



CITY OF FORT MORGAN  
COUNCIL POLICY  
By Motion  
July 6, 2010

## POLICY FOR REVOCABLE RIGHTS-OF-WAY PERMIT REQUIREMENTS

**1. Location of Property.** Property must be zoned for commercial and business uses. For the terms of the revocable rights-of-way permit a permissible area within the public rights-of-way are as defined in Section 25-14. Rights-of-way, such as alleys, streets or other places, with limited physical capacity and/or utilized for vehicular traffic within the right-of-way will not be permitted.

**2. Construction and Maintenance.** The construction, installation and/or maintenance or any artificially constructed barrier made of wood, masonry, metal, stone, wire, metal or other manufactured material or combination thereof, such as railings, posts, outdoor furniture, other encroachment within, or upon any public right-of-way requires approval from the city. Public rights-of-way are held by the City in trust for public use to ensure the health, safety, and welfare of the residents of the City. The City may determine from time to time at its discretion to issue a revocable permit subject to specific requirements for certain encroachments into public rights-of-way that do not adversely affect its present or future use. Proposed encroachment(s) shall be installed such that they are capable of being removed within five (5) days and return the area to the original condition should the permit be revoked.

**3. Application Fee.**

a. Revocable Permit

i. All encroachments	\$50.00
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Note: A separate Public Works/Rights-of-Way permit and process is acquired prior to constructing infrastructure and fixed structures within public right-of-way.

**4. Insurance Requirements.** For encroachments in public right-of-way:

a. Public Liability minimum limit	\$150,000 per person \$600,000 per accident
b. Public Property Damage minimum limit	\$100,000 per accident

The applicant is required to maintain liability insurance for the life of the encroachment. Failure to obtain and maintain insurance will result in revocation of the

permit. **Applicant shall provide a certificate of insurance signed by a qualified insurance company agent showing valid public liability and property damage insurance naming the City as an additional insured.** The certificate must show the liability limits, the policy number, and name of the insurer, the effective date and expiration date. The certificate must have an endorsement requiring ten (10) days notice by mail to the City Manager before the insurer may cancel the policy for any reason.

**5. Removal of Encroachment.** Encroachments placed within a public right-of-way constitute a public nuisance that may be removed by the City at the cost of the owner. Whenever an encroachment exists without prior City approval or should a permit be revoked or expired, the City will notify the property owner or responsible person to remove the encroachment within a reasonable time. If the owner or responsible party fails to remove the encroachment, the procedure listed in Section 25-1 (b),(c), and (d) shall be followed.

**6. Use of Encroachment.**

- a. Must be a subsidiary use to the primary use of the property.
- b. Shall be sensitive to the surrounding area.
- c. Must insure that the primary purpose of the right-of-way and passage of public pedestrian traffic is maintained to the greatest extent possible.

## **REVOCABLE PERMIT APPLICATION REQUIREMENTS**

1. A Revocable Permit application must be completed and submitted to the City Manager for review. **The following information must be attached to the application:**
  - a. Letter outlining the reason for the encroachment.
  - b. A plan and section drawing or sketch showing all existing and proposed encroachment in relation to surrounding structures, utilities and surface features. The plan shall show features such as signs, planters, light/power poles, meter boxes, grates, furnishings, landscaping, patios, awnings, and adjacent buildings.
  - c. Total square footage impact calculation for the improvement area.
  - d. Encroachments must consider a minimum four (4) foot unobstructed pedestrian travel path. Additional width may be required by the City at its discretion.
  - e. Material shall be of high quality, durable and sensitive to the surrounding area.
  - f. Material shall not be permanently constructed and/or installed. Items, such as railings, shall be affixed such that they can be removed with minimal impact to the area.
  - g. Outdoor seating areas:
    - i. Glass containers or place settings shall be allowed in the designated seating area so long as immediate cleanup of any broken glass or other debris is made after it is discovered by a person responsible for the premises. .

- ii. If alcohol is served in seating area within the right-of-way, the applicant must meet all other requirements set forth by the Liquor License Authority. A revocable permit will be issued conditionally to the applicant so that the liquor license can be revised. However, no improvements will be allowed to be constructed in the right-of-way until the proper premise revisions are approved for the liquor license.
- iii. Furnishings shall be movable.

## **APPROVAL PROCESS**

1. Application, required fee, and required information are submitted to the City Manager for review.
2. The application shall be reviewed by the City Manager and City Staff for compliance to the requirements set forth for a revocable permit.
3. The application will be approved or denied based upon compliance with the requirements set forth herein.
  - a. For seating areas in the right-of-way that propose to serve alcohol, a revision to the liquor license of the establishment must be approved by the Liquor Licensing Authority prior to constructing any encroachment in the right-of-way. A revocable permit will be issued conditionally to the applicant so the premises can be revised in the liquor license.
4. A license will be mailed to the business owner within three (3) days of the applications approval. All original documents shall be maintained by the Office of the City Clerk.



**City of Fort Morgan**  
**Revocable Right-of-Way Permit Application**  
**Property Must be Zoned for Commercial and Business Uses**  
**Please Allow Two (2) Weeks for Review of Application**

Request Type:  New  Amend Existing Permit/Encroachment

Encroachment Type: (Check All that Apply)

Planters, Benches, Décor, Etc.  Awning  Sidewalk Sign  Projecting Sign  
Fin/Marquee/Hanging/Canopy/Awning

Outdoor Seating to Serve Food & Beverage  Other  Sidewalk Sale  
Annual Permit Separate from  
Other Encroachment Types

With Liquor\*  Without Liquor Explain:

\*Liquor License or amendment to existing license  
required, and must cordon off for controlled access.

Business Name: \_\_\_\_\_

Business Address: \_\_\_\_\_ Zoning District: \_\_\_\_\_

Applicant Name(s): \_\_\_\_\_

Phone No. \_\_\_\_\_ Email: \_\_\_\_\_

Property Owner Name(s): \_\_\_\_\_  
(If Different than Applicant)

Phone No. \_\_\_\_\_ Email: \_\_\_\_\_

The undersigned agrees to comply with the terms and requirements of the City of Fort Morgan established for a revocable permit. Furthermore, the undersigned fully understands and agrees that City Council may revoke the permit without cause if granted. Before issuance of the permit, the undersigned shall pay all required fees and furnish a Certificate of Insurance equal to the amount shown in application requirements. Should the permit be revoked, the undersigned shall have five (5) days to remove all encroachments within right-of-way and return the area to the original condition.

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Property Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
(If Different than Applicant)

Submit Application to the Planning & Zoning Department at 110 Sherman St. along with all required documentation, based on the type of encroachment as indicated in the policy, including, but not limited to a letter outlining the reasons for the encroachment, a plan/sketch/drawing as explained in the policy, and a Certificate of Liability Insurance for the required amounts with the City named as an Additional Insured and a Certificate Holder.

<b>CITY USE ONLY</b>		Date Submitted: _____	<b>\$50.00 Fee</b>	Payment Type: _____
<b>City Manager has Final Approval</b>		<b>Other Department Approvals (If Required)</b>		
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	Pullic Works Director/P&Z	Utilities Director	_____
Denial Reason: _____		Chief Building Official	Chief of Police	_____
Date: _____		City Clerk _____		
<b>City Manager Signature</b>				

**City of Fort Morgan Planning & Zoning Department**

110 Sherman Street • P.O. Box 100 • Fort Morgan, CO 80701 • (970) 370-6574 • [www.cityoffortmorgan.com](http://www.cityoffortmorgan.com)