

PUBLIC WORKS

RULES & REGULATIONS

OF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS, CITY & COUNTY OF DENVER

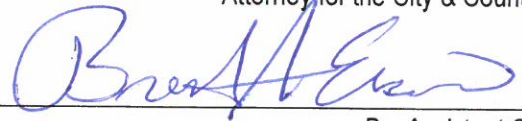
Adopted Pursuant to Article II
of the Charter of the City &
County of Denver and Section
2-91 et seq. of the Revised
Municipal Code

ENCROACHMENTS IN THE PUBLIC RIGHT OF WAY

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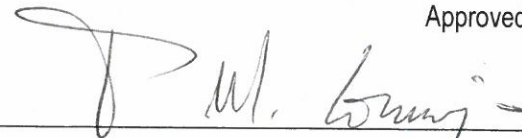
Approved as to form:
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Attorney for the City & County of Denver



By, Assistant City Attorney

Approved & Adopted



Jose Cornejo, P.E.

Executive Director of Public Works

12/15/2014

Effective Date

ENCROACHMENTS IN THE PUBLIC RIGHT OF WAY

Under the authority of the Denver City Charter, Article II; the Denver Revised Municipal Code (DRMC), Chapter 49; and by other City Ordinances and Regulations, the Denver Department of Public Works manages the Public Right of Way (ROW).

ROW is public property specifically dedicated for the purposes of constructing, reconstructing, owning, and repairing public thoroughfares such as streets, alleys, sidewalks, and trails for transportation, utilities, and other public infrastructure. When there is a need to locate privately owned improvements in the ROW (Encroachments), certain conditions must be met.

The intent of this document is to categorize Encroachments into Tiers, and to establish criteria and general conditions for placement of Encroachments in the ROW. Additionally, details the application, and review process and identifies other City permits that may be required when encroaching into the ROW with private improvements.

Encroachments are categorized into one of three (3) Tiers depending on the significance of the encroachment:

Tier I Encroachment:

(Pages 3-11)

Encroachments that meet the specific criteria contained in the Tier I section of this document. There is no review process for a Tier I Encroachment; however, Street Occupancy and Construction permits may be required. For permit information contact PW Construction Inspections at (303) 446-3469.

Examples:

- **Art/Sculptures**
- **Awnings without poles**
- **Landscaping and Planters**
- **Stairs/Ramps**
- **Temporary Shoring**
- **Sewers and Pretreatment devices**

Processing time: 3-5 days for Revocable Street Occupancy and/or Street Cut Permit

Tier II Encroachment:

(Pages 12-15)

Encroachments that due to their significance require a formal review process, including application, fee, review process, issuance of a Tier II Encroachment Permit, and recordation of the Tier II Permit. Tier II Encroachments do not require approval by City Council.

Examples:

- **Awnings with poles**
- **Roadway vaults**
- **Signs that do not qualify as Tier I**
- **Mail Kiosks**

Processing time: 4-6 weeks

Tier III Encroachment:

(Pages 16-18)

Encroachments that are substantial in nature and due to the complexity require a formal review and City Council approval. Tier III Encroachments are defined as an expansion of a private use into the ROW, typically substantial building elements. Tier III Encroachments require an application, fee, review, and adoption and recordation of a City Council Resolution.

Examples:

- **Below grade parking garages**
- **Caissons**
- **Elevated or Enclosed patios**
- **Loading Docks**
- **Structural Retaining walls**
- **Pedestrian Bridges**

Processing time: 10-12 weeks

Permit Resources:

Prior to placing an Encroachment in the ROW, a Street Cut and/or Revocable Street Occupancy Permit may be required. Permit Request forms can be found at:

<http://www.denvergov.org/tabid/442455/Default.aspx>

Acronyms contained in this document

AASHTO – American Association of State & Highway Transportation Officials
ADA / ADAAG – Americans with Disabilities Act/ Accessibility Guidelines
CASDP – Construction Activities Stormwater Discharge Permit
CCD – City and County of Denver
CDOT – Colorado Department of Transportation
CP – Right of Way Construction Permit
CPD –Community Planning & Development, a department in the City and County of Denver
DEH – Department of Environmental Health, a department in the City & County of Denver
DPR – Department of Parks & Recreation, a department in the City & County of Denver
DRMC – Denver Revised Municipal Code
DS – Development Services, a division of CPD
GPS – Global Positioning System
MUTCD – Manual on Uniform Traffic Control Devices
PW – Department of Public Works, a department in the City & County of Denver
ROW – Right of Way
RSOP – Revocable Street Occupancy Permit
SCP – Street Cut Permit
SUDP – Sewer Use and Drainage Permit
TCRP – Table Chair and Railing Permit

General Definitions

Bollard – Any small vertical element such as decorative steel or iron pole, or a short concrete column intended to allow pedestrian traffic, but to restrict vehicular traffic. Bollards are normally used in groups to indicate an edge between pedestrian and vehicular areas.

Encumbrance – See Encroachment

Enclosed Patio – A patio closed in on all sides by material such as canvas, wood, or glass.

Encroachment – Privately owned improvements that are located in, or project into the Public Right of Way.

Flow Line – At vertical curbs, flow line is defined as the base of the curb. For sloped curbs, flow line is defined as the base of the slope. If no curb exists, flow line is defined as the edge of the pavement.

Intersection Corner Sight Triangles – Specified areas along intersection approach legs and across their included corners that are clear of obstructions that might block a driver’s view of potentially conflicting vehicles. The dimensions of the legs of the sight triangles depend on the design speeds of the intersecting roadways and the type of traffic control used at the intersection, as defined by AASHTO in the “Policy on Geometric Design of Highways and Streets”. At no time shall the minimum dimensions of the Intersection Corner Sight Triangle be less than a shape starting at the convergence of the two intersecting streets’ flow lines, and running back along each flow line for a total distance of 30 feet.

Median – The area of raised paving or planting typically running down the center of a street, separating the directions of traffic.

Pedestrian Sight Triangle – The pedestrian sight triangle is defined as a 10 foot leg located at the edge of any intersecting driveway or alley and a 10 foot leg located at the back of the sidewalk.

Right of Way or ROW - An area of land owned or controlled by CCD dedicated by City Council for the purposes of constructing, operating and maintaining public facilities such as streets, alleys, sidewalks, and bike paths for the needs of transportation, utilities and other public infrastructure.

Sidewalk – Any surface provided for use by pedestrians.

Maintenance Entity – A legal entity, such as a Homeowners Association, with a defined purpose of maintaining specific Encroachments installed in the ROW.

Tree Lawn/Amenity Zone – Includes the following three areas: 1) Between the back of curb to the curbside of sidewalk, 2) Where no curb or sidewalk exist, the entire area between property line and the paved portion of street or alley.

Utility Company – An entity that owns, operates, or maintains utilities in the ROW.

Zone Lot – Land designated as the building site for a structure and/ or the site for a land use or activity by CPD. CCD uses the zone lot as the basic land unit for zoning review and permitting.

Tier I Encroachment

Tier I Encroachment	<p>Encroachments that meet the specific criteria contained in this section. No review of a Tier I Encroachment is required, provided the criteria and general conditions are met. Encroachments that do not meet the criteria of a Tier I Encroachment will be classified as Tier II or Tier III Encroachment as defined in this document, or so categorized through an official determination.</p> <p>Typically, a Tier I Encroachment in the ROW will require a Revocable Street Occupancy Permit (RSOP). Upon request for a RSOP, the Construction Inspector reserves the right to re-assign the Encroachment to require a review under Tier II requirements. Careful coordination must be taken to ensure that all applicable CCD and non-CCD permits are obtained as required.</p>
Authority	City Charter, Article II; and DRMC, Chapter 49
Insurance and Indemnification	<p>As a condition for placement of a Tier I Encroachment, the owner of such Tier I Encroachment shall hold the CCD harmless from all loss or damage to persons or property on account of injury arising from the construction or maintenance of the Tier I Encroachment; and</p> <ul style="list-style-type: none"> (a) Post with the Executive Director of Public Works, a bond in a penal sum not to exceed \$50,000 with sureties approved by the Executive Director; or (b) Obtain and keep current a policy of public liability insurance in the name of the permittee, with the CCD as a named insured, with the minimum limits of coverage of \$50,000/\$100,000 for bodily injury and \$5,000 for property damage, covering the location of the Tier I Encroachment on the public property.
Revocable Street Occupancy and Construction Permit, or if an Official Determination is Desired	<p>To obtain the RSOP and/or construction permit or if the applicant is unable to identify whether the proposed Encroachment meets the Tier I criteria and would like to obtain an official determination, the applicant may consult with the following division of PW:</p> <p style="text-align: center;">Public Works Right of Way Services, Construction Inspections WMDPWDESCE@denvergov.org 2000 W. 3rd Ave, 2nd floor Denver CO 80223-1027 Phone: (303) 446-3469</p>

Tier I Encroachment

Tier I General Conditions

1. Per DRMC Sections 49-246 through 49-254, the Executive Director of Public Works is authorized to remove or to order the removal of any article, vehicle, object or thing whatsoever encroaching onto any street, alley, sidewalk, or other public way or place. The Executive Director of PW may prescribe appropriate methods, specifications, placement and materials for encroachments in the ROW.
2. Any person who places an encroachment in the ROW is responsible for conducting utility locates prior to placing encroachments in the right of way.
3. Any person who places an encroachment in the ROW is responsible for the ongoing maintenance of the encroachment. The directly abutting and/or adjacent property owner assumes maintenance responsibilities of the encroachment. Whenever ownership of the encroachment is in question or unknown.
4. No third party, person or agency, unless specifically authorized by an Association or similar legal means, may place an encroachment in front of a property without written permission of the adjacent property owner.
5. The use of the ROW for placement of an encroachment does not create a property right or ownership interest of any kind.
6. Any person who places an encroachment in the ROW agrees that the act of doing so acknowledges the duty to hold the city harmless and indemnify CCD from any damages or claims arising out of said placement.
7. Other agency reviews or permits may be required prior to placing an encroachment in the ROW. Prior to placement it is suggested that the encroachment owner contact the referral agencies outlined herein. This document is not a comprehensive list of all required CCD approvals nor does it cover those agencies rules, standards or guidelines.
8. Any damage caused to City-owned assets by the construction or occupancy of the encroachment including, but not limited to; trees, irrigation systems, curb, gutter and sidewalks, the owner of the encroachment shall repair and/or replace the damaged asset at the sole expense of the owner of the encroachment.
9. Encroachment shall not create sight distance barriers for pedestrians, bicycles and drivers, and must comply with the standards published by AASHTO and all other CCD sight distance standards.
10. All encroachments located underground or flush with the ground shall meet HS-20 loading criteria as defined by AASHTO.
11. Encroachments shall not create access barriers in the ROW or conflict with ADA requirements.
12. Encroachments shall not create safety hazards.
13. Encroachments shall not obstruct ROW drainage or drainage from private property. Water shall not collect on sidewalks, streets or alleys or conflict with DRMC Section 49-554.
14. All disturbance associated with encroachments shall be addressed with minimum BMPs to prevent soil erosion per CCD standards.
15. Encroachments proposed adjacent to **any** State Highway shall require CDOT approval.
16. Encroachments proposed adjacent to a designated park or within a dedicated parkway shall require DPR approval prior to installation.
17. Encroachments proposed within any Historic Landmark or Design Review District, or Special District shall require consideration of any design guidelines required within the district, and obtain prior approval from the district. Visit the following web page to identify whether within a district and to obtain additional design information:
<http://www.denvergov.org/preservation/PreservationHome/tabid/429948/Default.aspx>
18. The Encroachment owner shall take adequate measures to control the drainage in the ROW (including water dripping, freezing, damming etc.).
19. Encroachments shall not block Fire Department connections, fire hydrants, access or pathways.
20. Encroachments shall not display advertising except for projecting signs attached to a building, and shall comply with DRMC Section 3-1.
21. Encroachments shall be visible at night to the extent possible.

Tier I Encroachment

Placement and Raised Object Criteria Required for all Tier I Encroachments

Removability - To be considered a Tier I Encroachment, it must be possible to remove the encroachment from the ROW in a short period of time. Unless otherwise noted, Encroachments that by size or construction methods cannot be easily removed will likely require a Tier II Permit or Tier III Resolution.

Placement & Access – Encroachment placement shall not impede access to utilities, or access from the street to the sidewalk. Utility locates shall be performed prior to placing any Encroachment in the ROW. All raised Encroachments shall maintain a minimum 4 foot wide pedestrian access every 40 feet between the street and the sidewalk.

Encroachments located on sidewalks (plus adjacent ADA / ADAAG compliant Amenity Zone surfaces) less than 21 feet wide, shall provide at least 5 feet of clear walkway width around the Encroachment. 8 feet of clear walkway shall be provided for sidewalks (plus adjacent ADA / ADAAG compliant Amenity Zone surfaces) greater than 21 feet. Also, at least 8 feet of clear walkway shall be provided for all sidewalks on arterial streets, regardless of existing width. Additional clear width may be required in high pedestrian areas, as determined by PW.

Encroachments a minimum of 1.5 feet from the back of curb (2' to the flowline), unless otherwise specified by PW. Continuous Encroachments shall be placed at a minimum of 3 feet from face of curb wherever there is adjacent on-street parking. Where there is no on-street parking, there shall be a minimum of 1.5 feet (2' to the flowline).

General Height Criteria - All Encroachments unless otherwise noted, within 10 feet of the flowline shall be a maximum of 30 inches in height including the height of any plantings. Encroachments located in the Tree Lawn / Amenity Zone shall not be greater than 30 inches in height including plantings. Raised encroachments located between 10 feet of the flowline and the property line shall not exceed 48 inches in height.

Fences, Bollards, or street trees placed as required below and in accordance with CCD standards are exempted from the General Height Criteria.

Height in Sight Triangles – Intersection Corner Sight Triangles shall be free of all Encroachments over 30 inches in height. Pedestrian Sight Triangle areas shall remain clear of all encroachments over 30 inches in height, that are 18 inches or greater in width.

In all Sight Triangles, the only exemptions from the height restrictions are traffic control devices, equipment, or Encroachments as otherwise approved and permitted in writing by PW.

Tier I Encroachment

Tier I Encroachments	To be considered a Tier I Encroachment, the constructed item shall also comply with criteria set forth for the specific Encroachment below or specifically allowed by other PW regulations.
	<p><u>Artwork</u></p> <ul style="list-style-type: none"> Including, but not limited to: craftwork, decorative objects, designs, ornaments, sculptures, and statues. Shall not display or convey any objects or images that would be considered obscene as defined in DRMC Sections 49-504; or would be considered threatening to the public. Ownership of artwork shall be visible on the art piece (plaque or etching). Should the Artwork require foundation plans, the plans shall be stamped by a Colorado Licensed Professional Engineer, and submitted for review with any PW RSOP or SCP application. Shall not be any type of advertisement of a product, service or event. <p>Other City permits that may be required: RSOP, CP, Building and/ or Zoning Permit</p>
	<p><u>Awnings, Canopies, Marquees, etc.</u></p> <ul style="list-style-type: none"> Awnings, Canopies, Marquees and their projections into the ROW shall be placed consistent with applicable Building and Fire Codes Awning and Canopy construction shall comply with DRMC Sections 49-401 through 49-410. Marquee construction shall comply with DRMC Sections 49-386 through 49-391. Awnings, Canopies, or Marquees with poles, supports, or stanchions located in the ROW are considered structures and are considered a Tier II Encroachment Per Denver Fire and Building Codes, Awnings must have a fire sprinkler system installed if the awning or canopy projects more than 5 feet off the building, and the attached building is sprinklered. The sprinkler may be omitted if the awning is non-combustible material and approved by the Fire Dept (Reference NFPA 13 Sec.8.14.7). <p>Other City permits that may be required: RSOP, Building and/ or Zoning Permit</p>
	<p><u>Balconies and other Building Appendages</u></p> <ul style="list-style-type: none"> Balconies, oriel windows, unroofed porches, cornices/ belt courses, appendages and other decorative features and their projections into the ROW shall be placed consistent with DRMC Sections 49-341 through 49-346. Other than architectural details such as belt courses, sills, bases, etc, the minimum height of any building projection (except balconies as noted below) above the grade immediately below is 8 feet. The vertical clearance from the ROW to the lowest part of any balcony shall be 12 feet minimum and 24 feet minimum over alleys. All building appendages or balconies shall meet projection requirements as defined in DRMC Sections 49-341 through 49-346, and at no point shall exceed 4 feet of projection into the ROW or beyond any adjacent face of street curb. Any building element that projects more than 12 inches into the ROW shall have a drainage system that prevents water from draining directly onto the ROW. <p>Other City permits that may be required: RSOP, SUDP, Building and/ or Zoning Permit</p>
	<p><u>Bollards</u></p> <ul style="list-style-type: none"> Shall not be greater than 18 inches in diameter or exceed 48 inches in height. Shall not impede pedestrian movements. Shall maintain a minimum 5' feet of clear walkway, and shall not be placed less than 2 feet from the back of the curb and gutter. Shall not be placed where they block fire department access points. If unsure or if any question regarding required fire department access, the Denver Fire Department shall be consulted. More than twelve bollards adjacent to one Zone Lot/ or development parcel shall require prior consultation and written approval by PW ROW Services, Construction Inspections. <p>Other agency permits required: RSOP, CP</p>
	<p><u>Boulders, Cobbles, and Rocks</u></p> <ul style="list-style-type: none"> Boulders, cobbles, or rock mulch products located in the ROW shall be between 4 inches and 30 inches in diameter. Products less than 4 inches in diameter shall be grouted in place. No gravel, tree bark, wood chips, loose stones or other non-organic materials may be used as ground cover in tree lawns. Crusher fines shall meet the specification set forth in the approved ROW material list. <ul style="list-style-type: none"> Any such items located behind back of sidewalk shall be constructed in a way to prevent anything from migrating onto the sidewalk or into the flowline or curb and gutter. The owner is responsible for maintaining the material so that a level surface is maintained with the adjacent sidewalk. <p>Other City permits that may be required: RSOP, CP, DPR Forestry</p>

Tier I Encroachment

<p>Tier 1 Encroachments (cont'd)</p>	<p><u>Caisson, Piles, Piers and Spread Footings</u></p> <ul style="list-style-type: none"> • May encroach up to 1 foot provided they are a minimum of 1 foot below finished grade. <p>Other City permits that may be required: RSOP, SCP, Building permit</p>
	<p><u>Doors for Existing Buildings</u></p> <ul style="list-style-type: none"> • Unless specifically permitted or required by PW, Denver Building and/ or Fire Codes, doors on new buildings when fully opened or when opening shall not project into the ROW. • When performing new work at existing or otherwise permitted doors that swing into the ROW, permanent safety features (i.e. ADA/ ADAAG compliant barriers) shall be installed on either side of the door to prevent doors from obstructing or impacting any adjacent pedestrian areas. <p>Other City permits that may be required: RSOP, CP, Building Permit</p>
	<p><u>Electric</u></p> <ul style="list-style-type: none"> • All electrical connections to Encroachments shall be buried in conduit. • Electric boxes or junctions shall not be physically attached to any tree or vegetation. • Voltage shall not exceed 120 volts. Voltage exceeding 120 volts is considered a Utility and is subject to additional PW review and permitting through a Tier II Encroachment Permit or a Utility Plan Review. <p>Other City permits that may be required: RSOP, CP, PW Utility Plan Review, Building Permit (if attached to a building)</p>
	<p><u>Fences (New & Existing)</u></p> <ul style="list-style-type: none"> • Fences shall meet criteria, setbacks, and other specifications established in the Denver Zoning Code • Fences located along primary street frontage of the ROW shall not exceed 48 inches in height and shall be at least 50% open. • Fences shall be placed a minimum of 6 inches behind the back of the sidewalk to allow for future walk maintenance. • If no curb, gutter, or sidewalk exists, fence shall be set back a minimum of 10 feet from the edge of pavement. • Fences shall not be placed in the area between the curb and gutter and a detached sidewalk (also known as Tree Lawn/Amenity Zone). • Fences placed next to sidewalks that are narrower than 5 feet wide shall be located to allow for the future expansion of the sidewalk to a minimum of 5 foot walking surface. • Fences proposed on or adjacent to a Park or Parkway shall obtain DPR approval prior to installation. • Fences shall not block access to any of the following: <ol style="list-style-type: none"> 1. Emergency Services 2. Utilities (including service meters/ valves, etc.) 3. Public accesses or objects which require routine maintenance <p>Other City permits that may be required: RSOP, Zoning Permit – Fences, DPR Permit</p>
	<p><u>Gates (Vehicle and/or Pedestrian Access)</u></p> <ul style="list-style-type: none"> • Powered and non-powered vehicle access gates shall not impede pedestrian traffic and shall only open towards private property rather than towards the street. • Vehicle entrance gates shall be placed a minimum of 20 feet behind the back of the sidewalk. • Pedestrian gates that are attached to railings adjacent to a building shall only open outward per Denver Fire Code; provide however that the gate shall not swing into the clear walkway. • Pedestrian gates that swing into the ROW, permanent safety features (i.e. ADA/ ADAAG compliant barriers) shall be required to be installed in the adjacent pedestrian walk area. The features shall be installed on either side of the gate, to prevent gates from impeding the pedestrian path. <p>Other City permits that may be required: Zoning Permit, Building Permit</p>
	<p><u>Hardscape</u></p> <ul style="list-style-type: none"> • Hardscape consisting of pavement other than standard concrete may include flagstone, granite, bricks, brick pavers, paver stone, colored concrete or stamped concrete located in the ROW between the curb and gutter/ edge of pavement and the adjacent property line. • If proposed hardscape in the Tree Lawn / Amenity Zone is not a level ADAAG compatible walking surface, a 4 foot wide sidewalk shall be installed for pedestrian access from the street curb to the sidewalk a minimum of every 40 linear feet. • A RSOP and review by the Denver City Forester is required prior to placement of any Hardscape in the Tree Lawn / Amenity Zone that is intended or may be used as a walking surface. <p>Other City permits that may be required: RSOP, CP, DPR (Review by City Forester)</p>

Tier I Encroachment

Tier 1 Encroachments (cont'd)	<p><u>Irrigation Lines</u></p> <ul style="list-style-type: none"> • Irrigation lines shall not exceed 3 inches in diameter. All irrigation appurtenances shall be buried and remain flush with adjacent surfaces. • Only irrigation systems that are within a Maintenance Entity may have raised elements in the ROW (meeting raised object requirements herein). <p>Other City permits that may be required: Building Permit, RSOP, SCP</p>
	<p><u>Landscaping & Organic Material</u></p> <ul style="list-style-type: none"> • Specific materials shall comply with the requirements herein. Refer to Streetscape Design Manual or current adopted guidance document, DRMC Chapter 57, and consult with PW, DPR, Forestry, and other applicable CCD staff to clarify. • All proposed vegetation except for deciduous tree trunks and tree limbs must meet the Raised Object criteria (in its estimated fully grown state). • Shredded tree mulch (<u>not bark</u>) is permitted to be placed in the ROW. Other types of mulch that will float or blow into the street and impact the storm sewer are not permitted. • Tree limbs located over the sidewalk or any pedestrian path (including tree grates) shall be at least 80 inches above the ground (temporary exemptions given for new tree plantings until tree maturity). Tree limbs that extend past the curb and gutter above the street shall be at least 13.5 feet over the pavement of the ROW. • For species and spacing information, contact the Office of the City Forester at 720-913-0651, forestry@denvergov.org, or visit the following website: http://www.denvergov.org/forestry • Permits from the City Forester are required prior to the planting or removal of trees within the ROW. <p>Other City permits that may be required: Tree Work Permit from DPR Forestry, RSOP</p>
	<p><u>Lighting (Accent)</u></p> <ul style="list-style-type: none"> • Pedestrian light poles and/or other permanent accent lights in the ROW will only be allowed if approved as a development site plan or on a case by case basis by PW. • The City approved document setting forth maintenance obligation shall be approved and recorded with the Denver Clerk and Recorder by the applicant prior to issuance of the PW RSOP, and construction permit. <p>Other City permits that may be required: RSOP, PW Utility Plan Review, Bldg Permit (if attached to a bldg)</p>
	<p><u>Mailboxes</u></p> <ul style="list-style-type: none"> • Placement of mailboxes shall only apply to single family and duplexes. • Mailboxes shall meet United States Postal Services standards. <p>Other City permits that may be required: ROSP, SCP</p>
	<p><u>Monitoring Wells (Temporary)</u></p> <ul style="list-style-type: none"> • Monitoring well pipes shall be capped and must be flush with the grade of the adjacent ROW. • To be Tier I Encroachment, Monitoring wells shall be removed within one (1) year following installation. • All wells shall be located behind the curb/ flowline, or in paved alleys. Wells are not allowed in the sidewalk or street and/or driving path. • The cover shall be mounted flush to the adjacent ground. • Structure must meet HS20 loading as defined in AASHTO. • Well locations shall be approved in advance by the DEH. • All sampling results shall be submitted to DEH as required by DEH. • All wells abandoned and/or closed shall meet the applicable standards dictated by the conditions stated in the RSOP and/or SUDP. • Provide the City with GPS coordinates of the well caps when possible. <p>Other City permits that may be required: RSOP, SCP, and SUDP (if discharging to sewer), DEH approval</p>
	<p><u>Outdoor Heating</u></p> <ul style="list-style-type: none"> • Outdoor heating attached to buildings shall be located at least 8 feet above the ground, shall not extend more than 5 feet into the ROW, and shall not be located within 2 feet of the face of curb. • Outdoor heating shall be compliant with the Electrical provisions defined in this document. <p>Other City permits that may be required: Building Permit (if attached to the building)</p>

Tier I Encroachment

Tier 1 Encroachments (cont'd)	<p><u>Pillars</u></p> <ul style="list-style-type: none"> • Shall not support structures or other features. • If a pillar holds weight/structure or does not meet the Raised Object Criteria of these Rules and Regulations, then the Pillar may only be allowed through a Tier III Encroachment Resolution. <p>Other City permits that may be required: RSOP, Building Permit</p>
	<p><u>Planters</u></p> <ul style="list-style-type: none"> • Planter boxes and vegetation that meet the Placement and Raised Object Criteria of this section (Page 5).
	<p><u>Ramps to Existing Structures</u></p> <ul style="list-style-type: none"> • Ramps immediately adjacent /attached to existing structures may be placed in the ROW as long as the top and bottom landings, railing, and ramp impact only the single property's ROW frontage. • The total length of top and bottom landings, railing, and ramp shall not exceed the total length of the property's ROW frontage on the side to be accessed. • Abutting properties may be allowed to share ramp access with appropriate legal documentation signed by both property owners, which identifies ramp ownership, maintenance obligations, and what would happen to shared ramp if either property is sold. • The maximum total width of ramp structure (perpendicular Encroachment) into the ROW is 5 feet. • The ramp and associated features shall comply with all sections of ADA/ADAAG as applicable to both public access ways and private building access. • The ramp shall not impede pedestrian movements of the existing public walk. A minimum 5 feet clear, ADA compliant, unobstructed sidewalk shall remain beyond the outer limits of the proposed ramp structure, unless a wider sidewalk section is required by PW to match existing and/or proposed street section requirements or adjacent walk character. • For a ramp to be considered a Tier I Encroachment, it shall not change direction in the ROW. • No signage, planters, benches, chairs, or other obstructions shall be allowed on any of the landings, railings, or ramps. • The ramp and railing shall be designed or illuminated so that they are visible at night. • Dimensioned plans shall be submitted to PW Right of Way Services Construction Inspections prior to approval of any installation. <p>Other City permits that may be required: RSOP, CP, Building Permit</p>
	<p><u>Sanitary Sewer Pretreatment Devices</u></p> <ul style="list-style-type: none"> • A SUDP is required for this type of Encroachment, and requires permit issuance prior to installation. • Grease traps and sand oil interceptors may be considered when no private property is reasonably available as determined during permit plan review. • Pretreatment devices shall be located on the alley side for maintenance and to keep odors and stains away from pedestrian areas. • Maximum encroachment of 5 feet. <p>Other City permits that may be required: SUDP, RSOP, SCP</p>
	<p><u>Sewers: Sanitary, Storm and Drainage</u></p> <ul style="list-style-type: none"> • A SUDP is required for this type of Encroachment, and requires permit issuance prior to installation. • All pipe connections shall be perpendicular to the ROW if possible. Pipe connections that cannot be perpendicular shall not be less than 45 degrees from the ROW line. • Sanitary and storm sewer pipes shall remain in front of the system owner's property until they extend under the roadway. <ul style="list-style-type: none"> ○ Pipes shall not enter neighboring private property. ○ Unless under the roadway, no pipe shall cross in front of or extend past neighboring private property. • Any underground water quality detention devices within 8 feet of the property line, under the sidewalk/tree lawn area. Underground devices enhancing tree health may extend to 1' from the back of curb. • Any surface Water Quality/Detention areas with a depth of less than 28 inches in the tree lawn that are safe, aesthetically pleasing, functional and meet all current PW guidance documents. <p>Other City permits that may be required: SUDP, RSOP, CP</p>

Tier I Encroachment

<p>Tier 1 Encroachments (cont'd)</p>	<p>Signs</p> <ul style="list-style-type: none"> • Projecting Signs <ul style="list-style-type: none"> ○ Maximum projection of sign from the wall of the building shall not exceed 36" into the right of way. ○ Applicant shall obtain DPR approval prior to any construction adjacent to a park or a parkway. ○ Projecting signs shall require approval of Development Services, and/or Zoning. • Neighborhood Identification Signs <ul style="list-style-type: none"> ○ Neighborhood Identification Signs up to a maximum height of 30" are allowed as a Tier I Encroachment. ○ Neighborhood Identification Signs shall be located a minimum of 2 feet from the face of the curb. ○ Electrical connections shall not exceed 120 Volts. ○ Approval in writing by the property owner with the closest proximity to the proposed sign. ○ Shall obtain DPR approval prior to any construction adjacent to a park or a parkway. <p>Other City permits that may be required: RSOP, SCP, DPR, DS Building Permit, DS-Zoning</p>
	<p>Snow Melt Systems</p> <ul style="list-style-type: none"> • All mechanical components and controllers associated with such systems shall be located on private property and any connections made via underground conduit. • Such systems shall be designed and constructed so that the portion located in the ROW can be isolated from the rest of the system, so that any work in the ROW will not impact the entire system. <p>Other City permits that may be required: RSOP</p>
	<p>Stairs to Existing Structures</p> <ul style="list-style-type: none"> • Stairs as a Tier I Encroachment may only be placed in the ROW when they are attached to an existing improvement. • Stairs immediately adjacent/attached to existing improvements may be placed in the ROW as long as the top and bottom landings, handrails, and stairs impact only the single property's ROW frontage. • The total length of top and bottom landings, railing, and stairs shall not exceed the total length of the property's ROW frontage on the side to be accessed. • Abutting properties may be allowed to share stair access with appropriate legal documentation, signed by property owners, identifying stair ownership, maintenance obligations, and what would happen to shared stairs if either property is sold. • The maximum perpendicular Encroachment into the ROW shall be 5 feet. • The stairs and associated features shall comply with all sections of ADA/ADAAG and Building Code as applicable to both public access ways and private building access. • The stairs shall not impede pedestrian movements of the existing public walk. A minimum 5 feet clear, ADA compliant, unobstructed sidewalk must remain beyond the outer limits of the proposed stair structure, unless a wider sidewalk section is required by PW to match existing and/or proposed street section requirements or adjacent walk character. • Changes of stair direction are not allowed. • No signage will be allowed on the landings, railing or stairs. • The stairs and railing should be designed so that they are visible at night. • Dimensioned plans shall be submitted to PW Right of Way Services, Construction Inspections for approval of any installation. <p>Other City permits that may be required: RSOP, CP, Building permit</p>
	<p>Temporary Shoring</p> <ul style="list-style-type: none"> • Approval and issuance of a 1C construction permit by DS. • Approval by the DPR, Division of Forestry. • Engineered / dimensioned site plan shall be submitted to Right of Way Services, Construction Inspections, and may require an Excavation Bond, and onetime fee of \$200.00. • Duration in the ROW for a period of less than one (1) year shall be considered a Tier I Encroachment. • Video inspections coordinated with Denver Wastewater of existing storm and sanitary sewer piping shall be required before and after temporary shoring is placed to verify the structural integrity of same is not compromised. <p>Other City permits that may be required: RSOP, Building Permit, DPR (Forestry), Denver Wastewater</p>

Tier I Encroachment

Tier 1 Encroachments (cont'd)	<p><u>Trench Drains</u></p> <ul style="list-style-type: none"> • An approved SUDP is required prior to construction. • Any Trench Drains that are not approved as part of a new development or re-development project, and that connect into a CCD Storm sewer system shall receive a separate engineering plan review through PW Right of Way Services, Construction Inspections. • Trench Drains shall not cross over sidewalks or pedestrian areas in the ROW. • The top surface of Trench Drains shall be flush with the surrounding surface. <p>Other City permits that may be required: SUDP, RSOP, SCP</p>
	<p><u>Vaults</u></p> <ul style="list-style-type: none"> • Except for Utility Companies, construction of any vault located underground which dimensions exceed the dimensions of 4 feet x 4 feet shall require a Tier II Encroachment Permit. • Access covers/lids shall be constructed to be flush with the adjacent ground or pavement surface. • Access covers/lids shall not be located in the sidewalk/pedestrian travel areas, or in curbs and gutters. • All means shall be taken to limit the placement of covers in the wheel paths of travel lanes on collector/arterial streets. <p>Other City permits that may be required: RSOP and SCP</p>
	<p><u>Walls</u></p> <ul style="list-style-type: none"> • Any wall with a sole purpose of aesthetics (e.g. slope dampening, planting, etc) is considered a Tier I Encroachment provided it meets the Raised Object Criteria of these Rules and Regulations. • Retaining Walls placed in the ROW that retain soil for the purpose of maintaining the structural integrity of a building/improvement or other surcharged area such as parking, driving surfaces, storage areas, etc. are considered "Retaining Walls" and shall obtain a Tier III Encroachment Resolution. <p>Other City permits that may be required: RSOP, Building Permit</p>

Tier II Encroachment

Tier II Encroachment	<p>Encroachments that due to their significance or complexity require a formal review process and permit approval to ensure general consistency with raised object and placement criteria. If approved, a revocable Tier II Encroachment Permit will be issued and recorded with the Office of the Clerk and Recorder granting the private use of the ROW. An annual fee shall be required to maintain the Tier II Encroachment Permit.</p> <p>If a determination of appropriate tier category is necessary, the application will be forwarded to PW Right of Way Services, Construction Inspections.</p>
Authority	City Charter, Article II; and DRMC, Chapter 49
Insurance and Indemnification	<p>As a condition for placement of an Encroachment, the owner of such Encroachment shall hold the CCD harmless from all loss or damage to persons or property on account of injury arising from the construction or maintenance of the Encroachment; and</p> <p style="text-align: center;">(a) Post with the Executive Director of Public Works, a bond in a penal sum not to exceed \$50,000 with sureties approved by the Executive Director; or</p> <p style="text-align: center;">(b) Obtain and keep current a policy of public liability insurance in the name of the permittee, with the CCD as a named insured, with the minimum limits of coverage of \$50,000/\$100,000 for bodily injury and \$5,000 for property damage, covering the location of the Encroachment on the public property for which the permit is issued.</p>
Tier II Encroachments Types	<p>To be considered a Tier II Encroachment, the encroachment item will generally meet criteria contained in the following section:</p> <p>SIGNS:</p> <ul style="list-style-type: none"> • Any signs that do not qualify as a Tier I Encroachment • Any other type of sign other than a Neighborhood Identification Sign or Blade/Projecting sign. <p>AWNINGS, CANOPIES AND MARQUEES:</p> <ul style="list-style-type: none"> • Awnings with supports/or poles that do not qualify as a Tier I Encroachment <p>BUILDING APPURTENANCES:</p> <ul style="list-style-type: none"> • Building appurtenances that do not qualify as a Tier I Encroachment • Including but not limited to, steps, stoops, stairs, handicap ramps, balconies, planters, light fixtures, fire escapes etc. <p>FREE STANDING STRUCTURES</p> <ul style="list-style-type: none"> • Any free standing structures that do not qualify as a Tier I Encroachment • Including but not limited to: medians, guard/valet shelters, fences etc. <p>BELOW GRADE/UNDERGROUND ENCROACHMENTS:</p> <ul style="list-style-type: none"> • Below grade/underground items that do not qualify as a Tier I Encroachment • Including, but not limited to, remediation/injection systems, roadway vaults, electrical connections greater than 120 volts, etc. <p>MEDIANS:</p> <ul style="list-style-type: none"> • Prior to proceeding with Tier II Encroachment application, a median requires specific written endorsement by PW. • Shall have a maintenance entity established • Median design shall be stamped and signed by a Registered Professional Engineer in the State of Colorado to ensure code compliance

Tier II Encroachment

Application Requirements

A pre-application consultation may be requested prior to applying for a Tier II Encroachment Permit. All correspondence regarding Encroachment applications shall be submitted to:

**Public Works Engineering, Regulatory & Analytics (ERA)
201 W. Colfax Ave, Dept. 507
Denver, CO 80202
Denver.PWERA@denvergov.org
(720) 865-3003**

To apply for a Tier II Encroachment Permit:

1. Submit a completed "Application for Tier II Encroachment"
The application is available on the website at: www.denvergov.org/pwprs

If the applicant is not the property owner, a signed authorization from the owner or power of attorney from the owner shall be required.

Applications shall include the following items to support the request:

- a. Labeled and dimensioned site plan and elevation plan, including the following when applicable:
 - i. ROW lines, flowlines, property lines, etc.
 - ii. Area of Encroachment into ROW
 - iii. Labeled construction materials
 - iv. Vertical clearance from grade
 - v. Projection from building
 - vi. Projection into the ROW and over the sidewalk
 - vii. Plans shall be stamped by a Professional Engineer Registered in the State of Colorado
 - viii. Distance the Encroachment is from flowline
 - ix. Specifications of item proposed to be in the ROW
 - x. A general location description.
 - b. If proposed Encroachment is underground, the following additional items are required:
 - i. Plans shall be prepared and stamped by a Professional Engineer Registered in the State of Colorado
 - ii. Indicate the depth, location and size of Encroachments.
 - iii. Structural plans must be submitted and show all structural details and design loads.
 - iv. A land description of the Encroachment shall be submitted following these guidelines (*may be submitted after 1st review and comment period*):
<http://www.denvergov.org/rightofwayservices/RightofWayServices/Survey/GuidelinesforLandDescriptions/tabid/442347/Default.aspx>
 - c. Photograph of the proposed location of the Encroachment
 - d. Indicate electrical voltage/amps and where the electrical connection is located (if applicable)
 - e. Explanation of why the design of the encroachment cannot be accomplished without utilizing the ROW
2. If the proposed Tier II Encroachment is located within a design review district under the Denver Zoning Code, or a floodplain zone; approval documents from that reviewing authority shall be attached.
 3. Pay Initial Fee. (See Fees Section Below)

Review Process

Once the application is received and deemed complete, the application will be distributed to affected CCD Agencies, External Agencies and Utility Companies for a review and comment period (3 weeks). Following the review period, a report of compiled comments will be provided to the applicant. It is then the applicant's responsibility to satisfy or address the comments from required reviewers.

Some or all of the following reviewers may be included in the review and comment period as deemed appropriate by the PW ERA staff:

CCD Agencies:

- PW (ERA Erosion Control, ERA Transportation, ERA Wastewater, CPM Wastewater, ERA Floodplain, Policy & Planning, Construction Engineering, Survey, Traffic Engineering Services-Signs and Stripe, and Street Maintenance)
- City Council (District where encroachment is located only)
- Denver Office of Disability Rights (ADA)
- DS (Building and Construction, Transportation, Wastewater, Project Coordination and Zoning)
- Office of Emergency Management
- DEH (for remediation/injection systems)

Tier II Encroachment

Review Process Cont'd	<ul style="list-style-type: none"> Fire Department Forestry DPR Division of Real Estate Telecommunications <p><u>External Agencies:</u></p> <ul style="list-style-type: none"> Colorado Department of Transportation (CDOT) (for Encroachments in or abutting a state highway), Metro Wastewater Reclamation District, Regional Transportation District (RTD) <p><u>Utility Companies:</u></p> <ul style="list-style-type: none"> CenturyLink, Comcast Cable, Denver Water, Xcel Energy <p>Once all comments have been addressed by the applicant and acknowledged by the PWERA, a recommendation will be made to the Executive Director of Public Works to approve, approve with conditions or deny the Tier II Encroachment. Following Executive Director approval, PWERA staff shall record with the Denver County Clerk and Recorder the permit and approved legal or location description within twenty (20) business days.</p>
Fees	<p>FEES: \$2,100.00 Initial Fee \$ 200.00 Annual Fee</p> <p>The Initial Fee shall be paid prior to review or processing of the application. All fees shall be paid by credit card, or check payable to the 'Manager of Finance' of the City and County of Denver. Fees are subject to change by authority of the Executive Director of Public Works.</p> <p>Following Encroachment approval and issuance of Permit, the applicant or their successor will be billed annually \$200.00 for annual inspection and administration beginning the following calendar year.</p> <p>A lien may be placed on the real property of an owner who fails to pay the annual fee in accordance with DRMC Section 49-252.</p>
Tier II Revocation Process	<p>If the owner desires to cancel a Tier II Encroachment Permit, a separate letter requesting a revocation shall be submitted to PWERA.</p> <ul style="list-style-type: none"> A site inspection will be performed to verify the Encroachment(s) have been removed. The Tier II Encroachment Permit will be revoked. The revocation of the Permit will be recorded in the same manner as issued.

Tier II Encroachment

Tier II General Conditions

1. The Executive Director of Public Works is authorized to remove or to order the removal of any article, vehicle, object or thing whatsoever encroaching into any street, alley, sidewalk, or other public way or place (DRMC Section 49).
2. The Executive Director of Public Works may prescribe appropriate methods, specifications, placement and materials for Encroachments in the ROW.
3. Any person who places an Encroachment in the ROW is responsible for the ongoing maintenance of the Encroachment. No third party, person or agency, unless specifically authorized by an Association or similar legal means, may place an Encroachment in front of a property without written permission of the adjacent property owner.
4. The use of the ROW for placement of an Encroachment does not create a property right or ownership interest of any kind.
5. Any person who places an Encroachment in the ROW agrees that the act of doing so acknowledges the duty to hold the harmless and indemnify the CCD from any damages or claims arising out of said placement.
6. RSOP and Right of Way Construction Permits may be required prior to placing an Encroachment in the ROW. At least five days prior to placement of the Encroachment, owner shall contact the PW Right of Way Inspections at (303) 446-3469 to coordinate placement and to obtain necessary permits.
7. Encroachments shall comply with the current Section 32 of the International Building Code and all subsequent amendments.
8. The owner of the Encroachment shall repair and/or replace, to the satisfaction of the Executive Director of Public Works, any damage to CCD owned assets, including but not limited to: trees, irrigation systems, curb, gutter and sidewalks as a result of the Encroachment, and all associated costs shall be paid for by the owner of the Encroachment.
9. Permittee shall assume full responsibility for any and all damages incurred to Denver Water facilities due to activities authorized by the permit. Denver Water, at the sole expense of the Permittee, shall make any and all replacement or repair of Denver Water facilities attributed to the permit. In the event Permittee's facilities are damaged or destroyed due to the Denver Water's repair, replacement and/or operation of its facilities, repairs will be made by the Permittee at its sole expense.
10. Encroachments shall not create sight distance problems for pedestrians, bicycles and drivers, and must comply with the standards published by AASHTO and all other CCD sight distance standards.
11. All Encroachments located underground or flush with the ground With the exception of tree grates, shall meet HS-20 loading criteria as defined by AASHTO. All required replacement of damaged existing Right-of-Way improvements will be in accordance with current CCD codes and standards, or may be more restrictive as determined on a case by case basis.
12. Encroachments shall not create access problems in the ROW or conflict with ADA requirements.
13. Encroachment shall not create a substantial adverse impact on persons or property or adversely affect the public health, safety and welfare.
14. Encroachments shall not obstruct stormwater drainage in and through the Right of Way nor cause water to collect on sidewalks, streets or alleys or conflict with DRMC Section 49-554.
15. All disturbances associated with construction of the Encroachment shall be managed as required by CCD standards for erosion control which may require standard notes or CASDP permitting depending on location and scope of project.
16. Encroachments proposed adjacent to a designated park or within a dedicated parkway shall require DPR approval prior to installation.
17. Encroachments shall not block Fire Department connections, fire hydrants, access or pathways.
18. Encroachments shall not display advertising without the permission of the Executive Director of Public Works and shall comply with DRMC Section 3-1.
19. Encroachments in the regulatory floodplain shall require a SUDP and comply with Chapter 12 Floodplain Management of the "PW Rules and Regulations Governing Sewerage Charges and Fees and Management of Wastewater" and the CCD Floodplain Ordinance in DRMC Section 56-200 through 56-206.
20. Encroachments shall be visible at night to the extent possible.

Tier III Encroachment

Tier III Encroachment	Encroachments that are significant or complex. Tier III Encroachments are defined as an expansion of a private use into the ROW, and are commonly structural building elements more substantial in nature. Tier III Encroachments require an application, fee, legal description, and review process to ensure general compliance with raised object and placement criteria, approval through a City Council Resolution, and recordation of the resolution in the Office of the Denver County Clerk and Recorder's Office. An annual fee shall be required to maintain the Tier III Encroachment Resolution.
Authority	City Charter, Article II; and DRMC, Chapter 49
Insurance and Indemnification	<p>As a condition for placement of an Encroachment, the owner of such Encroachment shall hold the City harmless from all loss or damage to persons or property on account of injury arising from the construction or maintenance of the Encroachment; and</p> <p style="text-align: center;">(a) Post with the Executive Director of Public Works, a bond in a penal sum not to exceed \$50,000 with sureties approved by the Executive Director; or</p> <p style="text-align: center;">(b) Obtain and keep current a policy of public liability insurance in the name of the permittee, with the City as a named insured, with the minimum limits of coverage of \$50,000/\$100,000 for bodily injury and \$5,000 for property damage, covering the location of the Encroachment on the public property for which the permit is issued.</p>
Tier III Encroachment Types	<p>To be considered a Tier III Encroachment, the proposed encroachment item will generally meet criteria contained in the following section:</p> <p>STRUCTURAL BUILDING ELEMENTS</p> <ul style="list-style-type: none"> • For any structural building elements that do not qualify as a Tier I or Tier II Encroachment • Including but not limited to: below grade parking garages, elevated or enclosed patios, loading docks, air locks, structural retaining walls, building walls, pedestrian bridges
Application Requirements	<p>A pre-application consultation may be requested prior to applying for a Tier III Encroachment Resolution. All correspondence regarding Encroachment applications shall be submitted to:</p> <p style="text-align: center;">Public Works Engineering, Regulatory & Analytics (ERA) 201 W. Colfax Ave, Dept. 507 Denver, CO 80202 Denver.PWERA@denvergov.org (720) 865-3003</p> <p>To apply for a Tier III Encroachment Resolution:</p> <ol style="list-style-type: none"> 1. Submit a completed Application for Tier III Encroachment The application is available on the website at: www.denvergov.org/pwprs <p>If the property owner is not the applicant, a signed authorization or power of attorney from the owner is required.</p> <p>The application shall include the following items to support the request.</p> <ol style="list-style-type: none"> a. Labeled and dimensioned site plan and elevation plan, including the following: <ol style="list-style-type: none"> i. ROW, flowline and property lines etc. ii. Area of Encroachment into ROW iii. Labeled construction materials b. Labeled and dimensioned specifications for the proposed Encroachment including <ol style="list-style-type: none"> i. Vertical clearance from grade ii. Projection from building iii. Projection into the ROW and over the sidewalk iv. Distance the Encroachment is from curb c. If underground <ol style="list-style-type: none"> i. Plans shall be prepared and stamped by a Professional Engineer Registered in the State of Colorado ii. Indicate the depth, location and size of Encroachments. iii. Structural plans must be submitted and show all structural details and design loads. d. Photograph of the proposed location of the Encroachment e. Indicate electrical voltage/amps and where the electrical connection is located (if applicable)

Tier III Encroachment

<p>Application Requirements (cont'd)</p>	<p>f. Explanation of why the design of the Encroachment cannot be accomplished without utilizing the ROW</p> <ol style="list-style-type: none"> 2. If the proposed Tier III Encroachment is located within a design review district under the Denver Zoning Code or a floodplain zone approval documents from that reviewing authority shall be attached. 3. A legal description of the Encroachment shall be submitted following these guidelines: (legal description may be submitted after the 1st review and comment period). http://www.denvergov.org/rightofwayservices/RightofWayServices/Survey/GuidelinesforLandDescriptions/tabid/442347/Default.aspx 4. Pay Initial Fee. (See Fees Section Below)
<p>Review Process</p>	<p>Once received and deemed complete, the application will be distributed to affected CCD Agencies, External Agencies and Utility Companies for a review and comment period (3 weeks). Following the review period, a report of compiled comments will be provided to the applicant. It is then the applicant's responsibility to satisfy or address the comments from required reviewers.</p> <p>Some or all of the following reviewers may be included in the review and comment period as deemed appropriate by the PW ERA staff:</p> <p><u>City Agencies:</u></p> <ul style="list-style-type: none"> • PW (ERA Erosion Control, ERA Transportation, ERA Wastewater, CPM Wastewater, ERA Floodplain, Policy & Planning, Construction Engineering, Survey, Traffic Engineering Services-Signs and Stripe, and Street Maintenance) • City Council (District member only) • The Denver office of Disability Rights (ADA) • DS (Building and Construction, Transportation, Wastewater, Project Coordination and Zoning) • Office of Emergency Management • DEH (for remediation/injection systems) • Fire Department • Forestry • DPR • Division of Real Estate • Telecommunications <p><u>External Agencies:</u></p> <ul style="list-style-type: none"> • Colorado Department of Transportation (CDOT) for Encroachments on or abutting a state highway), Metro Wastewater Reclamation District, Regional Transportation District (RTD) <p><u>Utility Companies:</u></p> <ul style="list-style-type: none"> • CenturyLink, Comcast Cable, Denver Water, Xcel Energy <p>Once all comments have been addressed by the applicant and acknowledged by PWERA, a recommendation will be made to the Executive Director of Public Works to prepare the Resolution request of the Tier III Encroachment for City Council consideration. PWERA will submit a Resolution request to City Council for consideration of a Resolution which will run with the land until such time the Resolution is revoked.</p> <p>Following City Council Resolution approval, PW ERA staff will record the Resolution in the Denver County Clerk and Recorder's Office within (20) business days following the approval of the Resolution.</p>
<p>Fees</p>	<p>FEES: \$2,100.00 Initial Fee \$ 200.00 Annual Fee</p> <p>The Initial Fee shall be paid prior to review or processing of the application. Fees shall be paid by credit card or check, payable to the 'Manager of Finance' of the City and County of Denver. Fees are subject to change by authority of the Executive Director of Public Works.</p> <p>Following the Encroachment Resolution approval and issuance of Permit, the applicant or their successor will be billed annually \$200.00 for annual inspection and administration beginning the following calendar year.</p> <p>A lien may be placed on the real property of an owner who fails to pay the annual fee in accordance with DRMC Section 49-252.</p>
<p>Tier III Encroachment Resolution Revocation process</p>	<p>If the owner desires to remove a Tier III Encroachment, and cancel the Tier III Encroachment Resolution, a letter requesting a revocation shall be submitted along with revocation processing fee of \$600.00.</p> <ul style="list-style-type: none"> • A site inspection will be performed to verify the Encroachment(s) have been removed. • The Tier III Encroachment Resolution may be revoked by City Council. After notice the revocation of the Resolution will be recorded in the same manner as an approved resolution.

Tier III Encroachment

Tier III General Conditions

1. The Executive Director of Public Works is authorized to remove or to order the removal of any article, vehicle, object or thing whatsoever encroaching into any street, alley, sidewalk, or other public way or place (DRMC Section 49).
2. The Executive Director of Public Works may prescribe appropriate methods, specifications, placement and materials for Encroachments in the ROW.
3. Any person who places an Encroachment in the ROW is responsible for the ongoing maintenance of the Encroachment. No third party, person or agency, unless specifically authorized by an Association or similar legal means, may place an Encroachment in front of a property without written permission of the adjacent property owner.
4. The use of the ROW for placement of an Encroachment does not create a property right or ownership interest of any kind.
5. Any person who places an Encroachment in the ROW agrees that the act of doing so acknowledges the duty to hold the harmless and indemnify the CCD from any damages or claims arising out of said placement.
6. RSOP and Right of Way Construction Permits may be required prior to placing an Encroachment in the ROW. At least five days prior to placement of the Encroachment, owner shall contact the PW Right of Way Inspections at (303) 446-3469 to coordinate placement and to obtain necessary permits.
7. Encroachments shall comply with the current Section 32 of the International Building Code and all subsequent amendments.
8. The owner of the Encroachment shall repair and/or replace, to the satisfaction of the Executive Director of Public Works, any damage to CCD owned assets, including but not limited to: trees, irrigation systems, curb, gutter and sidewalks as a result of the Encroachment, and all associated costs shall be paid for by the owner of the Encroachment.
9. Permittee shall assume full responsibility for any and all damages incurred to Denver Water facilities due to activities authorized by the permit. Denver Water, at the sole expense of the Permittee, shall make any and all replacement or repair of Denver Water facilities attributed to the permit. In the event Permittee's facilities are damaged or destroyed due to the Denver Water's repair, replacement and/or operation of its facilities, repairs will be made by the Permittee at its sole expense.
10. Encroachments shall not create sight distance problems for pedestrians, bicycles and drivers, and must comply with the standards published by AASHTO and all other CCD sight distance standards.
11. All Encroachments located underground or flush with the ground With the exception of tree grates, shall meet HS-20 loading criteria as defined by AASHTO. All required replacement of damaged existing Right-of-Way improvements will be in accordance with current CCD codes and standards, or may be more restrictive as determined on a case by case basis.
12. Encroachments shall not create access problems in the ROW or conflict with ADA requirements.
13. Encroachment shall not create a substantial adverse impact on persons or property or adversely affect the public health, safety and welfare.
14. Encroachments shall not obstruct stormwater drainage in and through the Right of Way nor cause water to collect on sidewalks, streets or alleys or conflict with DRMC Section 49-554.
15. All disturbances associated with construction of the Encroachment shall be managed as required by CCD standards for erosion control which may require standard notes or CASDP permitting depending on location and scope of project.
16. Encroachments proposed adjacent to a designated park or within a dedicated parkway shall require DPR approval prior to installation.
17. Encroachments shall not block Fire Department connections, fire hydrants, access or pathways.
18. Encroachments shall not display advertising without the permission of the Executive Director of Public Works and shall comply with DRMC Section 3-1.
19. Encroachments in the regulatory floodplain shall require a SUDP and comply with Chapter 12 Floodplain Management of the "PW Rules and Regulations Governing Sewerage Charges and Fees and Management of Wastewater" and the CCD Floodplain Ordinance in DRMC Section 56-200 through 56-206.
20. Encroachments shall be visible at night to the extent possible.