

ORDINANCE NO. 025, 2009  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING CHAPTERS 17 AND 24  
OF THE CODE OF THE CITY OF FORT COLLINS  
FOR THE PURPOSE OF PERMITTING AND REGULATING THE PLACEMENT  
OF PORTABLE SIGNS ON SIDEWALKS IN CERTAIN AREAS OF THE CITY

WHEREAS, the City Code currently prohibits the placement of portable signs on City sidewalks or within City rights-of-way; and

WHEREAS, the City Council wishes to create an exception to that prohibition for areas of the City where the width of the sidewalk is sufficient to accommodate the placement of such portable signs without interfering with the use of the sidewalk for its intended public purpose as a pedestrian way and where the sidewalks are adequately shielded from view by motorists on the adjoining roadway so as to not present traffic safety issues of a significant nature; and

WHEREAS, the regulation of such signs is necessary in the public interest in order to minimize the cumulative visual impact of such signs and to protect the safety and welfare of persons using the sidewalks, including pedestrians and persons entering and leaving buildings, and persons providing essential utility and emergency services; and

WHEREAS, the City Council has determined that a permit system should be established for the placement of such portable signs on certain public sidewalks within the City to address the unique circumstances related to the placement of such portable signs and to provide adequate criteria for determining when permits for such signs should be issued by the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That Section 17-42(b) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 17-42. Posting notices and handbills on premises.**

...

(b) Except as permitted in § 24-1 and Chapter 24, Article IV, no person, firm or corporation shall fasten or affix to public property, or place or install on or within a public right-of-way or other public property, any of the following, without the direct authorization of the owner of such property:

(1) Any commercial or business sign.

(2) Any noncommercial sign.

...

Section 2. That Section 24-1 of the Code of the City of Fort Collins is hereby amended by the addition of a new subparagraph (8) which reads in its entirety as follows:

(8) Portable signs permitted under Article IV of this Chapter.

Section 3. That Chapter 24 of the City Code is hereby amended by the **addition of a new Article IV** which reads in its entirety as follows:

#### **ARTICLE IV. PORTABLE SIGNS**

**Sec. 24-150. Intent and purpose.**

The purpose of this Article is to secure and promote the public health, safety, and general welfare of persons using City sidewalks by regulating the placement, appearance, size, stability, and maintenance of portable signs located upon certain public sidewalks within the City.

**Sec. 24-151. Definitions.**

The following words and phrases, when used in this Article, shall have the meaning respectively ascribed to them unless the context otherwise clearly indicates:

*Permittee* shall mean the person authorized by the City to place a portable sign upon a City sidewalk and responsible for maintaining and otherwise attending to such sign.

*Person* shall mean any person or entity, including, but not limited to a corporation, limited liability company, partnership, unincorporated association or joint venture.

*Portable sign* shall mean a sign that rests on the sidewalk or is attached to sidewalk railings and that is neither temporarily nor permanently affixed to the sidewalk or railing or to an adjacent building or structure.

*Portable Sign Placement Area* shall mean the area shown on the "Map of Portable Sign Placement Area" dated April 3, 2009, and on file in the Office of the City Clerk.

*Sidewalk* shall mean any surface provided for the use of pedestrians.

**Sec. 24-152. Portable signs permit required.**

It shall be unlawful for any person to erect, place, or maintain any portable sign on or within any public right-of-way in the city except within the Portable Sign Placement Area pursuant to a permit from the City Manager approving the location, construction, stability, and other aspects of such portable sign under the provisions of this Article. Any portable sign that has not been authorized by a valid permit issued by the City under this Article may be removed by the City without notice, notwithstanding any provisions in § 17-42 to the contrary.

**Sec. 24-153. Portable sign permits; term; transfer of permit.**

(a) Portable sign permits may be issued only to the owner or proprietor of the business adjacent to the location where the portable sign will be displayed.

(b) Applications for a portable sign permit must be submitted to the City Manager in writing on a form provided by the City and shall be accompanied by:

- (1) a certificate of insurance with a limit of at least One Million Dollars (\$1,000,000.) per occurrence, showing the City as an additional insured, covering any liability arising out of the placement or maintenance of the portable sign. The insurance carrier must be rated B+ or better. The application shall contain:
  - a. the name and address of the applicant;
  - b. the proposed location of the portable sign; and
  - c. the signature of the applicant.
- (2) a written statement, in a form satisfactory to the City Attorney, agreeing to indemnify and hold harmless the City, its officers and employees, from any loss, liability or damage, including expenses and costs, for bodily or personal injury or property damage sustained by any person as a result of the installation, use or maintenance of the portable sign for which the permit is issued. Nothing herein shall be construed as a waiver of immunity as provided by the provisions of the Colorado Governmental Immunity Act, Section 24-10-101, et seq., C.R.S. Upon approval of the application, each permittee shall pay an annual fee of ten dollars (\$10.) per permit prior to the issuance or renewal of the permit.

(c) The City Manager's decision whether to issue or deny the issuance of a permit shall be made within fifteen (15) days following the date that a complete application has been submitted to the City.

(d) Permits shall be valid for one (1) year unless earlier revoked pursuant to § 24-10 or pursuant to Article IX, Section 11 of the Charter.

(e) Permits shall not be transferrable to another person or another location.

**Sec. 24-154. Placement and removal of portable signs.**

(a) Portable signs must either be placed on the surface of the sidewalk or affixed to sidewalk railings in the manner prescribed in this subsection.

- (1) Portable signs placed on the surface of a sidewalk must be located at least two (2) feet away from the curb face (or pavement edge if there is no curb) or no farther than thirty-two (32) inches from the wall of the building, but not in the middle of the sidewalk.
- (2) Any portable sign placed on a sidewalk shall contain advertising text only on two (2) sides of such portable sign.
- (3) Portable signs attached to sidewalk railings, such as those enclosing sidewalk cafes, shall be secured tightly to the railings to protect against them being blown by the wind and shall be attached in such manner as to be removable during the hours that the business is closed. No more than two (2) portable sign surfaces containing advertising script may be attached to any such railing enclosure.

(b) No portable sign placed on the surface of a sidewalk may be placed, installed, used or maintained:

- (1) within three (3) feet of any marked pedestrian crosswalk or entrance to any public transit shelter;
- (2) within five (5) feet of any fire hydrant, fire call box, police call box or any other emergency facility, or any handicap parking space;
- (3) on any portion of a pedestrian access ramp for disabled persons;
- (4) within three (3) feet of any of the following: parking meter posts, traffic control cabinets, bicycle parking racks, public telephone enclosures, kiosks, public works of art, entrances to any sidewalk cafe enclosure or any portion of a driveway;
- (5) on any portion of a utility cover, meter and/or valve box cover, vent cover for underground utilities or on any granite or other decorative sidewalk without special approval by the City Manager;

- (6) in such manner that the effective, clear width provided for the passage of pedestrians within the sidewalk is less than a continuous width of seven (7) feet and/or fails to comply with the provisions contained in the Larimer County Urban Area Street Standards;
- (7) within the passenger boarding area of a designated bus stop;
- (8) at a location used for public utilities, transportation, or other public or governmental purposes that, in the judgment of the City Manager, is incompatible with portable signs;
- (9) in a manner that endangers persons or property or unreasonably interferes with or impedes:
  - a. the flow of pedestrian traffic or the ingress to or egress from any residence or place of business; or
  - b. the use or maintenance of poles, posts, traffic signs or signals, hydrants, mailboxes or other objects permitted at or near said location.
- (10) in any location where the sign is not sufficiently illuminated by ambient light to be readily visible to pedestrians.

(c) Portable signs placed on the surface of a sidewalk shall not be secured to any City property such as a light pole, sign post or tree, and shall not be secured to the surfaces upon which they are situated by bolts, but must instead be secured by weight or other anchoring device approved by the City Manager, and shall not be anchored by penetration of soil beneath tree grates.

(d) No more than one (1) portable sign, or two (2) sign surfaces in the case of portable signs attached to sidewalk railings, shall be permitted for each business contained in the building that is adjacent to the location of the sign.

(e) All portable signs shall be removed from the sidewalk or railing at the close of business hours of the permittee. The location and condition of such signs shall be regularly and routinely monitored and attended by the permittee during business hours.

**Sec. 24-155. Construction, size, appearance and maintenance of portable signs.**

(a) Portable signs shall be constructed in such manner as to withstand normal wear and tear and normal weather conditions by being braced to prevent collapse and otherwise being constructed to remain stable in the approved location.

(b) Portable signs must have a non-advertising border of at least two (2) inches in width around each face of the portable sign. No structural support or other non-advertising surface shall contain any message or script.

(c) Portable signs shall not exceed sixty (60) inches in height, thirty (30) inches in depth, thirty (30) inches in width, and six (6) square feet per advertising face.

(d) Portable signs shall not be illuminated except by ambient light, nor shall they be made of any material with a retroreflectivity measurement in excess of two (2) minicandelas, or of any material that glows or emits light.

(e) Each portable sign shall be maintained in a neat and clean condition and in good repair at all times. Specifically, but without limiting the generality of the foregoing, each portable sign shall be maintained so that:

- a. it is reasonably free of chipped, faded, peeling and cracked paint in the visible painted areas;
- b. it is reasonably free of rust and corrosion;
- c. it is free from sharp edges;
- d. it is free from graffiti; and
- e. all structural parts thereof are intact.

**Sec. 24-156. Revocation.**

In the event that the Colorado Department of Transportation determines to take jurisdiction of the issuance of permits on sidewalks adjacent to state highways, and requests the City to revoke permits granted under this Article, the City Manager may summarily revoke any permits issued hereunder.

**Sec. 24-157. Violations.**

(a) Upon determination by the City Manager that a portable sign has been installed, used or maintained in violation of the provisions of this Article, the City Manager may order the permittee to correct the offending condition. Such order shall be sent by facsimile transmission or by registered mail, return receipt requested, to the permittee. The order shall describe the offending condition, state the actions necessary to correct the condition and establish a date for compliance that is not less than five (5) working days from the date that the order is sent to the permittee. The order shall inform the permittee of the right to appeal pursuant to § 24-12. The City Manager may remove the offending portable sign and revoke the permit if the

permittee has not appealed the order or removed the sign by the date set for compliance in the order and the offending condition has not been cured by said date. The City Manager shall cause an inspection to be made of any corrected condition of a portable sign or of a portable sign that is reinstated after removal under this Article.

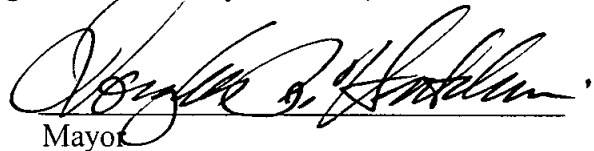
(b) Any impounded portable sign shall be treated as unclaimed property and disposed of by the City if not claimed within thirty (30) calendar days of the date of impoundment.

**Sec. 24-158. Appeals.**

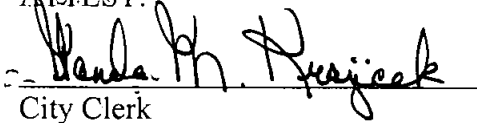
Any person or entity aggrieved by a finding, determination, notice, order or action taken under the provisions of this Article may appeal to the City Manager as provided in Chapter 2, Article VI, of this Code.

Section 4. The City Manager shall make a report to the City Council concerning the implementation of the provisions of Section 3 of the ordinance on or before March 17, 2011.

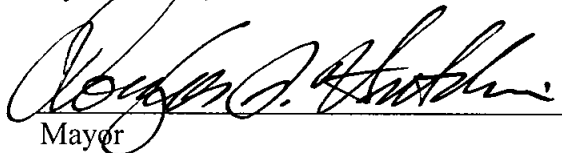
Introduced, considered favorably on first reading, and ordered published this 3rd day of March, A.D. 2009, and to be presented for final passage on the 24th day of March, A.D. 2009.

  
Mayor

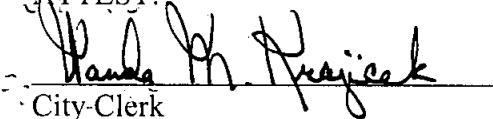
ATTEST:

  
City Clerk

Passed and adopted on final reading on the 24th day of March, A.D. 2009.

  
Mayor

ATTEST:

  
City Clerk