

TOWN OF MEAD, COLORADO
ORDINANCE NO. 713

AN ORDINANCE OF THE TOWN OF MEAD, COLORADO, AMENDING SECTION 16-1-150. OF THE *MEAD MUNICIPAL CODE* WITH REGARD TO DEFINITIONS FOR OUTDOOR SEATING AREAS FOR RESTAURANTS AND SIDEWALK CAFES; SECTION 16-2-190 OF THE *MEAD MUNICIPAL CODE* WITH REGARD TO COMMUNITY DESIGN & DEVELOPMENT STANDARDS FOR OUTDOOR SEATING AREAS FOR RESTAURANTS AND SIDEWALK CAFES.

WHEREAS, the purpose of this amendment to the *Land Use Code* is to permit daytime and early evening outdoor dining on private property and sidewalks adjacent to local food and eating establishments and for the enjoyment of restaurant patrons without disturbing the immediate neighborhood or pedestrian traffic; and

WHEREAS, it is intended to permit the tasteful, aesthetic use of tables and chairs on adjacent property and sidewalks of local food and eating establishments; and

WHEREAS, the Board of Trustees desires to regulate outdoor seating at restaurants in a manner that promotes the public health, safety and general welfare by requiring that adequate pedestrian circulation is provided and balanced with adequate outdoor seating for patrons of local food and eating establishments;

NOW THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Mead, Weld County, Colorado, that:

Section 1. Section 16-1-150, of the *Mead Municipal Code* is hereby amended by the addition of the following definitions:

“Restaurant, with outdoor seating area means any fast food or standard restaurant with outside seating and dining as an accessory use on the premises of the principal building housing the restaurant.

Restaurant, sidewalk cafe means any fast food or standard restaurant with outside seating and dining as an accessory use on the adjacent public sidewalks.”

Section 2. Section 16-3-70 (b), of the *Mead Municipal Code* is hereby amended by the addition of a new subparagraph (10) to read as follows:

“(10) Restaurant, with outdoor seating area. Eating establishments allowed under this Code may provide outdoor seating areas on their property, subject to the issuance of a temporary use permit by the Town Manager. Such seating shall be incidental to the operation of the restaurant. The seating area must be adjacent to the restaurant. The outdoor seating area shall meet the following criteria:

- a. Food service shall be provided by the employees of the establishment. The sale and consumption of alcoholic beverages in the outdoor seating areas shall be restricted by the liquor license governing the restaurant. Any outdoor seating area

where alcohol beverages are sold or consumed shall be supervised at all times by an employee of the restaurant. No alcoholic beverages may be removed from the outdoor seating area, except to the interior of the restaurant.

- b. No outdoor keeping or storage of food or beverages to be served shall be permitted. No open keeping or storage of used dishes, utensils or food scraps shall be permitted.
- c. The pedestrian circulation and building entries shall not be impaired. If a private sidewalk is adjacent to the outdoor seating area then a minimum of four feet of open sidewalk shall be maintained free of obstruction.
- d. Self-closing outdoor trash receptacles shall be available for patron use.
- e. The operator of the outdoor seating area shall be responsible for maintaining a clean, litter-free and well kept appearance for the outdoor seating area.
- f. Amplified sound systems may be permitted subject to the restrictions of Section 10-13-40 of the *Mead Municipal Code*.
- g. The outdoor seating area shall comply with applicable State and County Health Department regulations.
- h. Within the designated outdoor seating area, chairs, tables, umbrellas, planters and trash receptacles may be permitted. One sandwich board menu sign, not exceeding six (6) square feet, as permitted by Section 16-7-60 (23) of the Sign Code.
- i. All furniture and equipment within the outdoor seating area must be compatible with the character of the public street furniture, and be moveable (not permanently attached) to allow for maintenance of public infrastructure.
- j. The operator shall provide the Town, in a form acceptable to the Town Attorney, the following:
 - i. An agreement to indemnify, defend and hold harmless the Town for any and all claims for liability or damages arising from the operation of the outdoor restaurant seating area; and
 - ii. A certificate of general liability insurance, workers compensation insurance, and, if applicable, dram shop insurance. The amount of required coverage shall be approved by the Town's insurance carrier, but in no event shall liability coverage be in an amount less than \$1 million per occurrence and \$500,000 per person. The Town shall be named as an additional insured on the face of the certificate, and the insurer shall have no less than an "A" rating by the most recent AM Best Insurance Rating Guide.
- k. The Town Manager may impose conditions relating to the design, location, configuration and operation aspects of the outdoor seating to ensure that such area is compatible with surrounding uses.

Section 3. Section 16-3-70 (b), of the *Mead Municipal Code* is hereby amended by the addition of a new subparagraph (11) to read as follows:

“(11) Sidewalk cafe. Eating establishments, allowed under this Code may provide outdoor seating areas on their property and/or on a sidewalk or plaza within the public right-of-way, subject to the issuance of a temporary use permit by the Town Manager. Such seating shall be incidental to the operation of the licensed restaurant or fast food restaurant. The seating area must be contiguous to the restaurant. The outdoor seating area shall meet the following criteria:

- a. The Town Manager may approve outdoor seating in the tree lawn area immediately in front of the business.
- b. Food service shall be provided by the employees of the establishment. The sale and consumption of alcoholic beverages in the outdoor seating areas shall be restricted by the liquor license governing the restaurant. Any outdoor seating area where alcohol beverages are sold or consumed shall be supervised at all times by an employee of the restaurant. No alcoholic beverages may be removed from the outdoor seating area, except to the interior of the restaurant.
- c. No outdoor keeping or storage of food or beverages to be served shall be permitted. No open keeping or storage of used dishes, utensils or food scraps shall be permitted.
- d. A minimum of four feet of open sidewalk area shall be maintained free of obstructions adjacent to the outdoor seating area, to allow for pedestrian circulation.
- e. Pedestrian circulation to building entries shall not be impaired.
- f. Self-closing outdoor trash receptacles shall be available for patron use.
- g. The operator of the restaurant shall be responsible for maintaining a clean, litter-free and well kept appearance for the outdoor seating area.
- h. Amplified sound systems may be permitted subject to the restrictions of Section 10-13-40 of the Mead Municipal Code.
- i. The outdoor seating area shall comply with applicable State and County Health Department regulations.
- j. Within the designated outdoor seating area, chairs, tables, umbrellas, planters and trash receptacles may be permitted. One sandwich board menu sign, not exceeding six (6) square feet, as permitted by Section 16-7-60 (23) of the Sign Code.
- k. All furniture and equipment within the outdoor seating area must be compatible with the character of the public street furniture, and be moveable (not permanently attached) to allow for maintenance of public infrastructure, by the

Town.

- l. All furniture and equipment shall be removed and placed securely indoors at the end of each business day.
- m. The operator shall provide the Town, in a form acceptable to the Town Attorney, the following:
 - i. An agreement to indemnify, defend and hold harmless the Town for any and all claims for liability or damages arising from the operation of the outdoor restaurant seating area; and
 - ii. A certificate of general liability insurance, workers compensation insurance, and, if applicable, dram shop insurance. The amount of required coverage shall be approved by the Town's insurance carrier, but in no event shall liability coverage be in an amount less than \$1 million per occurrence and \$500,000 per person. The Town shall be named as an additional insured on the face of the certificate, and the insurer shall have no less than an "A" rating by the most recent AM Best Insurance Rating Guide.
- n. The Town Manager may impose conditions relating to the design, location, configuration and operation aspects of the outdoor seating to ensure that such area is compatible with surrounding uses."

Section 4. Effective Date. This ordinance shall be published and become effective as provided by law.

Section 5. Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Ordinance. The Board of Trustees hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases are declared invalid.

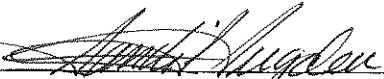
Section 6. Repealer. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

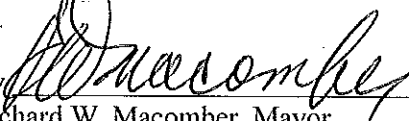
Section 7. Certification. The Town Clerk shall certify to the passage of this ordinance and make not less than one copy of the adopted Code available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 25th DAY OF June, 2012.

ATTEST:

TOWN OF MEAD

By 
Sandi F. Sugden, CMC, Acting Town Clerk

By 
Richard W. Macomber, Mayor

