

PUBLIC WORKS

RULES & REGULATIONS

OF THE MANAGER OF THE DEPARTMENT OF PUBLIC WORKS, CITY & COUNTY OF DENVER

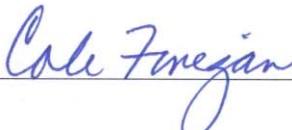
DEVELOPMENT ENGINEERING SERVICES OF PUBLIC WORKS RULES AND REGULATIONS

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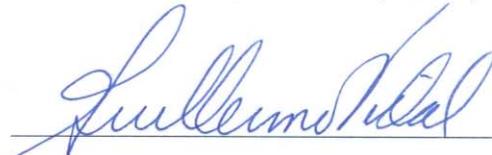
*Rules & Regulations: For Vending on the 16th Street
Pedestrian and Transit Mall*

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Approved as to form:



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Approved & Adopted



Effective Date

Adopted Pursuant to Article II of the Charter of the City & County of Denver and Section 2-91 et seq. of the Revised Municipal Code

TITLE: *Rules & Regulations: For Vending on the 16th Street Pedestrian and Transit Mall*

- I. **INTRODUCTION.** Vending on the 16th Street Pedestrian and Transit Mall (16th St Mall) is an important part of Downtown Denver's vitality. To reach its full potential, vending should be a multi-dimensional business opportunity that combines the entrepreneurial spirit, pushcart design, and proper use of public space.
- II. **DEFINITIONS.** Permittee: The term permittee as used throughout these rules and regulations shall mean any person or organization which has been issued a permit for a vending pushcart, kiosk, public seating area, sidewalk cafe, entertainment, special event, or a daily permit to hand out free product samples on the 16th Street Mall.
- III. **PURPOSE.** The purpose of these Rules and Regulations is to establish procedures for issuing Temporary Occupancy Permits for the 16th Street Mall.
- IV. **APPLICATION PROCESS.** For all usage, vending or Mall events, an application for permit shall be made to the Manager of Public Works or his/her designee, who shall refer the application to the Mall Use Committee, prior to the requested commencement date of the function or activity. The committee will review applications not less than quarterly and make a recommendation to the Manager of Public Works' designated representative. Taking the Mall Use Committee's recommendation under consideration, the Manager's designated representative shall then make a determination as to whether to issue the permit. The applicant will then be notified of the Mall Use Committee's recommendation and/or provisions and the Manager's decision.
- V. **FEES.** All fees for public occupancy permits for the 16th Street Mall shall be established on the *Schedule of Fees for the 16th Street Mall* and/ or other "schedule of fees" as promulgated by the Manager of Public Works and attached herein as *Attachment 1*.
- VI. **GENERAL TERMS.** These general policies will be followed regarding the issuance of revocable permits for temporary occupancy of the 16th Street Mall.
 - Permittee shall use and occupy the public right-of-way in a safe and careful manner.
 - Permittee shall comply with all laws and rules pertaining to vending on the 16th Street Mall.
 - The signature of the permittee or his/her authorized representative on the permit shall indicate that all conditions of the application and permit have been agreed upon and have been met.
 - A minimum of ten feet (10') of clearance is required at all times for pedestrian access.
- VII. **POLICIES.** The following policies will be followed for each specific use regarding the issuance of revocable permits for temporary occupancy of the 16th Street Mall.
 - A. **Vending**

1. **Location of Vending Sites.** 16th Street Mall vending sites are located in the 16-foot median between the transit lanes; otherwise vendors are located adjacent to the transit lane on 32-foot wide sidewalks. Four to eight vending sites will be allowed in the median on each block as allowed by seating areas, other amenities and *public safety considerations*; eight to 12 vending sites per block will be allowed on the 32 foot wide sidewalks as allowed by seating areas, other amenities and *public safety considerations*. Area between curb/street edge and first tree/light fixture must be kept open for pedestrian access. One vendor may be allowed on certain or limited number of street corners providing the sidewalk width can accommodate the vending cart and other amenities and still maintain a ten-foot pedestrian right-of-way. Vendors may be placed within one (1) foot of fire hydrants provided that the cart is easily moveable and is not left unattended.
2. **Renewals.** Vendors seeking to renew permits will be given the first right of refusal on locations and merchandise. If a vendor has been operating for at least one year, and decides to sell the business, the new owner must apply for a permit in the same manner as a new applicant.
3. **Pushcart Design Standards.** All pushcarts are subject to design review by the Mall Use Committee prior to operation on the 16th Street Mall. All aspects of design detailed in these standards including forms, finishes, materials, color and quality are subject to review. If you are building a cart, you must have design approval before you begin construction. If you already have a finished cart, you must get design review approval prior to permit issuance. Compliance with all design standards referred to herein are required. The Mall Use Committee must review and approve all vending carts using the criteria of this document, the *16th Street Mall Policies & Procedures*, and/or *The 16th Street Mall Cart Design Standards* to determine whether to approve the vending pushcart. The Mall Use Committee may deny any vending cart that is not compatible with the design and quality standards of the 16th Street Mall when consideration in term of form, materials, color, quality of fabrication or detailing. Such determination will be documented to the application in writing to provide opportunity for appropriate modifications.
 - a. **Wheels.** All carts must have operating wheels. The weight of the cart and the wheel sizes shall be such that the cart is movable on the sidewalk by one attendant.
 - b. **Canopies.** Each pushcart or kiosk must have either an umbrella mounted on a single pole, or a canopy mounted on a maximum of four supports. Alternate roof designs may be accepted, subject to specific review and approval. All supports must be mounted on the pushcart and shall not extend beyond the outside dimensions of the pushcart body. The lowest edge of any canopy or umbrella shall not be less than 8'-6" above the sidewalk. Canopies and umbrellas must be clean and well maintained. Food cart canopy fabric must be fire and sun resistant and be suitable for extended wear in an exterior location. Metal and glass are options in various configurations. Materials such as Panaflex, plastic or vinyl are not permitted.

- c. **Lighting.** Carts and kiosks that anticipate operating into the evening may utilize battery-powered, low-voltage lighting systems for display lighting and accents. Where available, carts and kiosk may also power lights from Mall electrical sources for an additional fee. Display lighting should be directed at the merchandise only and not be distracting to passing pedestrians or motorists. Small strings of accent lights or fiber optic strands may be used as accent lighting with specific review and approval.
 - d. **Graphics.** Graphics, which convey the theme of the business and add to the quality, liveliness and fun of the cart design are permitted but must comply with standards set for signage in the *16th Street Mall Cart Design Standards*. Additional graphic design, color, pattern and detail which adds to the overall theme, merchandising concept, liveliness and fun of the cart design is encouraged. Graphic design and physical form must be well integrated to create a complete and attractive presentation.
 - e. **Materials.** All materials must be suitable for extended outdoor use and comply with all applicable health and safety standards. All surfaces, edges, and details must be designed and finished to avoid potential hazards.
4. **Pushcart Design Guidelines.** The design guidelines provided in this section are recommended guides provided to encourage a uniformly high quality of design, fabrication and merchandising among all vendors and are used by the Mall Use Committee as reference material in the design review process.
- a. **Size Restrictions.** Towing hitches will not be included in the length measurement on the pushcart.
 - b. **Wheels.** The minimum recommended wheel size is 6 inches in diameter. Wheels should not project more than 4 inches from any part of the body of the cart. Wheels should be mounted vertically on rigid axles or mountings. Large wheels with open spoke design are preferred.
 - c. **Canopies.** The shapes and materials available to create canopies and shade elements and awnings are diverse and should be handled in a creative way. The shapes, patterns, and materials of these elements are subject to review. Acceptable canopy and umbrella shapes and materials may include: Canopy Shapes: Angled with open sides, angled with closed sides, vaulted and pyramidal. Square boxed canopies are not acceptable. Retractable canopies may project beyond the allowable cart dimensions by 24" in any direction.

Umbrellas: May be round, square or faceted ; spherical, conical or pyramidal. Umbrellas may project beyond the allowable cart dimensions by a maximum of 24" in any direction.

- d. **Materials, Finishes and Details:** High quality materials and standards for detailing are essential for completing any creative design concept. The material palette for 16th Street Mall carts includes durable materials such as wood, stone, canvas, tile metal, glass and plexiglass.
1. **Wood.** Wood may be used as a finished material in many design applications as both a structural and a finish material. All wood details and finishes must be suitable for long wear in an exterior location. All detailing, construction and finishing is to be done in a craftsman-like manner. Wood intended for paint or stain should be clear grade hardwood. All wood employed in the construction of carts should be of kiln-dried, mill quality finish. All exposed edges must be finished. No softwoods, rough cut, unfinished or distressed woods will be considered as finish materials. Teak should not be used where it will be in contact with food products.
 2. **Metal.** Metal may be used in structure, equipment, architectural detail, hardware, panels, grills, and other applications. The gauge, detailing and finish of all metal surfaces should be suitable for long term use in an exterior location. Recommended metal finishes include painted, polished, and natural if appropriate. Stainless steel, solid copper, brass and bronze finishes are encouraged, however, copper and brass plating is not recommended due to poor durability. Anodized finishes are acceptable. Polished metal finishes are recommended to have a clear lacquer finish to protect them from tarnishing. Artificially weathered "patina" finishes are acceptable. All metal used in carts should be detailed to conceal seams and overlapping joints. All seams and joints should be even and straight. Heavy gauge or textured metals are recommended for large flat panel areas to avoid oil canning. Wrought and formed metal may be appropriate for some uses including sign brackets, decorative grills and canopy supports.
 3. **Stone.** Granite, marble, slate and other natural stones may be appropriate to bring qualities of substance and elegance to cart counters, base panels and details. Stone may be used in any of the wide variety of available finishes. In all cases, finishes should be suitable for extended use in an exterior location. Marble is not suitable where it will be in contact with food products. Synthetic stone materials also make excellent, durable counter and panel materials. Polished stone requires a high degree of detail and craftsmanship for proper installation. An eased and polished edge is recommended at all exposed joints and comers. All stone joints should be neat, even and regular. No unfinished edges should be left exposed. Careful and craftsman-like detailing is encouraged at all transitions between stone and other materials.
 4. **Tile.** Tile may be used in many forms, finishes and patterns for counter tops, base panels and details. Tile provides a lighter weight alternative to stone materials for installations where durability and

high quality is desired. Small, intricate mosaic tile patterns may be used as accents and detail. Strong tile patterns may be used in limited applications as accents, borders, and bands. All horizontal tile comers and edges should be bullnose or covered. If used on 3-dimensional volumes, tile should cover all surfaces or be suitably trimmed at the comers. Tile edges should not be left exposed at comers.

- e. **Discouraged Materials.** The following materials are not recommended for use anywhere on any cart: Plastic and metal laminates, mill finish aluminum, gypsum board, simulated materials (imitation brick, wood, etc.), interior wall coverings of any kind, antiqued finishes, distressed or sandblasted woods, rough sawn woods and shakes, mirror, used or distressed brick.
- f. **Color and Finish.** Strong bright and festive colors are appropriate. However, the cart design should carefully coordinate color selection to harmonize with the architectural character of Downtown Denver and the Colorado environment while giving the pushcart a distinct identity.
- g. **Creative Display Design.** All carts and kiosks are requested to carefully consider and integrate creative display concepts with the overall design of the pushcart including size, shape, color, lighting, materials, signs and graphics. Display systems should be appropriate and complimentary to the merchandise. Display must be fully supported by the cart or kiosk. Additional ground supported display features and signs are not allowed.

5. **Signs.** Signs must comply with all applicable ordinances of the City and County of Denver.

B. Sidewalk Cafes & Public Seating Areas. 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 / her 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:
- 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.
- 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.
- Approved flower pots may be installed on the inside of the railing and filled with attractive flowers for the duration of the Denver's growing season.
- Trash receptacles (of a compatible color) within the perimeter of the cafe area. A market umbrella with the permittee's logo screened onto it may be placed on the tables and must be at minimum, 8' in height at it's lowest point if it

projects beyond the railing and over the public sidewalk area. Logo cannot exceed more than 5% of the space on umbrella and shall be consistent with all zoning ordinances.

- All elements installed and maintained by the permittee shall be subject to design and maintenance review by the Mall Use Committee

C. 16th Street Mall Entertainers. Entertainers may not perform in any one spot for longer than one hour without the express, written consent of the adjacent property owner and retail tenants. Entertainers must not in any way block the entrance to any building nor may they reduce the pedestrian right-of-way to less than ten (10) feet. Entertainers may not use any form of amplification. Entertainers may not interfere with special events taking place on public and private plazas. Entertainers must keep the people in the audience out of pedestrian and transit paths. Entertainers cannot leave any of their items -- equipment, props, tip jars, etc. -- in the middle of the sidewalk. Performances should be staged from one edge of the sidewalk or the other, or in the median between transit paths. Entertainer performances and their audience cannot block a merchant's display windows or doorways. Entertainers may give people the opportunity to tip for performances; but must not solicit, beg, "hustle," or physically accost people in any way. Entertainers must distance themselves from other performers, street artists and vendors to eliminate conflicts. Entertainers are responsible that the noise level of their performance does not create problems for those around them. Entertainers must pick up the trash left behind by their audience. Due to public safety issues, fire juggling or other acts using fire are not allowed.

- 1. 16th Street Mall Events & Promotions.** An organization or sponsoring group must have a civic or community purpose or be related or complementary to the activities of the 16th Street Pedestrian and Transit Mall.

Permittee shall not sell, cause to be sold, or give away programs, pamphlets, novelties, merchandise, services, or food or drink except as specifically permitted. Permittee will provide and pay for all necessary personnel required for their use of the Mall, including any off-duty Denver Police Officers, as established by the Manager of Public Works depending on the number of people expected to be in attendance. Mall police officers are not available to provide security for special events or promotions. Permittee may be required to issue a security deposit in certified funds in an amount determined by the Manager of Public Works which shall be held as a cleaning deposit and may be used to pay for additional cleanup costs and/or damage to the Mall area.

- 2. 16th Street Mall Artists and *Flower Vendors*.** Artists *and Flower vendors* must secure a permit to sell their wares on the 16th Street Mall at a fixed location. Artist and *Flower vendors* can occupy a space no larger than 100 square feet, with each side limited to 10 feet. Artists and Flower vendors are not required to operate from a pushcart, but the Mall Use Committee must approve their mode of operation.

- 3. Displaying Vehicles & Media Trucks on the 16th Street Mall.** Display vehicles and Media trucks are not permitted on the Mall for commercial purpose. If the sponsoring group has a civic or community purpose, display of a vehicle

may be considered and/or permitted. If a vehicle is permitted, it will only be allowed on the median and not the sidewalk

- D. Product Sampling** Permittee must obtain a daily permit to do product sampling on the Mall. All food products must be approved by the Health Department. Generally, sampling of tobacco products is discouraged. Products to be given away cannot be stored nor stacked on the public right-of-way. Individuals giving away products cannot obstruct pedestrian flow, intersections, alleys, the transit path, streets, or merchant windows and entrances. Their activities may not restrict the pedestrian way. Sampling activities cannot interfere with vending activities.
- E. 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.

Department of Public Works
16th Street Mall Schedule of Fees

| | Standard Fee | Standard Fee May 1 – Oct. 31 | Standard Fee Nov. 1 – April 1 |
|---|-------------------|---------------------------------|----------------------------------|
| 1. Artist | | \$150.00 / Month | \$50.00 / Month |
| 2. Entertainer | \$25.00 / Yearly | | |
| 3. Flower Vendor | | \$200.00 / Month | \$100.00 / Month |
| 4. Horse Drawn Carriage | \$100.00 / Yearly | | |
| 5. Kiosks | | \$200.00 / Month | \$100.00 / Month |
| 6a. Push Cart – Broadway to Larimer St. | | \$200.00 / Month | \$100.00 / Month |
| 6b. Push Cart – Larimer St. to Wewatta St. | | \$100.00 / Month | \$50.00 / Month |
| 7. Sidewalk Sales | \$25.00 / Day | | |
| 8. Sampling | \$300.00 Base Fee | | |
| 9. Electrical Fees | | | |
| 110 Power | \$5.00 / Month | | |
| 220 Power | \$10.00 / Month | | |

There will be an annual increase in the permit fee after 2007 which shall be equal to the Consumer Pricing Index for that year. The annual increase shall apply on January 1st.

| 10. Sidewalk Café | 2005 | 2006 | 2007 |
|----------------------------------|----------------------|----------------------|-----------------------|
| Annual Base Fee (0-150 sq. feet) | \$ 3,000 | \$ 3,000 | \$ 3,000 |
| Plus: | | | |
| • 151 – 450 square feet | \$ 7.00 per sq. foot | \$ 8.50 per sq. foot | \$ 10.00 per sq. foot |
| • 451+ square feet | \$ 3.50 per sq. foot | \$ 4.25 per sq. foot | \$ 5.00 per sq. foot |
| Annual Maximum | \$ 5,000 | \$ 6,000 | \$ 7,000 |

There will be a 10% increase in fees for sampling, artists, flower vendors and pushcart vendors every three years beginning in 2008.