

Section 45 – Covid-19 Regulations

(orig. 2-9-21)

A. Intent and Purpose

In response to the COVID-19 pandemic and associated public health orders, these regulations will enable business owners in unincorporated Jefferson County to apply to modify their operations and provide temporary outdoor seating areas and temporary structures adjacent to their businesses (orig. 2-9-21)

B. Application

These Covid-19 Regulations shall apply to all eating and drinking establishments and commercial service establishments operating within unincorporated Jefferson County. All improvements installed under this program are temporary and must be removed no later than 30 days after the Board of County Commissioners adopts a resolution indicating that for the purpose of these COVID-19 Regulations the public health emergency has ended. (orig. 2-9-21)

C. Termination

Section 45 shall automatically be repealed on the date the Board of County Commissioners adopts a resolution indicating that for the purposes of these COVID-19 Regulations, the public health emergency has ended. (orig. 2-9-21)

D. Definitions

Eating and Drinking Establishment: A retail establishment offering food, beverages, or alcoholic beverages for on-premises consumption. (orig. 2-9-21)

Temporary Outdoor Seating Area: An area not currently approved for outdoor seating of an eating and drinking establishment, used to temporarily expand seating capacity of the eating and drinking establishment to operate in an outdoor setting adjacent to their business. (orig. 2-9-21)

Commercial Service Establishment: A commercial establishment that provides services, rather than physical products, such as lesson-based businesses, fitness centers and similar uses. (orig. 2-9-21)

Temporary Structure: A structure without a foundation used to temporarily expand the operating capacity of an Eating and Drinking Establishment or Commercial Service Establishment. (orig. 2-9-21)

E. Hours of Operation

Temporary Outdoor Seating Areas shall close by: (orig. 2-9-21)

10 p.m. on Sundays thru Thursdays; and
11 p.m. on Fridays and Saturdays

F. Allowed Uses

1. Temporary Outdoor Seating Areas shall only be used for sit-down consumption of food or beverages or customer pick-up and carry-out of food and beverages. (orig. 2-9-21)
2. Temporary Structures shall only be used to help maintain existing operations of commercial service establishments. (orig. 2-9-21)

G. Prohibited Uses

Temporary Outdoor Seating Areas cannot be used for activities that would promote congregating, involve shared equipment, or amplify sound, including but not limited to: (orig. 2-9-21)

- Live music
- Music over speakers

- Video monitors to display movies, sports, television shows, etc.
- Loudspeaker call systems
- Outdoor games
- Standing areas, except a waiting area for customers that follows social distancing guidelines is permitted.
- Generators

H. Temporary Structures Allowed and Configuration Requirements

1. Only Temporary Structures and furnishings are allowed, these include: (orig. 2-9-21)
 - a. Tents and shade structures: (orig. 2-9-21)
 - i. Tents/shade structures with side walls and greater than 400 square feet require a permit from the local Fire Protection District. (orig. 2-9-21)
 - ii. Tents/shade structures without side walls and greater than 700 square feet require a permit from the local Fire Protection District. (orig. 2-9-21)
 - iii. Multiple small tents/shade structures located close together may count as a single larger structure, as determined by the local Fire Protection District. (orig. 2-9-21)
 - iv. Tents must be open from floor to ceiling on at least two non-adjacent sides, two adjacent sides open with no roof, or have no walls with a ceiling/roof during hours of operation to allow adequate ventilation for health and safety concerns. (orig. 2-9-21)
 - b. Other temporary structures without foundations. (orig. 2-9-21)
 - c. Tables, benches, chairs, temporary railings, and other temporary furnishings that are constructed of smooth, non-absorbent materials or finished in a manner that makes them smooth, non-absorbent and easily cleanable. (orig. 2-9-21)
2. No food or drink preparation areas/fixtures are allowed in Temporary Outdoor Seating Areas due to health and sanitation concerns. (orig. 2-9-21)
3. If the applicant will serve alcohol in the Temporary Outdoor Seating Area, the applicant must incorporate a method, in the design of the area, to ensure alcohol does not leave the area. Examples include railings, freestanding delineator posts, traffic cones and planters. Enclosures or other barricades that restrict the free egress of persons within the outdoor seating area must be approved by the local fire protection district to ensure adequate egress paths are maintained. (orig. 2-9-21)
4. Any temporary electrical equipment and wiring must be listed for outdoor or all-weather use. Power strips and multi-lug devices must have overcurrent protection. (orig. 2-9-21)
5. Any wiring that requires adding a circuit will require an Electrical Permit. (orig. 2-9-21)
6. Any lighting installed must be shielded and downcast so as to not cast light onto adjacent properties. (orig. 2-9-21)
7. A single temporary Banner Sign of up to 50 square feet may be placed in the Temporary Outdoor Seating Area without a permit. Note that existing regulations allow commercial properties to place up to 8 temporary Ground Signs of up to 8 square feet each without permits. (orig. 2-9-21)

I. Limitations and Restrictions

1. All public health orders and guidelines must be followed including but not limited to all executive orders of the Governor as well as public health orders issued by the Colorado Department of Public Health and the Environment (CDPHE) and Jefferson County Public Health. (orig. 2-9-21)
2. Eating and Drinking Establishments may not share Temporary Outdoor Seating Areas or Temporary Structures. (orig. 2-9-21)
3. The capacity/occupancy of the Temporary Outdoor Seating Area and/or Temporary Structure when combined with the capacity/occupancy of the indoor seating area under the then-current public health order may not exceed the original occupancy of the Eating and Drinking Establishment or Commercial Service Establishment. (orig. 2-9-21)

4. Written permission from the property owner to use the area proposed for the Temporary Outdoor Seating Area and/or Temporary Structure must be provided. (orig. 2-9-21)
6. Temporary Outdoor Seating Areas and Temporary Structures are exempted from setback requirements of the Zoning Resolution. (orig. 2-9-21)
7. Temporary Outdoor Seating Areas may occur on hard surfaces such as concrete, pavement and pavers. (orig. 2-9-21)
 - a. Dust control measures must be implemented for unpaved parking areas where temporary outdoor seating areas are located. (orig. 2-9-21)
8. Temporary Outdoor Seating Areas may occur on grassy areas. (orig. 2-9-21)
 - a. Any pest control measures applied in these areas must be done by a licensed pest control operator. (orig. 2-9-21)
9. Temporary Outdoor Seating Areas shall be kept clean, and any food or litter on the ground shall be cleaned up as soon as possible to minimize pests or wildlife. (orig. 2-9-21)
10. No American with Disability Act parking spaces may be used for temporary outdoor seating areas. (orig. 2-9-21)
11. The total amount of parking spaces converted to temporary outdoor seating area may not exceed 50% of the required amount of parking for the eating and drinking establishment. (orig. 2-9-21)
12. No fire department access or equipment shall be blocked or obstructed by temporary outdoor seating areas or other features. This includes emergency fire lanes, fire hydrants, fire department connections, fire alarm panel access, etc. (orig. 2-9-21)
13. Building entrances and exits shall not be blocked by any elements of the temporary outdoor seating areas. (orig. 2-9-21)

J. Permits and Licenses

1. Local Fire Protection Districts may have additional requirements or require additional permits. All applications will be forwarded to the local Fire Protection District for their notice. It is the responsibility of the applicant to contact their local Fire Protection District prior to operating a temporary outdoor seating area. (orig. 2-9-21)
2. Any permanent improvements or modifications to existing structures may require Building Permits. (orig. 2-9-21)
3. Temporary Structures that will be erected for more than 180 days shall comply with Section 3103 of the 2018 International Building Code. (orig. 2-9-21)
4. Fences over 42 inches in height require a fence permit. (orig. 2-9-21)
5. Businesses that have a liquor license will need to submit additional documentation to modify their existing liquor license with the County and the State. (orig. 2-9-21)

K. Submittal Requirements

1. The following items shall be submitted for a Temporary Outdoor Seating Area Permit Application: (orig. 2-9-21)
 - a. Point of contact information including name, address, phone numbers and email address. (orig. 2-9-21)
 - b. Number of restroom facilities and fixtures currently available. (orig. 2-9-21)
 - (1) Number of restroom facilities and fixtures when meeting social distancing requirements. (orig. 2-9-21)
 - (2) Location of additional toilet facilities, if provided, including temporary toilet and handwashing stations. (orig. 2-9-21)
 - c. Description of proposed outdoor seating, including: (orig. 2-9-21)

- (1) Size of proposed outdoor seating area. (orig. 2-9-21)
 - (2) Number of tables and indication of spacing to meet social distancing requirements. (orig. 2-9-21)
 - (3) Occupancy of existing eating and drinking establishment (pre-COVID). (orig. 2-9-21)
 - (4) Occupancy of indoor portion of Eating and Drinking Establishment with social distancing measures in place. (orig. 2-9-21)
 - (5) Proposed occupancy of the Temporary Outdoor Seating Area and/or Temporary Structure. (orig. 2-9-21)
 - (6) General description of Temporary Outdoor Seating Area and/or Temporary Structure. (orig. 2-9-21)
 - (7) Dust mitigation plan if proposed for unpaved surfaces, other than grassy areas. (orig. 2-9-21)
2. The following items shall be submitted for both Temporary Outdoor Seating Area Permit Applications and Temporary Structure Applications: (orig. 2-9-21)
- a. Acknowledgment of limitations related to public health orders. (orig. 2-9-21)
 - b. Identification of wastewater treatment used (Public Sanitation/Septic System). (orig. 2-9-21)
 - c. Details of method to ensure alcohol does not leave the area. To include height of any fencing/railings/etc., composition of materials, and explanation of how alcohol will be controlled to ensure it does not leave the premises. (orig. 2-9-21)
 - d. Site Plan Map including: (orig. 2-9-21)
 - (1) Vicinity map (Google Maps or similar). (orig. 2-9-21)
 - (2) Location of proposed Temporary Outdoor Seating Area and/or Temporary Structure. (orig. 2-9-21)
 - (3) Diagram of the currently liquor-licensed premises. (orig. 2-9-21)
 - (4) Layout of proposed Temporary Outdoor Seating Area and/or Temporary Structure, with dimensions: (orig. 2-9-21)
 - i. Tables, tents, etc. (orig. 2-9-21)
 - ii. Proposed route of servers to Temporary Outdoor Seating Area and kitchen. (orig. 2-9-21)
 - iii. Location of existing emergency access. (orig. 2-9-21)
 - iv. Location of fire hydrants and fire extinguishers. (orig. 2-9-21)
 - e. Parking Plan Map, including: (orig. 2-9-21)
 - (1) Existing parking spaces. (orig. 2-9-21)
 - (2) Proposed parking spaces. (orig. 2-9-21)
 - (3) ADA spaces clearly identified. (orig. 2-9-21)
 - f. Liquor License Modification Application, if applicable (Payment should be made directly to the State). (orig. 2-9-21)
 - g. Written permission from property owner to use space for temporary outdoor seating area. (orig. 2-9-21)
 - h. Additional submittal items may be required to further protect the health, safety, and welfare of the public as the COVID-19 situation changes and/or as the County receives feedback from fire departments, health officials, public, and other government agencies. (orig. 2-9-21)