

PUBLIC WORKS

RULES & REGULATIONS

OF THE MANAGER OF THE DEPARTMENT OF PUBLIC WORKS, CITY & COUNTY OF DENVER

Adopted Pursuant to Article II of
the Charter of the City & County of
Denver and Section 2-91 et seq. of
the Revised Municipal Code

Department of Public Works,
Development Engineering Services

*Rules & Regulations
For
Minor Encumbrances Allowed in the
Right-of-Way*

Version Date August 30, 2005

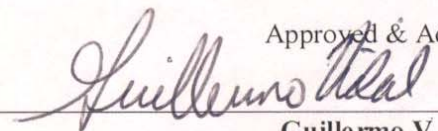
Date Advertised	September 1, 2005
In (Publication)	<i>The Daily Journal</i>
Public Hearing Date	September 27, 2005

Approved as to form:



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Guillermo V. Vidal
Manager of Public Works

October 1, 2005

Effective Date

Section I: Introduction

Purpose of this document: The purpose of this document is to identify and define various minor encumbrances that are commonly placed in the public right-of-way, adjacent to private property, and to help identify when certain permits are required in the City & County of Denver, whether in the Department of Public Works or in other departments when placing these minor encumbrances in the right-of-way (ROW). The general if an encumbrance is eight feet off the ground and will not be positioned more than five feet off of the building face into the ROW it is not considered a hazard to the Public if installed with the proper permits as shown in Sections II and IV.

Every item listed as minor in this document will require a Public Works Occupancy Permit and or a Public Works Construction Permit. The City Traffic Engineer and/or their designee may waive the requirement for the Public Works Occupancy Permit. The Manager of Public Works and/or their designee may waive the requirement for the PW Construction Permit. Contact the PWDES Construction Engineering Section for evaluation and determination.

The Department of Public Works, Development Engineering Services (PWDES) has determined that as stewards of the public ROW there are four evaluation concepts or goals to consider *prior* to placing encumbrances in the ROW.

The four evaluation concepts or goals are:

1. **Sight Distance Safety Issues:** Encumbrances must not create sight distance problems for pedestrians, bicycles, vehicles, and traffic, and must comply with the standards published by the American Association of State & Highway Traffic Officials (AASHTO) and all other Denver directives for sight distance standards;
2. **Access Issues:** Encumbrances cannot create access problems to the public rights-of-way;
3. **Safety Issues:** Encumbrances cannot create safety hazards;
4. **Drainage Issues:** Encumbrances cannot obstruct the existing drainage that may cause a problem on the ROW. Water must not collect on sidewalks, street or alley nor conflict with Section 49-554 of the Denver *Revised Municipal Code*.

In addition to the above four evaluation concepts or goals, the following considerations are additional requirements that must be fulfilled prior to placing any minor encumbrance in the ROW.

Considerations:

- These standards will be publicly posted and citizens or business customers who desire to place items in the ROW shall follow these standards and purchase the necessary City permits. Variations beyond the descriptions and parameters of this regulation will require an additional plan review and/or a Major Encumbrance (previously known as Type "A" permit) or a Public Occupancy Permit.
- Any encumbrance placed in the ROW in accordance to these standards or not, may be ordered at the discretion of the Manager of Public Works or designee, to be removed from the ROW at the sole expense of the property owner.

- The following detailed standards are here to assist in making the cities' ROW a safe place for people and vehicles. The use of the ROW does not create a property right or interest of any kind and may be revoked without cause at the discretion of the Manager of Public Works or designee.
- Attached is a listing of the permits (Section IV) required in order to place encumbrances in the public ROW available in Public Works and other departments as understood by the authors of this document. Applicants requiring use of the ROW will need to address other agency concerns as mentioned in this document. It is not the intent to cover in this document standards and guidelines of other City agencies &/or departments, however best efforts have been made to refer applicants to those agencies &/or agencies as appropriate.
- The Department of Public Works shall have additional permits (Major Encumbrances Type A permit) for larger more permanent items or items that fall out of the parameters of these rules or for any item in the ROW not specifically covered in this document.
- If any proposed encumbrance is to be placed on a Parkway, trail, or adjacent to Parks-owned land, contact the Department of Parks & Recreation as a plan review and/or permit issuance may be required. Please consult the Department of Parks & Recreation for a listing of parks, parkways, and/or trails.
- All encumbrances are subject to periodic inspection by PWDES inspection personnel. Enforcement actions by the Public Works inspection staff are defined in Section 49-246 of the Denver *Revised Municipal Code*. Inspection activities will be based on the four evaluation concepts or goals as detailed in this document.
- If the construction or occupancy of any encumbrance in the public ROW results in damage to any City-owned land and/or assets such as trees, irrigation systems, curb, sidewalk &/or gutter, property owner must repair and/or replace the damaged asset at the sole expense of property owner.
- If any City agency or department such as the Department of Public Works or the Department of Parks & Recreation is unable to maintain the ROW due to any encumbrance placed in the ROW, the encumbrance may be removed at the sole expense of the property owner.
- Colorado Department of Transportation will require permits for all work on the designated State highway ROW or City and County of Denver ROW that abuts a State Highway ROW.
- No item can block Fire Department connections, fire hydrants or fire department pathways.
- There are many encumbrances that are not considered "minor encumbrances" that require permits through Public Works Permit Operations. If you do not find the item listed in this document check the permit types that can be reviewed at WWW.denvergov.org/PWPermits.
- At the discretion of the Department of Public Works, the Department of Public Works will incorporate the *Pedestrian Master Plan* when resolving issues related to encumbrances in the public ROW.

Section II: Minor Encumbrances

Encumbrances as listed in this section include but are not limited to any barrier, hindrance, impediment, nuisance, obstacle, obstruction, etc. in the public ROW.

Every item listed in this section as minor will require a Public Works Occupancy Permit and/or a Public Works Construction Permit. The City Traffic Engineer and/or their designee may waive the requirement for the Public Works Occupancy permit. The Manager of Public Works and/or their designee may waive the requirement for the Public Works Construction permit. Contact the ROW Construction Section for evaluation and determination.

The encumbrances listed in this section may need additional review and permits from the Department of Public Works and/or other departments if the desired encumbrance varies from the standards stated herein.

Artwork:

- Artwork includes, but is not limited to craftwork, decorative objects, designs, ornaments, sculptures, and statues.
- Permits are not required if the artwork does not display or convey any thing or image that would be considered obscene as defined in RMC Sections 49-501, 49-504, et. Seq.; or would be considered threatening to the public.
- Artwork must comply with the standards of Raised Object.
- All foundation plans must be stamped by a Colorado Certified Engineer. Have plans available for inclusion on the PW occupancy permit.
- Ownership of artwork must be visible on the art piece. (plaque or etching)
- **Other agency permit required: Check with CPD Planning**

Awnings:

- Awnings must be attached to a building and be placed a minimum of eight (8') feet in height above ground. If a valance is included, it may hang down to 7' above ROW per the adopted Building Code.
- If depth of awning is over 5' in width off the building structure and the building is sprinkled per adopted Fire and Building Code, the awning must also be sprinkled. The sprinkler can be omitted if the awning is non-combustible material and approved by the Fire Department. (Reference NFPA 13 Sec.8.14.7)
- Awnings with poles are considered structures and are subject to additional public works review and permitting.
- **Other agency permits required – Zoning Form 21 and Building 1C**

Bollards:

- A Bollard is a concrete-filled steel post and must be painted federal green or yellow, or is coated with a rust resistant material, galvanized, or stainless steel.
- Bollards cannot be greater than 12 inches in diameter and/or exceed 48 inches in height. Bollards cannot impede pedestrian

movements and must maintain a minimum 5' of sidewalk width and cannot be placed less than 2' from face of curb.

- **If more than 12 bollards are within the ROW abutted by one Zone Lot, then a Major Encumbrance (Type A) will be required.**

Cornices/Roof Overhangs

- Must be a minimum of 8' off the ground and less than 5' off the building. If encumbrance exceeds these dimensions additional review is required. Application must take adequate measures to control the drainage (including water dripping, freezing, damming etc.) onto the ROW. Drainage problems resulting in safety issue will result in corrective action.
- **Other agency permits required: BID 1C Permit.**

Doors

- New buildings will not be allowed to swing doors into the ROW or a public sidewalk area. All other construction or use issues will be controlled by the International Building Code and any additional amendments of the City and County of Denver. If a door swing in the ROW is deemed appropriate, on existing buildings only, permanent safety elements will be required to be installed on each side of the door (i.e. bolted benches or bike racks).

Electric

- All electrical connections to objects within the tree lawn area must be buried in conduit under the sidewalk, nor shall it exceed 120 volts.
- If voltage is higher than 120V, see Utilities.
- **Other agency permits required: BID Electrical (if attached to a building).**

Fences (New and Replaced)

- Fences cannot be placed in Tree Lawns where detached sidewalk is present.
- Fences must be placed a minimum of 6 inches at the back of the Sidewalk.
- Fences may not be over 48 inches (48") in height in front of property and shall be at least 50% open.
- Must meet the criteria and specifications established in the Denver Zoning Ordinance of the RMC, Sections #59-95 and #59-120.
- If no curb, gutter, or sidewalk exists, fence must be 10 feet away from Flow Line¹ of the street.
- The potential for a future expansion of the sidewalk to a 5'0" walking surface is always present.
- Must not block access to any of the following:
 1. Emergency Services
 2. Utilities
 3. Public accesses, or objects
- **Other agency permits required: To verify set back issues a Zoning Form 21 Permit**

Gates

- Powered and non-powered gates may be used for expeditious access and egress from private property, should not impede pedestrian traffic, and when possible, open into the private

¹ See definition for Flow Line presented later in this document.

property rather than into the ROW.

- See *Doors*.

Grease Traps

- New buildings must have the entire grease trap on private property.
- Structure must meet HS20 loading as defined in AASHTO.
- All manhole covers must be mounted flush to the adjacent ground
- **Additional PW permits required – Public Works Sewer Use and Drainage Permit**

Hardscape

- Hard scape consists of bricks, brick pavers, paved stone, or stamped concrete and may or may not be a walking surface.
- If the hardscape is not a walking surface, there must be a walking surface for pedestrian access from the curb to the sidewalk located every 20 linear feet (20') and must be a minimum of 3 feet (3') in width (max is 5'-0").
- If a hardscape is being proposed on a Parkway, contact the Department of Parks & Recreation.
- **Permits are not required unless material is stockpiled in the right-of-way before placement (*PW Occupancy*)**

Irrigation Lines:

- Irrigation lines a maximum of 3" in diameter are allowed in the ROW. Over 3" in diameter will require an additional plan review and permits beyond what is listed herein from Public Works.
- All appurtenances must be buried, and remain flush with adjacent surfaces.
- **Other agency permits required: BID Backflow #4 Permit.**

Landscaping and Organic Material:

- Specific materials are not monitored by the Department of Public Works as long as the materials comply with the mentioned goals. Refer to Community Planning and Development (CPD) *Streetscape Design* Manual and Chapter 57 of the Revised Municipal Code to clarify.
- Questions regarding materials and landscape types should be referred to CPD Planning after consulting Chapter 57 of the R.M.C. titled *Vegetation* for more information and species that are allowed in ROW.
- Refer to the Raised Objects section for additional information regarding plant size.
- Size and height restrictions shall comply with raised object limits as stated in the RMC, Chapter 57.
- Contact the City Forester of the Department of Parks & Recreation for tree species information.
- **Permits are not required unless material is stockpiled in the right-of-way before placement (*PW Occupancy*)**

Lighting:

- No pedestrian light ("Ped Lights") poles and/or lights will be allowed in the ROW.
- If development or business has a recognized Home Owner's Association (HOA) or a Special Maintenance District for maintenance of Pedestrian Lights in the ROW, a specific Public Works permit can be attained.
- All other lighting including decorative, holiday, special event, tree lighting, and any other electrical use requiring 120V or less and not permanently mounted in the ROW, refer to the Electric section of this document.
- For lighting using voltage higher than 120V see UTILITIES.
- **Permits Required: BID Electrical (if attached to a building).**

Monitoring Wells:

- Monitoring wells cannot be Raised Objects.
- All wells will be located behind the flow line or in concrete alleys. Wells are not allowed in the street and/or driving path.
- The cover must be mounted flush to the adjacent ground.
- All sampling results must be submitted to the Denver Department of Health and Environment, Environmental Services as required by that department.
- All wells abandoned and/or closed must meet the applicable standards dictated by the conditions stated in the PW Occupancy, Street Cut and/or Sewer Use & Drainage Permits.
- **If discharging to sewer, PW will require a Sewer Use & Drainage Permits. Findings reports are due to Environmental Services.**

Raised Objects : (Not landscaping)

- All objects, unless otherwise noted, within 10 feet of the Flow Line can be a maximum of 30 inches in height including plantings. Raised Object encumbrances located between 10' of the Flow Line, the property line cannot exceed 48" and the object must represent 50% open on the front set back.
- Objects must not impede access to utilities or access from the street to the sidewalk. All raised objects must maintain a 3' wide pedestrian access every 20 feet between the street and the sidewalk.
- At the corner of street intersections excluding items installed for safety such as fire hydrants, traffic signals, or traffic signs, only hardscape and landscaping that does not exceed zoning restrictions or any other part of this document shall be allowed in the Intersection Envelope. The Intersection Envelope is defined as the triangular shape starting at the convergence of the two Flow Lines in the right-of-way and running back along each Flow Line for a total distance of 20' for residential streets or 30' for arterial and/or collector streets to the two Points of Curvature (P.C.), and connecting the two P.C. diagonally to complete the triangular shape of the Intersection Envelope.
- Objects in the right-of-way include but are not limited to:
 1. Artwork
 2. Boulders / Cobbles / Rocks are allowed:
 - In the Tree Lawn: between 4 inches and 30 inches in diameter
 - Behind the back of Sidewalk to 10 feet behind Flow Line: under 48" inches in diameter
 - Rocks less than 4 inches must be grouted
 3. Planters, Planter Beds, Flower Beds, Raised Bed Planters are

defined as continuous, stand-alone structure

- Objects located in Tree lawn cannot be greater than 30 inches in height including plantings. Objects located behind the back of sidewalk and within 10' of the Flow line shall not exceed 30 inches in height. Objects further than 10 feet from Flow line may be 48 inches. All must meet criteria and specifications set by CPD, Zoning Division. Objects must be placed at least 24 inches (2 feet) from face of curb unless otherwise specified by Public Works, Development Engineering Services. Objects located behind the back of sidewalk and within 10' of the Flow line shall not exceed 30 inches in height and must meet criteria and specifications set by CPD, Zoning Division.
- Objects must not impede access to utilities.
- All raised objects must allow a 3 foot wide pedestrian access from the street to the sidewalk.
- If a Raised Objects are being proposed on a Parkway, contact the Department of Parks & Recreation.
- **Other agency permits required – CPD Zoning Form 21.**

Repairs, Restoration:

- All ground surfaces must be backfilled, restored, and returned to current City standards, grades, ground levels, and safety specifications

**Retaining Walls:
Structural, Aesthetic:**

- Structural Wall: Any structure that retains soil for the purpose of maintaining the structural integrity of a building or other structure, and does not meet the definition of a Planter or Aesthetic Wall, must obtain a *Public Works Occupancy Permit* accompanied by a set of foundation plans signed and sealed by a licensed engineer.
- Aesthetic Wall: any wall whose sole purpose is for aesthetic reasons e.g. slope dampening, planting, etc. See raised objects.

Sidewalk:

- Any surface provided for the use of pedestrians. Encumbrances are allowed on any sidewalk as long as five feet of clear walkway is left unencumbered and any this Rule and Regulation is followed.
- All sidewalks must have the potential for a future expansion of the sidewalk to a 5'0" walking surface.

**Signs:
(Not Banners)**

- Private guide signs and use signs must be approved by Public Works, Traffic Engineering Services.
- If attached to an Xcel Energy utility post, may require written authorization from Xcel Energy.
- If a sign is 18" by 24" it would require a Public Occupancy. Larger signs will require a Major Encumbrance permit (formerly known as "Type A" permit).
- **Other agency permits required: Zoning Form 21 and BID 1C if attached to the building.**

**Table, Chair &
Railings:**

- No table and chairs are allowed in the ROW without a semi-permanent railing.
- If the sidewalk is 21 feet wide or greater, a minimum of 8 feet of clear sidewalk must be provided
- If the sidewalk is less than 21 feet wide a minimum of 5 feet of clear sidewalk must be provided.
- Railings must be anchored per the Manager's Rules and

Regulations.

- Tables & Chairs are not allowed in the Tree Lawn without a Zoning *Use Permit*.
- **Permits Required: PW Public Occupancy (PWPO) and CPD Zoning Use Permit**

Utilities:

- Public Utilities, must submit plans and specifications to Public Works, Development Engineering Services for a Utility Plan Review prior to construction.
- Construction of private utilities such as piping for a remediation system must obtain permits.

**Section III: Encumbrance Types that require a Major Encumbrance
(previously known as Type A) Permit Review.**

This is a listing of known items that are required to have Public Works reviews and/or permits prior to placement into the right-of-way. The following is not an inclusive list of items that require a plan review and/or permit. The Department of Public works reserves the right to review all encumbrances placed in the public right-of-way.

1. Arches
2. Architectural building extensions (i.e. Denver Art Museum or Colorado Convention Center)
3. Artwork over 30 inches high in the Tree Lawn and 48 inches behind the walk and/or over 12 inches in diameter
4. Awnings or Canopies requesting poles in the ROW
5. Balconies outside the provisions of the R.M.C. Section 49-344
6. Bracing and/or Shoring
7. Bridges and Pedestrian Bridges
8. Existing Buildings and Building Walls that encroach into the ROW
9. Bollards over 12 inches in diameter and/or over 12 in quantity that are the ROW abutted by one Zone Lot
10. Handicap Ramp access to private property. (No new buildings are allowed to place stairs and ramps in Right of Way)
11. Irrigation lines over 3 inches in diameter, see Utilities. All appurtenances must be buried, and remain flush with adjacent surfaces
12. Loading Docks (No new loading docks in the Right of Way)
13. Marquees per RMC Section 49-386 and 49-3876, Exhibition or Spectator Area, Porch, Tent
14. Ornamental Statues exceeding the requirements in Artwork
15. Pedestrian Lights (*Ped. Lights*), only if applied for by established Homeowners Association or Special Maintenance District
16. Private Storm & Sanitary Sewers
17. Retaining Walls over 48" retaining soil
18. Walls over 48" needing to be structurally reviewed for foundation requirements
19. Snow, Ice, Chemical, Heat-melt systems, and all mechanical components must be on private property
20. Vaults, Underground Vaults. All appurtenances must be flush with adjacent surfaces.
21. Stairs to existing structures. (No new buildings are allowed to place stairs and ramps in Right of Way)
22. Pillars that hold weight/structure
23. Signs with Poles over 18" by 24".
24. Valet Shelters or building structures of any kind.

**Section IV:
Quick Reference : Minor Encumbrances and the City Permits that
may be required by various agencies.**

**** Every item listed in this section will require a Public Works Occupancy Permit and/or a PW Construction Permit review.** The City Traffic Engineer and/or their designee may waive the requirement for the PW Occupancy permit. The Manager of Public Works and/or their designee may waive the requirement for the PW Construction permit. Contact the ROW Construction Section for evaluation and determination.

Encumbrance Type	City Permit Required
Artwork	Check with CPD Planning. Note **.
Awnings (without poles in ROW)	BID 1-C and Zoning Form 21. Note **
Balconies	If balcony is consistent with Section 49-344 of the RMC, PW does not require a permit. BID 1-C and Zoning Form 21 may be required.
Bollards <i>(if 12 or less are in the ROW of one Zone Lot²)</i>	Note **
Canopies (without poles in the ROW)	BID 1-C permit if attached to building; Zoning Form 21. Note **.
Cornices (less than 5 feet off the building face)	BID Permit 1-C
Decorative Lighting (under 120 volts)	BID Electrical #3 Permit if attached to a building and the above PW permits. Note **
Door (swings)	Not allowed in new structures. PW permit is not required if CPD/Building allows per the International Building Code
Electric (under 120v)	BID Electrical (if attached to a building). Note **
Fences	Zoning Form 21 Permit. An additional review and/or permit will be required by the Department of Parks & Recreation if in a parkway or adjacent to parks or trails. Note **.
Gates	See Doors
Grease Traps (not allowed in ROW on new buildings)	Sewer Use & Drainage Permits and Note **
Irrigation Lines (under 3 inch in diameter)	BID Backflow #4 & Note **
Landscaping and Organic Material	See clarification statements in Section II, Page 6 of this document.
Monitoring Wells	Department of Environmental Services review & if discharging to sewer a SU&DP & Note **.

² See definition for Zone Lot presented later in this document.

Outdoor heating	BID Mechanical Permit if connected to building. Note **
Pillars that do not support structures	Zoning Form 21 and Note **.
Planters	Must comply with Raised Objects and Note **.
Retaining Walls (Walls that hold back soil or structure)	PW Occupancy and Construction Permits accompanied by a set of foundation plans signed and sealed professional licensed engineer (P.E.).
Sidewalk	Note **
Signs (not banners) over 18" by 24" in size.	BID 1-C Permit if attached to building; Zoning Sign Permit and Note **.
Snow Melt System	Note **
Statues	Note **
Street tree lighting	PW Occupancy Permit and BID Electrical #3 Permit if attached to a building.
Table, Chair, Railings	Zoning Use Permit and PW Public Occupancy Permit (Table, Chair, Railings)
Trench drains	PW Sewer Use & Drainage Permits and Note **

Section V: General Definitions

- Flow Line** For vertical curbs detached from the sidewalk, the flow line is at the base of the curb. For sloped curbs attached to the sidewalk, the flow line is the base of the slope. Where no curb exist, the Flow Line is 10' from the edge of the pavement.
- Intersection Envelope** The Intersection Envelope is defined as the triangular shape starting at the convergence of the two Flow Lines in the right-of-way and running back along each Flow Line for a total distance of 20' for residential streets or 30' for arterial and/or collector streets to the two Points of Curvature (P.C.), and connecting the two P.C. diagonally to complete the triangular shape of the Intersection Envelope.
- Sign** A sign is any object or device or part thereof situated outdoors or indoors which is used to advertise or identify an object, person, institution, organization, business, product, service, event or location by any means including words, letters, figures, designs, symbols, fixtures, colors, motion illumination or projected images. Signs do not include the following:
- Flags of nations, or an organization of nations, states and cities, fraternal, religious and civic organizations;
 - Merchandise, pictures or models of products or services incorporated in a window display;
 - Time and temperature devices not related to a produce;
 - National, state, religious, fraternal, professional and civic symbols or crests;
 - Works of art which in no way identify a product.
- Tree Lawn** *Denver Zoning Code, §59-2 (265)*
The Tree Lawn includes the following two areas:
- Between the back of curb to the front of Sidewalk
 - Where no curb or Sidewalk exist, the entire area between property line and the street or alley.
- Zone Lot** The land designated as the building site for a structure; also, the land area occupied by a use or a structure.
- Denver Zoning Code, §59-15 (322).*

Section VI: Acronyms

AASHTO	American Association of State & Highway Traffic Officials
BID	Community Planning & Development, Building & Construction Services. BID represented the previous organization, <i>Building Inspection Department</i> .
CPD	Community Planning & Development, a department in the City & County of Denver
DES	Development Engineering Services
DPR	Department of Parks & Recreation
P.C.	Points of Curvature
PW	Public Works, Department of
PWDES	Public Works, Development Engineering Services
RMC	Denver <i>Revised Municipal Code</i>
ROW	Right-of-way