
## For The Temporary Use Of The Public Right-Of-Way Of The 16<sup>th</sup> Street Pedestrian Mall

November 9, 2004

Approved & Adopted by Lesley B. Thomas, P.E, City Engineer

Signature:

Date:

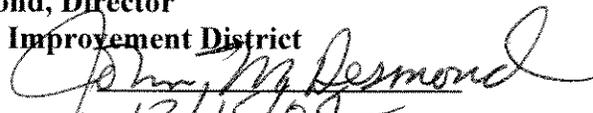
  
12/15/04

Accepted by John M. Desmond, Director

Downtown Denver Business Improvement District

Signature:

Date:

  
12/15/04

# 16<sup>th</sup> Street Mall Street Occupancy Program Policies and Procedures

The 16<sup>th</sup> Street Mall Street Occupancy Program Policies and Procedures must be followed in addition to the Rules and Regulations for Vending on the 16<sup>th</sup> Street Pedestrian and Transit Mall (“Rules and Regulations”) and the Denver Revised Municipal Code, Section 49-538 (“Ordinance”). In the event of a conflict, the documents shall have the following order of precedence: (1) Ordinance (2) Rules and Regulations (3) 16<sup>th</sup> Street Mall Occupancy Program Policies and Procedures.

## **Application Process**

Permits are required for the following activities: Sidewalk cafes; Sampling; Vending; Entertainers; Sidewalk sales; Special Events; and any special activity. Completed applications for Mall Use Permits are submitted to the Mall Use Coordinator.

Applications are reviewed by the Mall Use Committee (“Committee”). The Committee meets quarterly at a minimum, however frequently meets on a monthly basis. All applications must be completely filled out and legible in order to be reviewed by the Committee. Any illegible or incomplete applications will be returned. Approval of the completed application is based on the following criteria:

- ◆ Background as requested in the application
- ◆ Experience
- ◆ Product Choice
- ◆ Sale Price and Quality of the product
- ◆ Benefit of the cart to the 16<sup>th</sup> Street Mall
- ◆ Impact of activity to the 16<sup>th</sup> Street Mall

Merchandise vending sites are limited to four sites selling similar products on the 16<sup>th</sup> Street Mall unless otherwise approved by the Committee. It shall be unlawful for any owner, part owner, shareholder, or person interested directly or indirectly in any permit issued by the Department of Public Works, to conduct, own, either in whole or in part, or be directly or indirectly interested in more than two (2) permits issued pursuant to this division.

## **Payment Information**

Any checks returned due to insufficient funds are subject to a return fee and will result in future payments made in cash or certified funds.

All payments are due on the 1<sup>st</sup> of each month. Permittee will be assessed a late fee after 7 calendar days and / or permit may be revoked at the discretion of the Manager of Public Works.

## **Deposits**

Deposits are refundable if the vendor utilizes the permit for the full initial 12 month term of the permit and if permit holder provides the Downtown Denver Business Improvement District (“BID”) at least ten (10) days written notice prior to cancellation of the permit.

## **Renewals**

Permits expire on the last day of the month indicated on the permit. Each permittee who desires to renew their permit is required to submit a renewal application to the Mall Use Coordinator 45 days prior to the permit expiration date. It is the permittee’s responsibility to keep all licenses and permits current in the BID offices.

## **Cart Design Guidelines**

**\*These guidelines are in addition to the 16<sup>th</sup> Street Mall Cart Design Standards and guidelines found in the 16<sup>th</sup> Street Mall Rules and Regulations.**

### **A. Canopy / Umbrella**

Approved canopy colors are: Sunbrella Pacific Blue - Style 4601  
Sunbrella Sea Grass Green – Style 4645  
Sunbrella Buttercup – Style 4635

Or an approved similar color as reasonably determined by the Mall Use Coordinator

All carts permitted prior to 11/30/04 will be given a grace period but must be in compliance with the guidelines in this Part A no later than 4/30/05.

### **B. Signage & Graphics**

All Canopies must include graphics reading “16<sup>th</sup> Street Mall”. All exterior graphics must be professionally done and approved by the Mall Use Coordinator. Signage must comply with the guidelines set in the 16<sup>th</sup> Street Mall Cart Design Standards. Handwritten signs will not be permitted on the cart other than one chalkboard to be used for daily specials.

All signage must comply with all written regulations within the City and County of Denver as specified by ordinance 59-537

All carts permitted prior to 11/30/04 will be a given a grace period but must be in compliance with the guidelines in this Part B no later than 4/30/05.

### **C. Skirting**

Any permittee storing boxes of additional product under the cart is required to have a skirt around the body of the cart that completely hides all boxes from public view. Skirting should match the approved canopy color.

All carts permitted prior to 11/30/04 will be a given a grace period of 90 days but must be in compliance with the guidelines in this Part C no later than 4/30/04.

## **D. Additional Operational Elements**

### **1. Chairs**

Permittees will be allowed one directors chair per location. An approved chair can be rented from the BID or a similar chair can be purchased with the approval of the designee for the Manager of Public Works and the Mall Use Coordinator. Approved chair shall be a 30" seat height directors chair or approved equal. No other chair is acceptable. Fabric color of vendor chair must match canopy color.

### **2. Coolers**

All vendors are permitted to have 2 coolers and under certain circumstances, may be approved for additional coolers. The permitted cooler is a Coleman 54-quart stainless steel cooler or an equivalent approved by the Mall Use Coordinator.

### **3. Extension cords**

All extension cords or power cords outside the cart must be secured with an approved cord cover in order to eliminate any tripping hazards. Cords must be UL-rated for outdoor use and circuit protected. Approved cord and cord cover colors are brown, black, dark grey or green.

### **4. Storage tubs**

In addition to storage located on the cart, food vendors will be permitted one additional storage tub located next to the cart for additional product. Storage tubs must be in good condition, free of cracks and stains and must be approved by the Manager of Public Works, or his designee, and the Mall Use Coordinator. Approved tubs will have a clear plastic body and white top and may be no larger than 30 gallons. Other colors must be approved by the Mall Use Coordinator.

### **5. Trash Receptacles**

Vendors are permitted to have one trash receptacle. Approved trash receptacle must be white or stainless steel and may be no larger than 2' high x 2' wide x 15" deep.

## **E. Towing Hitches**

Towing Hitches must be a reasonable size and must be included as part of the review process of the Mall Use Committee. Towing hitches should be less than three feet in length. Vendors shall make reasonable attempts to minimize safety issues related to towing hitches.

## **Operating Guidelines**

- ◆ Carts must be clean, sanitary, safe, and in good working condition at all times. The determination of whether the cart condition complies with the foregoing is at the reasonable discretion of the Mall Use Coordinator. The Mall Use Coordinator can submit a written Work Order to the permittee if the Mall Use Coordinator reasonably determines that the cart does not comply with the Ordinance, Rules and Regulations or these Policies and Procedures. If a work order is submitted to the permittee, the permittee is obligated to repair the cart at his/her expense in a timely manner, not to exceed 30 calendar days. The permittee can appeal the

requirements of a work order to the Committee. Such appeal must be submitted in writing within 10 calendar days of the permittee's receipt of the work order.

- ◆ Permittee shall supply evidence of all licenses and permits required by the City and County of Denver and the State of Colorado before a permit is issued.
- ◆ All City and 16<sup>th</sup> Street Mall permits and/or licenses must be made available whenever requested by anyone. Food carts must post the stand up restaurant license on the cart.
- ◆ Merchandise must be displayed in a neat and orderly fashion.
- ◆ Carts will not be permitted to be transported along the 16<sup>th</sup> Street Mall between the hours of 11:00 a.m. and 2:00 p.m. Monday - Friday, except in the case of adverse weather.
- ◆ Display of merchandise is subject to the reasonable approval of the Mall Use Coordinator.
- ◆ Carts should not be left unattended for a period longer than 10 minutes at any one time.
- ◆ Neither the City and County of Denver nor the BID are responsible for damage or theft to any cart, merchandise, or other vendor property or physical injury.
- ◆ Between May 1 and October 31, vendors are required to operate a minimum of four days a week between the hours of 11:00 a.m. and 2:00 p.m., weather permitting. A work week shall begin on Monday and end on Saturday. Weather which will excuse vendors from the required operation days and times include: precipitation, wind gusts in excess of 40 miles per hour, or temperatures below 50 degrees Fahrenheit.
- ◆ Each vendor must be completely set up in its designated location prior to 11:00 a.m., except in the case of adverse weather conditions.
- ◆ Permittee is responsible for renewing his/her permit on an annual basis. Failure to do so in accordance with all terms and conditions may result in the loss of the ability to renew.
- ◆ If a vendor plans to be absent for 14 consecutive days during the months of May through October, the vendor must notify the Mall Use Coordinator in writing at least 7 calendar days prior to the anticipated absence. Failure to do so may result in permit revocation.
- ◆ The permit is site specific and cannot be transferred to another location.
- ◆ No liquid, including water, ice or cleaning solutions may be poured into the tree pits or on the Mall, except that a reasonable amount of clean water may be used to clean up spills on the granite surface of the Mall. All slip-and-fall or tripping hazards arising from a permittee's use of the Mall shall be the responsibility of the permittee.
- ◆ Vendors must practice good customer service, may not use offensive language or slander or threaten other vendors.
- ◆ Vendors, their employees &/or representatives, (VER), shall be courteous to the public, efficient and neat in appearance. VER's will not use foul or vulgar language or act in a loud, boisterous, or otherwise improper or unacceptable manner. VER's shall not engage in open, notorious and/or public disputes, disagreements or conflicts tending to deteriorate the quality of the surroundings or that of their competitors &/or businesses.

- ◆ Obscene communications or gestures, intimidation in any form, threats (direct or Indirect) of violence or physical harm, fighting, gambling, illegal activity, being under the influence of alcohol or illegal substances, or carrying of weapons or illegal substances is strictly prohibited. Any violation may result in immediate revocation of the Permit.
- ◆ Vendors are required to be fully clothed including shirts and shoes.
- ◆ Waste receptacles must be in close proximity to the cart and the number of waste receptacles should be determined by the individual vendors need. Vendors are responsible for all litter within 15 feet of their cart.
- ◆ No propane or other gas cylinders can be stored, attached or hooked outside the body of the pushcart or kiosk unless permitted by the Manager of Public Works or his designee. All gas cylinders used for heating are subject to Fire Department inspection. Unsafe hookup or operation procedures are cause for immediate permit revocation.
- ◆ Vendors are allowed to have radios at their vending carts for their personal enjoyment only and to create an ambiance within their immediate locations. If a radio can be heard over 15 feet from the vending cart, it is too loud. The volume of the vendor's radio must not create problems for those nearby. If complaints are received about the volume of a specific radio, the vendor will be prohibited from having a radio at their cart.
- ◆ Vendors shall not use 16<sup>th</sup> Street Mall planters as a seating area.

### **Sidewalk Cafes**

Revocable permits for the operation of outdoor sidewalk cafes on the 16th Street Mall as an extension of an existing indoor restaurant or public seating areas placed in the 16th Street Mall median are permitted subject to:

- ◆ Determination by the Manager of Public Works or his designee that the operation will not impede pedestrian or transit traffic.
- ◆ The requirement that the operation shall meet all city and state requirements for licensing and operation, including liquor licensing.
- ◆ The requirement that the permittee must install and maintain in good condition, the following elements within the sidewalk cafe or public seating area:
  1. Umbrellas shall be installed on the tables closest to the perimeter of the cafe area, except where tables are sheltered by awnings attached to building walls. Umbrellas that extend beyond the patio railing must be 8ft in height above the sidewalk surface at their lowest point.
  2. A simple architectural railing around the open perimeter of the cafe area, which shall be sturdy in weight and design and capable of standing by itself and shall not be affixed to the pavement.
  3. Trash receptacles (of a compatible color) within the perimeter of the cafe area.
  4. All elements installed and maintained by the permittee shall be subject to design and maintenance review by the Mall Use Coordinator.

Additional Conditions:

- ◆ All railings must have rubber mats or other type of protective barrier reasonably acceptable to the Mall Use Coordinator where the base sits directly on the Mall granite. Railings may not be secured to the Mall granite.

- ◆ The permittee is responsible for removal of any rust, grease or dirt left on the Mall granite or replacement of the granite as required by the Mall Use Coordinator when the railing is removed, including rust due to railing pads that are not properly placed.
- ◆ All fixtures, furniture and property that are contained in the permitted area must stay within the seating area perimeter.
- ◆ It is the responsibility of the permittee to make sure that all trash and litter are removed promptly from the permitted patio area.
- ◆ Permittee is not allowed to use Mall trash receptacles for disposal of trash within the permitted seating area.
- ◆ Banners or signs may not be placed on the railing under any circumstance.
- ◆ It is recommended that chairs be removed or secured on the patio each evening.
- ◆ The patio area must be washed to the nearest drain and washed regularly in order to maintain a sanitary surface. Washing should not be performed between 11:00 a.m. and 1:30 p.m. and 4:40 p.m. and 8:00 p.m. or when the sidewalk surface is cold enough to freeze

#### **Entertainers**

- ◆ In addition to complying with all other requirements, Entertainers shall not interfere with special events taking place on private plazas nor the flow of pedestrian traffic. A minimum of ten (10) feet clear must be maintained at all times to allow for pedestrian traffic.

#### **Product Sampling**

- ◆ Product sampling planned in the median of the Mall may have up to 6 people per location. Larger groups will be required to set up on the sidewalk where space allows and as approved by the Mall Use Coordinator.
- ◆ All tables used for sampling must be skirted
- ◆ Temporary signs may be put on the tables but may not sit directly on the Mall

#### **Special Events**

A 16<sup>th</sup> Street Mall Special Event is any activity that takes place within the boundaries of the 16<sup>th</sup> Street Mall as defined in the ordinance, impacts the Mall beyond normal use, increases the normal flow of pedestrian traffic, is not a normal daily activity and is open to the public.

- ◆ Permittee is responsible for all clean up after the event.
- ◆ Permittee may not place any signs, banners or posters along and / or adjacent to the 16<sup>th</sup> Street Mall.
- ◆ Permittee is responsible for any additional licenses or permits required by the City and County of Denver
- ◆ Permittee is responsible for providing adequate security as determined by the Mall Use Committee.
- ◆ Events that require closure of the transit lane will not be permitted.

- ◆ At the beginning of every year, the Mall Use Committee will review the anticipated number of days permitted for special events and provide a recommendation to the manager with the goal of limiting impact on vendors from Special Events.

### **Sidewalk Sales**

Sidewalk sales may be permitted on the 16th Street Mall in compliance with Section 49 -578.5(8), 49 -578.4(6), 49 -578.4(5), 49 -578.4(3) and 49-578.1 of the Revised Municipal Code of the City and County of Denver. Permittee may put out tables or clothing racks on the sidewalk directly in front of his or her storefront. All tables must be skirted. Tables and racks may not block the entrance to the store, nor may they extend beyond the width of the permittee's storefront. Tables and racks may not narrow the pedestrian path to less than ten feet nor may they extend outward onto the Mall more than five feet from the edge of the property line.

### **Grounds for suspension or revocation of permits**

- ◆ Fraud, misrepresentation or false statements contained in application
- ◆ Selling unpermitted merchandise
- ◆ Violation of Health Department Regulations
- ◆ Failure to renew permit in a timely manner and provide and / or show current licenses and insurance
- ◆ Failure to conduct business in a lawful manner or conducting business in a manner unsafe to the general public or employees
- ◆ Failure to comply with the Ordinance, the Rules and Regulations and / or all 16<sup>th</sup> Street Mall Policies and Procedures
- ◆ Failure to pay fees or insufficient payments
- ◆ Violation of any ordinance related to vending
- ◆ Driving vehicles on the Mall for placement of vending further than the permitted distance except when necessary due to a street closure or construction
- ◆ Permits may be revoked or suspended without cause at the discretions of the Manager of Public Works or his designee.