



City of Boulder COVID-19 Response
**Temporary Outdoor Expansion Seating Areas for Cold
 Weather Seasons**

Frequently Asked Questions

Updated – 10/7/2020

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BACKGROUND & INTENT

- Boulder has faced unprecedented difficulties during the COVID-19 pandemic. In May of 2020 the City of Boulder established a streamlined permitting process for eligible businesses to expand their owned or leased space outdoors on public and private property. With cold weather approaching the city will be revising the program with specific adjustments to allow businesses to continue to provide outdoor seating while ensuring that safety, mobility, equity, and federal Americans with Disabilities Act (ADA) access remain top priorities.
- The intent of the program is to encourage social distancing and safety for restaurant patrons and employees by expanding simple, low cost outdoor dining opportunities that meet the needs of businesses during colder weather, including possible structures like tents, platforms, heating devices, lighting, etc.
- The City of Boulder has implemented this temporary program with guidance from [Boulder County Public Health](#) and the [State of Colorado's Guidance for Restaurants and Food Service](#) issued on May 24, 2020.
- The following guidance is intended to assist operators requesting a temporary outdoor expansion during the colder months. Allowable expansions are intended to be temporary in nature. The guidance may be amended from time to time at the city's discretion.

GENERAL PROGRAM INFORMATION

1. Is my business eligible for this program?

All licensed restaurants in the City of Boulder are eligible to participate in this program. In addition, brewpubs, taverns, brewery taprooms, and distillery and winery tasting rooms are eligible if they have adapted to operate like a restaurant and offer food for on-premise consumption, per the state guidelines. Per [State of Colorado's Guidance for Safer at Home: Restaurants & Food Services](#) issued on September 22, 2020, the intent is to allow establishments to operate for the primary purpose of dine-in service, or what is colloquially referred to as "restaurants." Any establishment that can adhere to the guidelines below and ensure access to food for on-premise consumption can open.

Per the city's code, "Restaurant" is defined as an establishment with a food preparation area, dining room equipment, and persons to prepare and serve, in consideration of payment, food or drinks to guests.

An applicant would need to demonstrate compliance with the definition. Per the state's guidance, the provision of food/meals must be from a licensed retail food establishment.

2. I already have an approval from the Spring expansion program. What do I need to do to extend through winter?

- If you have an approved temporary expansion from the spring on private property, the Event Street, or Pearl Street Mall from the spring and would like to continue to use the expanded space as-is, then you are not required to apply for a new permit.
- If you have an approved temporary expansion from the spring and would like to continue the use of the same area but now would like to include heating, tents, or enclosures and/or changes to the seating area, you must submit a new application.
- If you have an approved temporary expansion from the spring that extends into the street (on street parking, loading, etc.) or an alley, all equipment in these areas will need to be removed by October 31, 2020. Please contact BoulderBusinessRecovery@bouldercolorado.gov to discuss with staff options to maintain your expansion area.

- If you have a liquor license associated with your spring expansion, and the seating area does not change in size or location, then you do not need to reapply for your liquor license. *Any changes to the size or location of the proposed seating area require a resubmittal and \$150 fee for the updated liquor license.*

3. Does this program apply to mobile food vehicles?

No. However, licensed mobile food vehicles will now be allowed to temporarily operate in residentially zoned areas in addition to industrial districts until February 28, 2021 (or any pandemic-related subsequent extension of that date) while following recommended guidelines for social distancing, sanitation, and hygiene practices without any additional approvals. A zoning map can be found [here](#). Information related to food truck licensing can be found [here](#).

4. How do I apply? How much does the application cost? How long does it take?

Applications will be accepted online at the [Boulder Business Recovery Program site](#).

There are no city-applicable application fees, unless a Liquor Temporary Modification is required by the city's Licensing Authority, with a fee of \$150 (see section on liquor licensing at the bottom of this document).

Applications meeting the criteria will be approved-to-proceed with set up immediately following submittal. *Changes proposed to Mechanical and Electrical infrastructure will require a 3-business day review.*

A city inspector will visit your business after the date indicated in your application, during regular business hours to ensure compliance.

5. When will the City start accepting applications for a temporary outdoor expansion?

Applications will be accepted October 12, 2020. Proposals will be reviewed and considered upon submittal.

6. Are there zoning districts where this is restricted?

There are no zoning district restrictions. All licensed restaurants, taverns, brewpubs, taprooms, tasting rooms, and retail may apply for a temporary outdoor expansion area. Refer to 'Is my business eligible for this program?' above for limitations on tavern, brewpub, taproom, and tasting room uses.

7. When does my approval expire? How long will the cold seasons' expansion program last?

Businesses will be able to use the temporary outdoor space for the public through February 28, 2021 (unless subsequently extended by the city). The program may be extended depending on the COVID-19 pandemic and guidance from Boulder County Public Health and the State of Colorado. Businesses will have one week after the final permit expirations date to remove all outdoor seating elements.

8. Can this approval be revoked?

The city can revoke these approvals at any time, particularly if there is an increase in COVID-19 cases directly attributed to any temporary outdoor seating locations or other public safety concerns arise as determined by the State, Boulder County Public Health, or the City of Boulder. Temporary improvements may also need to be removed in the event the city or other utility provider needs to maintain or repair utilities or other public infrastructure.

9. How will enforcement be addressed?

Concerns about how an expanded outdoor seating area is operating can be reported by calling 303-441-3333 or via InquireBoulder.com. The city's Code Enforcement inspectors, Right-of-Way inspectors, Boulder County Public Health inspectors, and the city's Liquor Licensing Authority will investigate complaints received about the location or operation of an outdoor area. If an inspector finds a violation of these guidelines, or any other applicable provision of Boulder's municipal codes, the business and property owner will be responsible for resolving the issue and paying any enforcement-related fines or penalties. Failure to comply with orders to correct a violation may result in loss of approval to use the expanded outdoor space. All other complaints concerning compliance with State or County Public Health Orders should continue to be reported to Boulder County Public Health.

PUBLIC HEALTH

10. What are the public health requirements (e.g., how many tables allowed, minimum spacing, number of occupants, face coverings while eating)?

All operators must follow the [guidelines](#) for restaurants and food services and Boulder County Public Health orders and guidance.

11. Is risk of transmission lower for outdoor dining compared to indoor dining?

Outbreak trends suggest the risk outdoors may be lower. However, based on guidance from the Colorado Department of Public Health & Environment (CDPHE) the risks associated with seating within temporary structures like tents can be considered akin to an indoor setting based on the presence of walls and available ventilation. Generally, increased ventilation in temporary structures reduces the concentration of any viruses that may be in the air. Refer to [guidance from the CDPHE](#) regarding ventilation and COVID-19 risks. Expanding operations outdoors does not diminish the need for physical distancing, continued use of face coverings, and other sanitation practices.

12. Are pets allowed in outdoor seating areas?

No. Pets are not permitted on the expanded outdoor premises per Boulder County Health; service animals in compliance with Americans with Disabilities Act are exceptions.

13. Is smoking allowed in outdoor seating areas?

No person shall smoke outdoors at a restaurant or tavern where food or beverages are served or consumed. Patrons smoking or vaping must stand at least 25 feet away from the main entrance of the establishment. For business located in the Downtown Boulder Business Improvement District or Pearl Street Mall (or any temporary expansion thereof) smoking or vaping is prohibited regardless of the building entrance.

PUBLIC RIGHT-OF-WAY (STREETS, SIDEWALKS & ALLEYS)

14. What is public right-of-way?

Public right-of-way means the entire area between property boundaries: which is owned by a government, dedicated to public use, or impressed with an easement for public use; which is primarily used for pedestrian or vehicular travel; and which is publicly maintained, in whole or in part, for such use; and includes, without limitation, the street, gutter, curb, shoulder, sidewalk, sidewalk area, parking or parking strip, and any public way.

15. What types of public right-of-way will restaurants be able to use?

On open streets, an operator may utilize areas available between the business frontage and the back of the street curb, after a six-foot pedestrian clear zone is provided. For example, a restaurant that has a 25-foot street frontage, may use any areas available in the 25-foot frontage zone that coincides with their building frontage. This could include areas in front of the business in excess of the required six feet, within planting strips between street trees, areas between parking meters/signage.

Temporary expansions in on street parking, loading, or other areas directly adjacent to travel lanes present additional safety, maintenance, and operation concerns in the colder months. These expansions may be considered on a site-specific basis and will require review and discussion with city staff. Please contact BoulderBusinessRecovery@bouldercolorado.gov to request a meeting.

16. How should I set up my site for fire access if outdoor seating expansion extends into a closed roadway?

Temporary barriers shall not obstruct emergency vehicle access. Adequate emergency access is a minimum 20-foot-wide unobstructed fire apparatus access road with an unobstructed vertical clearance of 15 feet (and meets all applicable standards as set forth in Chapter 10-8, "Fire Prevention Code," B.R.C. 1981). Emergency access lanes shall be kept free and clear of all obstructions.

17. Are there types of public right-of-way that are not available for restaurants to use during the colder months?

Yes. Generally, businesses may not use streets, on-street parking spaces, or alleyways during the colder months unless approved as part of a larger city initiative or specifically approved by city staff. Accessible parking spaces and associated passenger aisles must remain unobstructed. Streets must remain open to vehicular traffic, cyclists, and maintenance vehicles including snowplows.

Temporary expansions in on-street parking, loading, or other areas directly adjacent to travel lanes present additional safety, maintenance, and operation concerns in the colder months. These expansions may be considered on a site-specific basis and will require review and discussion with city staff. Please contact BoulderBusinessRecovery@bouldercolorado.gov to request a meeting.

18. Do I need to be insured to expand into the public right-of-way?

Yes. You will need to agree to hold general liability, workers compensation, and employer's liability coverage meeting city and state standards at time of application.

19. What if a neighboring business does not want to use available areas in front of their business for an outdoor seating area? Can my business utilize it?

Yes, with written permission from the property owner. A sample approval letter from a neighboring property owner is available [here](#).

20. Do I need a right-of-way permit or revocable lease to use the public right-of-way for outdoor seating?

No, not for temporary outdoor expansion seating.

21. What if a city project or private development project has already pulled a right of way permit for a particular area or location?

Work that the city has previously reviewed and/or approved would take priority over a newly received request for additional outdoor seating. Both may be accommodated, depending on the actual proposal and timing of the closures (e.g., construction by day, dining in the evenings). Restaurants maybe required to remove or modify their use of the ROW to allow access for maintenance and operations of existing utilities.

USE OF PARKING LOTS & PRIVATE PROPERTY

22. Can I use a private parking lot or a portion of a private parking lot, on the same property, for this program?

Yes, the city's minimum parking requirements have been suspended to support this program. Privately-owned parking areas adjacent to your business may be used for patio seating. A letter from the property owner is required to authorize use of parking areas. A sample approval letter from a landowner/landlord is available [here](#). Vehicle circulation routes, points of vehicle ingress and egress and emergency access lanes. If accessible parking spaces are impacted, they must be replaced in an appropriate location, at a 1:1 ratio. Other requirements found under 'What type of outdoor seating elements are allowed?' below also apply.

23. I don't have a parking lot to use. Can I use an adjacent parking lot on a separate property?

Yes, with written permission from the property owner. A sample approval letter from a neighboring property owner is available [here](#). Refer to 'Can I use a parking lot or a portion of a parking lot, on the same property, for this program?' above for additional guidelines.

24. Are there other areas on private property that can be used for temporary outdoor seating?

Yes, hardscaped areas or areas of turf on private property can be used for temporary outdoor seating. In order to preserve established landscaping, planted areas should not be used.

25. Do I need to provide additional parking for the new expanded outdoor area of my business?

No, all parking minimums have been suspended for temporary patio seating expansions. However, a letter from the property owner is required authorizing the use of parking areas by a single tenant. A sample approval letter from a landowner/landlord is available [here](#).

26. Can I use parking spaces on private property exclusively for temporary pick-up and delivery parking?

Yes, however, a letter from the property owner is required to authorize use of parking areas. A sample approval letter from a landowner/landlord is available [here](#).

OUTDOOR SEATING AREA DESIGN & OPERATIONS

(for public & private property)

27. What are the allowed hours of operation for the temporary outdoor expansion?

Subject to adjustments required by the State of Colorado, Boulder County or the City of Boulder, temporary outdoor patios are required to close by 10 p.m. Sunday through Thursday and by 11 p.m. Friday, Saturday, and federal holidays. *Note: These hours apply to the new, temporary outdoor patio*

space only. Existing permanent patios that have been approved may follow the previously permitted hours.

28. Are temporary outdoor expansion set ups allowed to remain in place overnight?

Yes, expansion areas may be left in place outside of business hours. All furnishing must be capable of being easily removed or brought in each night but may be locked and/or secured outdoors to prevent movement or theft.

Applicants should be aware that Boulder is prone to extreme year-round wind events with gusts that can exceed over 80 miles per hour. Temporary lightweight items like umbrellas, small planters and other ornamental elements should be removed nightly. Lightweight temporary tables and chairs should also be brought in nightly unless they can be stacked and secured with steel cables or other suitable means. More substantial seating elements like picnic tables may remain overnight.

Temporary enclosures may remain in place but must be properly anchored with ballasts or stakes to withstand local wind loads.

Temporary barriers may remain in place overnight if they are ballasted with sandbags or other means. Please note the use of stakes in the city right-of-way is not allowed. Heavy planters and other substantial temporary barriers may also remain outside overnight.

The city reserves the right to require removal and/or remove items in the right-of-way at any time for any reason.

29. The outdoor seating area is in the floodplain. What are the restrictions?

If your temporary outdoor area is in the Conveyance or High Hazard Zone, please contact the floodplain administrator in Planning and Development Services for more information. Additional limitations to what can be placed in these zones may apply and a floodplain development permit application may be required. Winter outdoor expansions are allowed within the 100-year and 500-year floodplains that are outside of the Conveyance or High Hazard flood zones, per the city managers orders. To determine if you are in a floodplain see:

<https://bouldercolorado.gov/flood/floodplain-maps>.

30. Can I provide a platform or decking for seating areas?

Yes, they are allowed on private property only, no decks or platforms in the public right of way. Ramps may be required to meet ADA requirements for access to deck and platform areas. See additional information on ADA requirements below.

All decks and platforms must be anchored to prevent movement from wind load. Underground utilities must be located prior to installing decks and platforms. Any such structures may not obstruct easements or underground utilities and must be located at least 18 inches from closest underground utility lines.

The height of deck or platform may not exceed 7 ¾ inches in height, or one step. Plans to install a deck or platform require submittal of a framing plan and are subject to a review process that may take an estimated three business days to review depending on staff availability.

31. What types of outdoor seating elements are allowed?

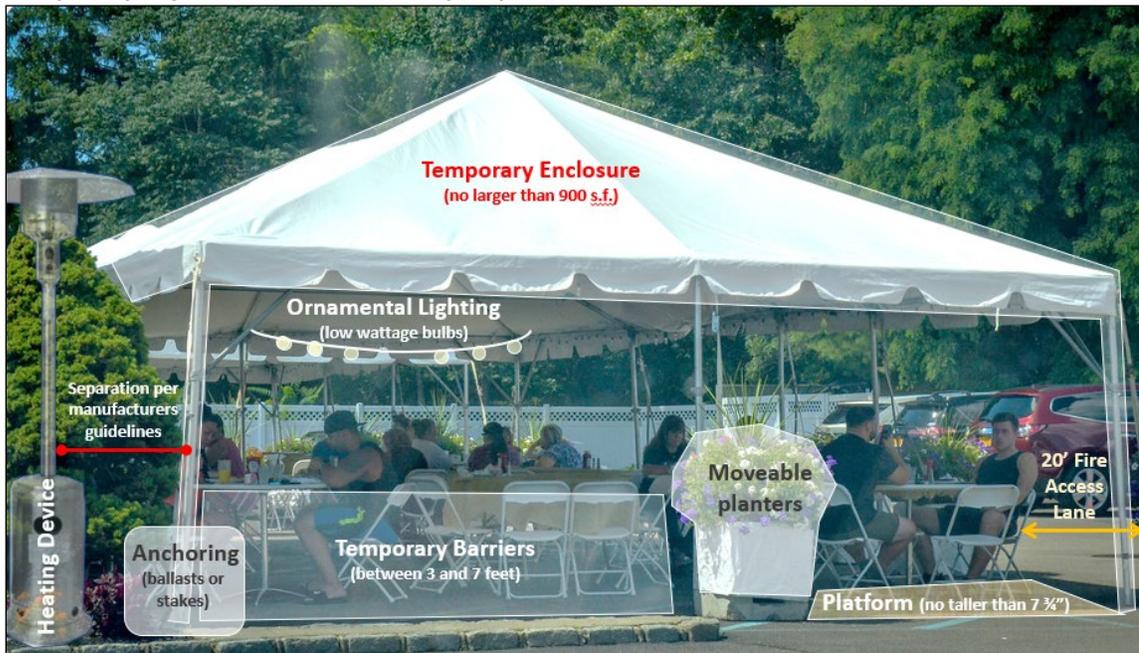
Restaurant operations and temporary outdoor seating must be consistent with the [State of Colorado's Guidance for Safer at Home: Restaurants & Food Services](#) issued on September 22, 2020 (table spacing, max number of patrons per table, cleaning protocols, etc.).

The following are permitted in temporary outdoor seating areas:

- Removable tables, benches and chairs.
- Umbrellas.
- Temporary enclosures (tents, canopies, yurts, domes, etc.) at grade.
- Moveable planters.
- Platforms or temporary decking on private property.
- Temporary barriers and methods of containment of all kinds (pallets, temporary fencing and railings, planters on wheels, etc.). Businesses with liquor licenses must demonstrate they can control their premise in accordance with state statute and rules. Event fencing, railings, or planters of at least 3 feet in height are required to create containment of the alcohol licensed premises however, all outdoor seating areas are encouraged to use some form of barrier to any adjacent street traffic.
- Rugs and or artificial turf.
- Ornamental lighting (additional information below).
- No chalk or paint may be used on sidewalks, streets or parking areas as they violate the city's stormwater discharge permit however, tape may be used.
- Murals and art on barriers and containment devices (chalk cannot be used for murals).

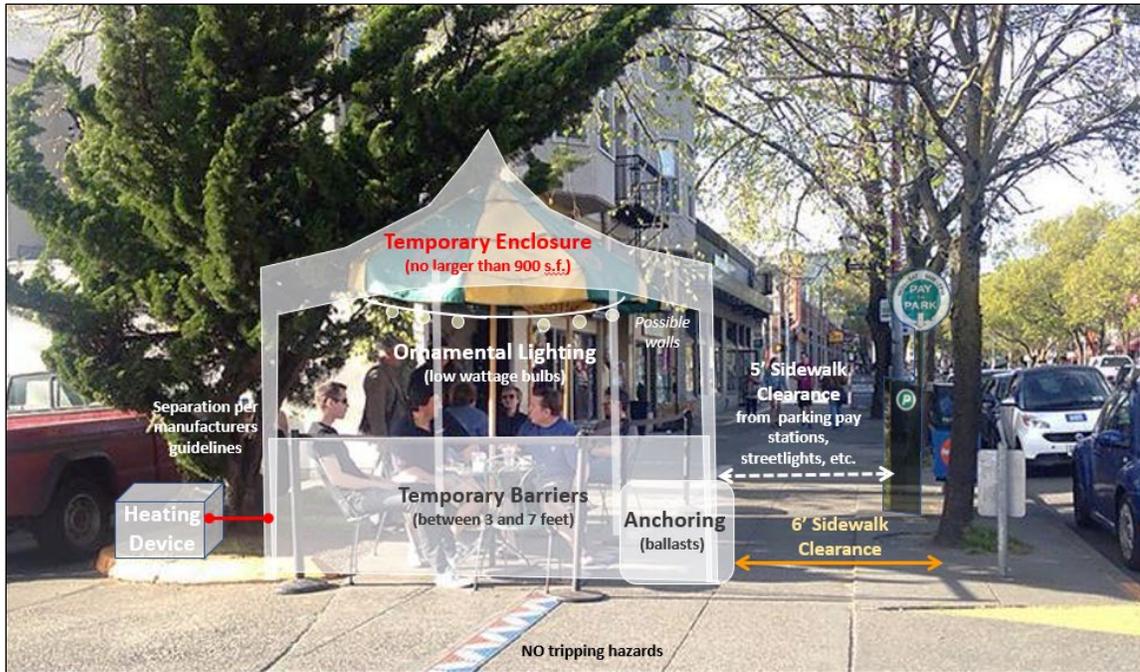
Examples:

Temporary Expansion on Private Property



Source: "covid solution" by Eric Ray

Temporary Expansion in Public Right-of-Way



Source: Seattle Department of Transportation

32. Is additional commercial signage allowed?

No additional temporary signage will be permitted. The city's code defines sign as "any object or device or part thereof situated outdoors or in an exterior window which is used to advertise, identify, display, direct, or attract attention to an object, person, institution organization, business, product, service, event, or location by any means, including, without limitation, words, letters, figures, design symbols, colors, sculpture, motion, illumination, or projected images". Murals and art are encouraged.

33. Is amplified music or live entertainment permitted?

Live and/or amplified music and entertainment is subject to existing land use approvals, city noise ordinance requirements, and other city emergency orders.

34. Are fences allowed in temporary outdoor seating areas?

Fences and other temporary barriers not exceeding 7 feet in height are allowed but must be properly secured to prevent the barrier from becoming a wind-blown projectile or overturning. Ballasts should be used for any barrier in the city right-of-way (no stakes). Ballasts should be weighted according to the manufacturer's installation instructions. Ballasts should be located close to the base of the barrier. Ensure that stakes and guy lines on private property do not pose a tripping hazard and that ballasts do not have any sharp edges that could cause injury.

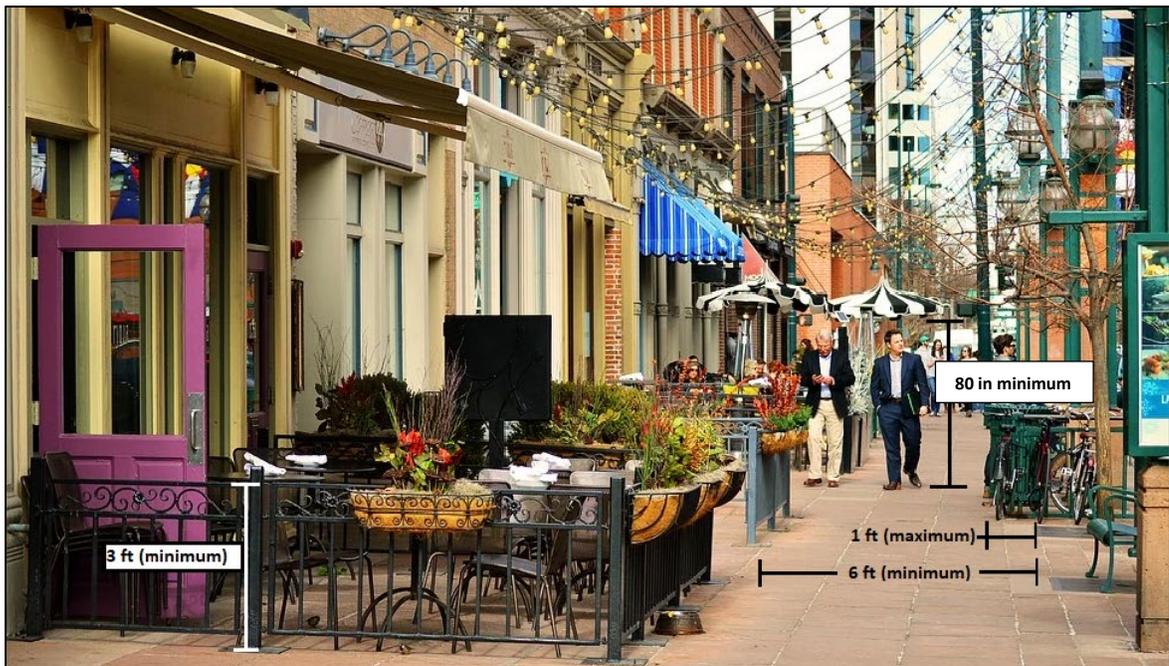
35. Can these patios be used for standing areas, outdoor yard games, movies, live entertainment, etc.?

No, outdoor seating areas established or expanded under this program can only be used for sit-down dining. They cannot be used for standing or waiting areas, as these would promote gathering/congregating. They cannot be used for yard games or other similar activities that would encourage people to congregate or share equipment. You should continue to monitor guidance

from the State of Colorado Department of Public Health and Environment and Boulder County Public Health on when and how to allow these activities.

36. What clearances need to be maintained around outdoor patio seating areas?

- “Cafe style seating” may be used on public sidewalks. However, a clear minimum 6-foot wide pedestrian path is required.
- Existing parking kiosks, bike racks, etc. may encroach into the 6-foot wide pedestrian path by up to one foot over a distance of not more than 5 feet, and where such encroachments are separated by a minimum of 20 feet along the pedestrian path. At a minimum, 5 feet of clearance must always be maintained.



Source: Quinn Kampschroer

- Tables, temporary enclosures, canopies, domes, chairs, barriers, carpet, and artificial turf may not obstruct access to manholes, valve boxes, drain pans along the curb, fire hydrants, building fire department connections, or storm water inlets.
- If you are operating on a street that is closed or the Pearl Street pedestrian mall, you must always provide 20 feet of clear passage for emergency access.
- In areas where the street is closed, the space between the existing establishment and the temporary seating area may have pedestrian traffic, but no vehicle traffic is allowed for the safety of service staff and patrons.

37. I have an approved use review for my restaurant. Do I need to apply to modify this approval?

No. Since expansions are intended to be temporary in nature and meet public health orders no review or application is necessary to modify existing site and/or use reviews. Existing approved outdoor patios will be required to meet the conditions of the previous approval(s). The expanded areas will need to meet the standards described in this document for temporary seating areas.

38. Does the ADA require outdoor seating to be wheelchair accessible?

Yes, local and federal accessibility codes generally require accessible restaurant seating. However, 75 percent of the seating proposed is required to be accessible to wheelchair use, including ramps to elevated surfaces. Ensuring ADA accessibility in any temporary outdoor expansion area will be the sole responsibility of the business owner.

39. I have an existing outdoor seating area adjacent to a building. Can I enclose this area? Can I put walls on a covered patio?

Yes, if all egress paths/components and ADA accessibility/components are not affected. A three-foot separation must be maintained between tents, enclosures, existing buildings and doorways.

40. What electrical elements can I have? Can I use the city's outlets in the public right of way?

The following elements are permitted:

- Ornamental lighting.
- Solar / battery powered lighting.
- Extension cords or protective coverings (yellow jackets) that meet the following:
 - Extension cords that run over head must be at least 10 feet in height above pedestrian paths and 15 feet above fire lanes.
 - Extension cords on are not allowed to be run on the ground across vehicle travel lanes and pedestrian paths.
 - Listed heavy duty usage, three-pronged and a minimum of 12 gauge in good condition.
 - Must be GFCI protected and protected from weather.
 - Extension cords are directly plugged into the outlet and are limited to one cord per outlet. Multiple cords may not be chained together.
- Operators may not utilize the public outlets in the public right of way.
- Heating device load demands must not be exceeded for electrical circuits. All equipment must be used according to UL listings and manufacturer's instructions. Circuits must be GFCI protected.
- A licensed electrical contractor will be required to be listed as part of application for anything other than a listed cord and plug connected circuit/device (AKA plug and go). A separate electrical inspection will be required.

41. What are the limitations on the use of generators?

Generators must be installed and used according to the manufacturer's installation and use instructions.

42. What are the limitations on the use of outdoor lighting?

Ornamental lighting with low wattage bulbs is permitted. No fixture may be greater than 50 lumens. Per the city's sign code, lighting may not flash, move, rotate, scintillate, blink, flicker, vary in intensity, vary in color, or use intermittent electrical pulsations. Holiday lighting displays are exempted from these limitations from Nov. 15 to Jan. 30.

TEMPORARY ENCLOSURES: TENTS, CANOPIES, YURTS, DOMES

43. Are tents, canopies, yurts, domes, or other similar structures allowed in temporary outdoor seating areas?

Temporary structures to provide shelter from the elements are allowed at grade but must be properly secured to prevent the tent from becoming a wind-blown projectile. Tents or canopies are not allowed on rooftops. Ballasts should be used for any tents or canopies in the city right-of-way (no stakes). Ballasts should be weighted according to the tent manufacturer's installation instructions. Ballasts should be close to the legs of the tent and attached to the eaves of the canopy. Ensure that stakes and guy lines on private property do not pose a tripping hazard and that ballasts do not have any sharp edges that could cause injury. Grills, cooking equipment and fuel burning heaters of any kind are not allowed inside temporary enclosures.

44. How large can the temporary enclosure be? What is the maximum occupancy of a tent?

Temporary enclosures not exceeding 900 square feet are eligible for immediate issuance. Temporary enclosures exceeding 900 square feet will require additional review. Temporary enclosures may operate at 50% capacity, not to exceed 49 people, whichever is fewer, per room, so long as each table is at least six feet apart. Multiple tents may be installed with a three-foot unobstructed path around each separate enclosure. Occupancy limits for temporary enclosures must meet all public health orders on occupancy for outdoor and indoor seating based on the design of the enclosure. Refer to local guidelines and Colorado State.

45. Can the temporary enclosure be enclosed or have walls?

Refer to state guidance on "indoor seating" in the State of Colorado Department of Public Health and Environment's guidance on [Temporary Outdoor Structures for Restaurants and Events](#). The design of the tent will determine the seating capacity.

46. What do I need to do to anchor the temporary enclosure?

Temporary enclosures must be weighted, anchored or secured to the ground, but cannot be anchored with stakes in the public right of way (i.e. on streets or sidewalks). Tents should be anchored according to manufacturer's instructions for ballasts or stakes and capable of withstanding local wind loads.

47. How can heat be supplied to tents and enclosures?

The following heating devices are permitted, subject to specific operational regulations:

1. Electrical Heaters

- Load demands must not be exceeded for electrical circuits. Example: Only one 16-amp heater could be plugged into a dedicated 20-amp circuit.
- All equipment must be used according to UL listings and manufacturer's instructions.
- Circuits must be GFCI protected
- Heating equipment should be unplugged or disconnected for overnight storage.
- Other than cord and plug connected appliances used in accordance with listing, electrical heating devices/appliances must be installed by a licensed electrical contractor.

2. Gas Heaters

- Not allowed inside the tent or similar enclosure. All propane heaters must sit outside the tent in open and uncovered areas. Heat must be supplied by duct connection through the tent wall.
- Must be used according to manufacturer's installation and use instructions.
- Carbon Monoxide alarms must be provided inside the tent/temporary enclosure. Battery powered is acceptable.

Solid fuel heaters or burning devices (e.g. wood, pellets) and open flames (e.g. fire pits, candles) are NOT allowed under any circumstances.

The establishment must maintain clearance between heaters and all other objects, including tent sides. Required minimum clearance distance depends on the heating device manufacturer's guidelines and/or installation guide.

48. What are the considerations regarding storage of propane tanks?

Spare propane tanks must be stored outside, on grade, and in a suitable enclosure or otherwise protected against tampering. Protection means tanks are nested and tethered to the wall, ideally in cage enclosures. Tanks may not be located on rooftops.

49. What do I need to submit to demonstrate fire resistance?

All tents must have a fire-resistant certification or flame certification showing material is fire-rated or noncombustible. A label shall be permanently affixed to the structure identifying the flame-retardant properties of the material. Tents or membrane structures and their appurtenances, which include sidewalls, drops, tarpaulins, and combustible decorative materials shall be composed of flame-resistant material or shall be treated with a flame-retardant material in an approved manner.

50. How close can a temporary enclosure be to a parking area?

Temporary enclosures like tents must be located at least 20 feet from parked vehicles. Supporting ropes and guy wires are considered as part of the tent or membrane structure when determining distance.

51. Can I apply for more than one temporary enclosure with one application?

Yes. All proposed enclosures must be applied for via a single application.

52. What are the considerations for snow load?

During hours of operation, temporary enclosures must be cleared of accumulated snow in excess of one inch, and all ventilation openings must always remain clear and fully operable.

53. What wind loading should my temporary enclosure be able to withstand?

For any temporary enclosures that will remain in place for the duration of the program, a demonstration of compliance with City of Boulder's adopted Wind Speeds will be required at application. Per the Colorado Front Range Wind Table, the ultimate design wind speed shall be 165 mph for areas west of Broadway Street and 150 mph for areas east of Broadway Street.

BUILDING PERMITS

54. The temporary expansion program for cold weather seasons is being permitted through Temporary Event Permits. When is an additional full Building Permit required?

A building permit is required for any permanent modifications to the building require a building permit and for use changes proposed to extend beyond the timeframe captured by the BBRE program.

55. What is the review process for building permits associated with this program?

Any work requiring a full building permit would undergo the standard review process. It is acceptable to apply for some temporary changes through the BBRE application while the building review is being processed.

56. What if I need to make changes to my mechanical or electrical systems?

Single trades permits can be issued within 3 business days and can be applied for through the temporary expansion application.

BUSINESS/LIQUOR LICENSING AND PUBLIC NOTICE POSTINGS

57. Do I need state approval?

Current liquor license holders, who did not participate in the spring expansion, and are in good standing with your state-issued liquor license, will need to file an application for a Temporary Modification with the city's Licensing Authority.

- The city's Licensing Authority will submit applications to the state for expedited and concurrent review. The fee for filing a temporary modification is \$150 payable to the State of Colorado online.

Restaurants without an existing liquor license (your establishment does not currently serve alcohol) will need to apply for a new liquor license. More information can be found [here](#).

If you currently have an approved temporary liquor license premise modification from the spring expansion, then you are **not** required to reapply unless you are modifying the location of the service area or adjusting the square footage.

- Adding a tent or other type of temporary enclosure over your existing approved service area for example would not require a new application.

58. Is there a posting requirement?

The state has temporarily allowed for a modified posting requirement from ten days to three days. Once a complete application for a Temporary Modification is received, the city's Licensing Authority will email the applicant a public notice. Applicants must print and post the notice on their front door so that it is visible to the general public from the outside of the location. This modification posting is to notify the neighborhood of the change of the liquor license and provide an opportunity to provide feedback which may necessitate changes to the submitted plans.

59. What is necessary to maintain a liquor license in the temporary outdoor seating area?

The following items are necessary:

- Temporary barriers of all kinds and/or moveable planters are allowed and may be used to establish containment around the entire perimeter for liquor licensed premises. All barriers

must be between 3 feet and 7 feet in height and must be removed easily.

- Signs stating “No Alcohol Beyond this Point” are required at all ingress and egress points to the contained liquor service areas.

60. When can I begin serving alcohol in the expansion area?

Restaurants serving alcohol must receive state approval through the City of Boulder Liquor Temporary Modification process (for existing liquor licenses) or through the New Liquor License process (for restaurants who do not have an existing liquor license) prior to commencing alcohol service in the expanded area.

MAINTENANCE AND OPERATIONS

61. How do I plan for inclement weather?

All onsite materials, enclosures and structures must be used in compliance with the manufacturer’s specifications and within their limitations for inclement weather especially as it pertains to ice, snow, rain, and wind. We highly recommend that you make the specifications available on site and train your staff to read and reference the specifications in case of inclement weather or an emergency.

62. What are the operator’s responsibilities for snow removal?

Operators are required to provide all snow removal necessary to keep ventilation and egress areas clear of snow, ice, and other obstructions. The city will not be providing additional snow removal for public areas and responsibility continues to be the responsibility of the property owner(s) and/or operator(s). Snow should not be placed in streets, walkways, egress paths or any doorways and should also consider Colorado’s freeze thaw cycles and be placed so that icing does not create safety hazards.

63. Is an operator responsible for providing trash and recycling receptacles?

Operators are required to provide receptacles in the outdoor seating area for trash, recyclables and compostable collection in accordance with Boulder’s Universal Zero Waste Ordinance.

ADDITIONAL ASSISTANCE

64. Who do I contact with questions?

Please contact BoulderBusinessRecovery@bouldercolorado.gov with questions.

65. Is there assistance available for non-native speakers of English?

If English is not your first language, and you believe you need an interpreter, or you need to have documents translated from English to your native language to enable you to have a clearer understanding of the program please call 303-441-1905.

Asistencia en Español

Si en ingles no es su primer idioma y usted siente que necesita de un interprete, o que necesita la traducción de un documento del ingles a su idioma nativo para poder entender claramente este programa, comuníquese con la Cámara de Comercio Latina del Condado de Boulder con Berenice Garcia Telle, info@latinochamberco.org o 720-238-6799.