

**ORDINANCE NO. 422**

**AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 1 OF THE CITY OF CREEDE MUNICIPAL CODE TO INCLUDE SECTION 11-1-30. SIDEWALK SALES**

WHEREAS, the City of Creede, Colorado, a Colorado Town (the "Town"), is a statutory municipality organized and operating under the laws of the State of Colorado;

WHEREAS, the Board of Trustees of the Town (the "Board") is desirous of establishing regulations with regard to the sale of merchandise on public sidewalks by adjacent retail business;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE CITY OF CREEDE, COLORADO THAT:

**Section 1.** Amendment of Chapter 11, Article 1 of the City of Creede Municipal Code ("Streets and Sidewalks"). Chapter 11, Article 1 of the City of Creede Municipal Code is hereby amended by the addition of Sec. 11-1-30:

**Sec. 11-1-30. Sidewalk Displays.**

The owner or manager of a business upon abutting property making retail sales to the public may, without a permit, display on a public sidewalk goods or wares that are being offered for sale inside the business. Sidewalk displays are subject to the following criteria:

- (a) The location of the sidewalk display shall not reduce or obstruct pedestrian passage on the sidewalk to less than five feet to the nearest street trees, utility poles, traffic control signs and devices, fire hydrants, buildings, and other similar devices and structures. Furthermore, such placement shall be consistent with any applicable standards established by the Americans with Disabilities Act and shall not obstruct vehicular traffic or parking or the use of any crosswalk, wheelchair ramp, bus or taxi zone.
- (b) The display must leave entrances and driveways clear and may not extend more than three feet into the sidewalk under any circumstance.
- (c) The display must be removed during those hours that the business is closed. If the display is in place before sunrise or after sunset, the display must be lighted and readily visible to passing pedestrians on the sidewalk.
- (d) Sales of goods or merchandise displayed must occur on the abutting privately owned property.
- (e) The display may not contain liquor, tobacco, firearms, munitions, or any article which a minor is prohibited by law from purchasing, or any material restricted by the fire code from direct access or handling by the public.
- (f) The display must be removed any time the public works director, chief of police, or fire chief determines that a clear sidewalk is needed and requests removal for use of

travel or transportation, street cleaning or maintenance, street utility work, a crowd control event or parade, or an emergency.

(g) The city assumes no responsibility for the items on display, irrespective of whether the loss occurs through accident, collision, vandalism, theft or otherwise.

(h) The abutting business must procure and maintain liability insurance, naming the City of Creede as additional insured in the amount of \$1,000,000.

**Section 2.** Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such determination shall not affect, impair, or invalidate the remaining provisions hereof, the intention being that the various provisions hereof are severable.

INTRODUCED, APPROVED, PASSED ON FIRST AND FINAL READING, ON THIS 9<sup>th</sup> DAY OF APRIL, 2020.

By  \_\_\_\_\_  
Mayor

ATTEST:

By  \_\_\_\_\_  
City Clerk