

1 **CITY OF LITTLETON, COLORADO**

2
3 **ORDINANCE NO. 86**

4
5 **Series, 2015**

6
7 **INTRODUCED BY COUNCILMEMBERS:**

8
9 **AN ORDINANCE OF THE CITY OF LITTLETON,**
10 **COLORADO, AMENDING THE CITY CODE**
11 **CONCERNING STRUCTURES ON PUBLIC RIGHTS OF**
12 **WAY**

13
14 **WHEREAS**, section 118 of the city charter allows the city council to grant
15 revocable permits for the temporary use or occupation of any street, alley or public place;

16
17 **WHEREAS**, city council desires to permit the placement of planters, benches and
18 other seating in public rights of way, subject to conditions and restrictions; and

19
20 **WHEREAS**, city council finds that granting revocable permits for planters,
21 benches and other seating is in the best interest of the health, safety and welfare of the city's
22 residents;

23
24 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF**
25 **THE CITY OF LITTLETON, COLORADO, THAT:**

26
27 **Section 1:** Section B of chapter 1 of title 8 is hereby amended with the following:

28
29 (B) Structures On Public Rights Of Way:

30
31 1. Except as herein provided, no person shall erect, place, or have or cause to be
32 placed or erected any building, fence, wall, ditch, or other obstruction in whole or in part upon
33 any street, avenue, alley, sidewalk, or public ground of the City.

34
35 2. The ~~Director of Public Works~~ CITY MANAGER, OR DESIGNEE, is hereby
36 authorized to issue permits for the purpose of erecting, placing, or causing to be placed fences,
37 retaining walls, PLANTERS, BENCHES AND OTHER SEATING, or like structures on public
38 rights of way.

39
40 3. Said permits may be issued only to owners of property which abut public rights
41 of way, and shall be limited to that portion of a right of way defined by the projected lot lines of
42 property owner applying for said permit.

43
44 4. Application for a permit shall be filed with the ~~Director of Public Works~~ CITY
45 MANAGER, OR DESIGNEE, and shall include the following:

46
47 (a) Site Plan: A plan of the portion of public right of way proposed for use by the
48 abutting property owner. Said plan shall be drawn to scale and shall include dimensions; location
49 of the proposed use; description of the proposed use, including height, types of material, and

1 general character; and a legal description of the area proposed for use. The ~~Director of Public~~
2 ~~Works~~ CITY MANAGER, OR DESIGNEE, may require further information as necessary to
3 adequately determine the safety of the proposed use.
4

5 (b) Insurance: The owner/applicant shall hold the City harmless against any
6 claims, liabilities, damages or lawsuits arising from the locating of said use on public right of
7 way, and shall acquire necessary insurance for property damage and bodily injury arising out of
8 said use. A CERTIFICATE OF INSURANCE SHALL BE SUBMITTED AT THE TIME OF
9 APPLICATION AND ANNUALLY THEREAFTER, OR UPON REQUEST OF THE CITY.
10

11 5. The ~~Director of Public Works~~ CITY MANAGER, OR DESIGNEE, shall
12 review all applications and may approve the application, deny the application, or refer the
13 application to the applicant for further information.
14

15 6. Approved applications shall be forwarded to the cChief Building Official for
16 the issuance of a building permit, IF REQUIRED, subject to the payment of required fees by the
17 applicant.
18

19 7. Decorative type landscaping may be installed on any public right of way in a
20 residential zone district without approval of the ~~Director of Public Works~~ CITY MANAGER,
21 OR DESIGNEE, if said landscaping meets the provisions of Section 8-1-6 of this Chapter.
22

23 ~~8. Any use of public right of way permitted under the terms of these regulations~~
24 ~~which existed prior to the effective date of these regulations are not subject to the provisions of~~
25 ~~these regulations, except that those uses which are deemed to be a hazard to life, safety, or the~~
26 ~~general public welfare may be ordered removed by the Director of Public Works.~~
27

28 9. Any permit issued for a permitted use on public right of way shall continue at
29 the pleasure of the City, and shall be subject to immediate revocation if said right of way is used
30 for any purpose other than for the installation of the approved use, or if the owner/applicant fails
31 to keep said use in a state of good repair. This permit shall immediately cease if the approved use
32 is removed and is replaced by a different use or the same use of different design WITHOUT
33 PRIOR APPROVAL OF AN AMENDMENT TO THE PERMIT FOR SUCH DIFFERENT
34 USE OR DESIGN.
35

36 10. In the event that it is deemed necessary to the health, safety, or general public
37 welfare, the city may remove or cause to be removed any use of public right of way, permitted
38 under the provisions of these regulations, for the purpose of widening, constructing, or otherwise
39 improving any street, alley, sidewalk or other public way or use without compensation to the
40 owner of said permitted use.
41

42 **Section 2:** Severability. If any part, section, subsection, sentence, clause or
43 phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the
44 validity of the remaining sections of this ordinance. The City Council hereby declares that it
45 would have passed this ordinance, including each part, section, subsection, sentence, clause or
46 phrase hereof, irrespective of the fact that one or more parts, sections, subsections, sentences,
47 clauses or phrases may be declared invalid.
48

49 **Section 3:** Repealer. All ordinances or resolutions, or parts thereof, in

1 conflict with this ordinance are hereby repealed, provided that this repealer shall not repeal the
2 repealer clauses of such ordinance nor revive any ordinance thereby.
3
4

5 INTRODUCED AS A BILL at a regularly scheduled meeting of the City Council
6 of the City of Littleton on the ____ day of _____, 2015, passed on first reading by a vote of
7 ____ FOR and ____ AGAINST; and ordered published by posting at Littleton Center, Bemis
8 Library, the Municipal Courthouse and on the City of Littleton Website.

9 PUBLIC HEARING on the Ordinance to take place on the __ day of
10 _____, 2015, in the Council Chambers, Littleton Center, 2255 West Berry Avenue,
11 Littleton, Colorado, at the hour of 6:30 p.m., or as soon thereafter as it may be heard.
12

13 PASSED on second and final reading, following public hearing, by a vote of _____FOR
14 and _____ AGAINST on the ____ day of _____, 2015 and ordered published by
15 posting at Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton
16 Website.

17 ATTEST:

18 _____
19 Wendy Heffner
20 CITY CLERK

Phil Cernanec
PRESIDENT OF CITY COUNCIL

21
22 APPROVED AS TO FORM:
23
24

25 _____
26 Kristin Schledorn
27 CITY ATTORNEY
28