

Temporary Outdoor Business Operations & Interior Modifications

Revised May 20, 2020

As of May 9, 2020, the City of Wheat Ridge is following the Jefferson County Public Health (JCPH) Safer-at-Home order. Under this order, some businesses may reopen following specific State and County guidance. JCPH has issued [FAQs](#) that direct businesses to coordinate with the City, specifically pertaining to outdoor operations and interior modifications; this document provides guidance on those two topics.

The City acknowledges that businesses may want or need to expand into outside space. This guidance summarizes temporary relief being offered through October 31, 2020 by Wheat Ridge Executive Order 2020-2. In short:

- **Outdoor space is permitted for business operations on private property;**
- **In most cases, permits are not required; and**
- **The City's review of liquor license premises modifications will be processed administratively.**

Note: This guidance and the relief offered by Executive Order 2020-2 are subject to change. These guidelines may be used in preparation for reopening but in no way allow business operations which are not otherwise authorized by the State and County. Reopening of bars and restaurants for on-premise dining (inside or outside) will be determined by the State and County; use this guidance in conjunction with State and County rules.

Outdoor Operations:

- **Temporary tents** are permitted on private property:
 - Tents must be weighted down; 40lbs per leg for 10x10 tents and more for larger tents.
 - Tents must be open on at least three sides during business hours.
 - Any activity within a tent must comply with social distancing requirements.
 - Any single tent larger than 400 square feet requires a building permit from the City.
 - Permits may be required by the Fire District depending on the configuration:
 - No permit is needed if the tent is 400 square feet or less.
 - No permit is needed if the tent is 700 square feet or less *AND* is open on all four sides *AND* is 12 feet from another structure or tent. In this scenario, the size is measured as either a single tent or the aggregate size of multiple tents placed side by side.
 - In all other scenarios, a permit from the Fire District is required.
 - If a business chooses to erect tents, there is no maximum on the size or number of tents so long as it does not exceed the square footage of the building.
- **Temporary outdoor space** is permitted on private property, for patios, dining, retail, or service:
 - Outdoor business functions may occur on hard surface areas, including but not limited to parking spaces or other paved areas.
 - Outdoor business functions may occur in grass/turf areas, but not in rock, mulch, or planting beds.
 - Outdoor business functions may not occur in the right-of-way or on City-owned property except that public sidewalks or property may be used as a path of travel between the indoor and outdoor business operations.
 - Businesses should obtain property owner permission for any modification or use of outdoor space.
 - The area of the outdoor business function should not exceed the area of the indoor business. For example, if a business has 1,000 square feet inside, they may have up to 1,000 square feet outside.
 - Outdoor space must be demarcated if it has been included in a liquor license premises; see below.
 - Vehicle parking spaces may be repurposed for bicycle parking.
- Use of **public property or right-of-way** for outdoor operations may be considered on a case-by-case basis, particularly where alternatives are limited. Contact the Engineering Division at 303-235-2861.
- Building permits are required if **permanent electrical** is installed outside.

- The City acknowledges and encourages businesses to accommodate **curbside pickup of food** and retail purchases. Note that curbside delivery of alcohol is temporarily allowed by the State's emergency regulation 47-1101.
- **Outdoor display** is already permitted by code within 10 feet of the front door (Section 26-631) and does not expire on October 31.
- **PLEASE BE SMART!** For all outdoor activity, don't block sidewalks, ADA parking, drive aisles, emergency access, sight distance, or right-of-way; and don't create tripping hazards (eg with extension cords). Follow manufacturer guidelines for any temporary improvements, such as tents or portable heaters.

Liquor Licenses:

- For businesses with an active liquor license, an **outdoor area may be temporarily added** to the licensed premises on private property:
 - A premises modification application must include the DR8442 form, property owner permission, a diagram of the existing premises, and a diagram of the proposed premises. Applications may be submitted electronically to cityclerk@ci.wheatridge.co.us.
 - If City-owned property (such as sidewalks) separate the indoor and outdoor premises, licensees must attest that liquor will not be consumed on the sidewalk or City-owned property. Additionally, the premises modification shall include either an endorsement on the relevant commercial liability policy naming the City as an additional insured, or an indemnification in a form approved by the City Attorney.
 - Outdoor premises should be clearly marked by temporary access control (for example, by stanchion, rope, hay bale, planter, and/or paint). Signs must indicate "no alcohol past this point."
 - Wheat Ridge Executive Order 2020-2 waives the City's \$75 administration fee and allows for administrative approval by waiving the need for a hearing at the Liquor License Authority.
 - Subsequent to City review, the State Liquor Enforcement Division (LED) will review the application. LED Bulletin 20-07 reduces the application fee to \$150 and allows for electronic payment and submittal. Licensees may not operate in temporary outdoor areas until approval is received.
 - After the modified premises is approved by the City and State, upon request, the City will send reimbursement for the \$150 State application fee.
- **Curbside delivery** of alcohol is temporarily allowed by the State's emergency regulation 47-1101.

Indoor Modifications:

- No building permit is required for installation of Plexiglas barriers, such as at checkout counters.
- Refer to City regulations to learn when building permits apply. Generally, cosmetic changes do not require permits, but new construction, additions or alterations do need permits, including for permanent awnings, electrical changes, moving walls, demolition, and interior remodel; see below.

Resources:

- Review the Jeffco Safer at Home order and guidance: <https://www.jeffco.us/4047>
- Apply for a liquor license modification: <https://www.ci.wheatridge.co.us/PremisesModification>
- Apply for a building permit: <https://www.ci.wheatridge.co.us/BuildingDivision>
- Apply for a business license: <https://www.ci.wheatridge.co.us/BusinessLicensing>
- Find COVID resources for businesses: <https://www.ci.wheatridge.co.us/BusinessSupport>
- Review State liquor rules: <https://www.colorado.gov/pacific/enforcement/liquor>