



Winter 2021-2022 Town Code Exemptions for Businesses: Frequently Asked Questions (FAQ)

Town businesses may continue to have outdoor dining, temporary outdoor structures, tents, firepits, additional outdoor display of merchandise, additional exterior signage, and bistro lights if these items are located on private property. The continuation of these exemptions is due to the effect of the global COVID-19 pandemic on Town businesses. **These exemptions are subject to the rules below which are in effect through May 31, 2022 (Memorial Day), and may not be further extended.**

OUTDOOR DINING (restaurants)

Where can tables and chairs be located?

Outdoor dining may occur on private property, and in the following order of available location. Location #1 is the highest and most preferable; location #4 is the lowest and least preferable. If an available location of higher preference exists on the property, outdoor dining must occur in the location of higher preference.

1. Existing deck, patio, or other hard surface area that is not a parking area, driveway, or walkway.
2. Non-required private parking space(s).
3. Open space area (soft-surface such as grass, lawn, etc.).
4. Required private parking space(s).

Temporary outdoor structures may not be located on public property, driveways, or walkways.

Is a permit required? No.

TEMPORARY OUTDOOR STRUCTURES (all businesses)

What businesses can use outdoor structures? Only those businesses and structures that were previously approved with a Development Permit in 2020 or 2021.

Where may they be located? Temporary outdoor structures must be installed on private property, and in the following order of available location. Location #1 is the highest and most preferable; location #4 is the lowest and least preferable. If an available location of higher preference exists on the property, the structure must be installed in the location of higher preference.

1. Existing deck, patio, or other hard surface area that is not a parking area, driveway, or walkway.
2. Non-required parking space(s).
3. Open space area (soft-surface such as grass, lawn, etc.).
4. Required parking space(s).

Temporary outdoor structures may not be located on public property, driveways, or walkways.

Is a permit required? YES. For continued use, reinstallation, or modification to a previously permitted structures, approval from the following is necessary:

- Town of Breckenridge Community Development Dept.
 - A new Development Permit from the Planning Division is required. **All previously issued Development Permits expired May 31st, 2021.** If your business desires to keep or modify an existing structure, submit a [Development Permit application](#) (fee waived) to the Planning Division at stefis@townofbreckenridge.com
 - Attach site plan showing:
 - structure location
 - structure dimensions
 - property boundaries
 - Submit a [Building Permit application](#) (fee waived) to the Building Division at building@townofbreckenridge.com
 - Attach:
 - manufacturer specifications on structure
 - documents showing means of egress
 - occupant load as determined by Summit County Environmental Health
 - For structures with lighting or electrical power, have an electrician complete an [Electrical Permit application form](#) (fee waived) and submit to building@townofbreckenridge.com.
 - Final inspection is required from the Building Division to receive Certificate of Occupancy
- Red White and Blue Fire Protection District
 - Inquire via email at permits@rwbfire.org
- Town of Breckenridge Municipal Services Dept.
 - Approval is required for any proposed commercial alcohol service that is outside of an existing liquor license premises.
 - Inquire via email at tarao@townofbreckenridge.com.

Are temporary outdoor structures allowed to be heated? Yes, but safety regulations apply. Details may be obtained from the Red White and Blue Fire Protection District.

Is outdoor lighting allowed around a temporary outdoor structure? Yes. Bistro lights are allowed to be strung over walkways to temporary outdoor structures. Outdoor string lighting is not required to be downcast or “Dark Sky” compliant, but it is encouraged.

FIREPITS (all businesses)

Are firepits allowed? Yes, but they must be gas, temporary, portable, and have a burning surface less than 5 sq. ft. They may be fueled by either natural gas or propane gas. Fire tables, fire places, and fire features meeting this criteria are also temporarily allowed.

Where may they be located? Firepits must be installed on private property, and in the following order of available location. Location 1 is the highest and most preferable; location 4 is the lowest and least preferable. If an available location of higher preference exists on the property, the structure must be installed in the location of higher preference.

1. Existing deck, patio, or other hard surface area that is not a parking area, driveway, or walkway.
2. Non-required parking space(s).
3. Open space area (soft-surface such as grass, lawn, etc.) that is not a snow-storage area.
4. Required parking space(s).

Temporary portable fire pits may not be located on driveways, walkways, or required snow storage areas.

Is a permit required? YES. Approval from the following is necessary:

- Town of Breckenridge Community Development Dept.
 - For a new firepit or continued use or re-installation of a firepit, submit [Development Permit application](#) (fee waived) to the Planning Division at stefis@townofbreckenridge.com
 - Attach site plan showing location, and
 - manufacturer specifications

- If natural gas is to be used, have a licensed plumber or mechanical contractor complete a [Mechanical Permit application form](#) (fee waived) and submit to the Building Division at building@townofbreckenridge.com. Temporary propane gas firepits do not require a Mechanical Permit.
- Red White and Blue Fire Protection District
 - Inquire via email at permits@rwbfire.org

SIGNS (all businesses)

What types of signs are allowed? All businesses are allowed to display the following on private property:

- Temporary signs
- Internally lit signs
- Sandwich board signs
- Leaning signs
- Banner signs
- Window signs.

Do the signs mentioned above require a permit? No. Only permanent signage requires a Sign Permit.

Where are Signs Allowed? Signs are allowed on private property only. No signs will be allowed within public areas, including public sidewalks.

OUTDOOR DISPLAY OF MERCHANDISE (Retail)

What kind of merchandise are retail businesses allowed to display outdoors? Retail stores are allowed to display the following merchandise outdoors on private property:

- Merchandise which is actually offered for sale by the business.
- Clothing racks, shelving, or tables containing for sale merchandise not exceeding 12 ft. in length and 3 ft. in width.
- One (1) mannequin with clothing items for sale.

Where are retail businesses allowed to display outdoor merchandise? Merchandise may only be displayed outdoors as follows:

- On private property and commonly owned property with owner's permission.
- On the property of the business which displays it.
- Location must maintain free and unobstructed access to and from the business which displays it.
- Location must not block visibility of or access to any adjacent property.
- Location must not be any required parking or loading spaces.
- Outdoor merchandise may not be displayed on public property and public sidewalks.

When are retail businesses allowed to display merchandise outside? Merchandise may lawfully be displayed only when the business which displays it is open. The merchandise must be stored inside when the business which displays it is closed, and must be removed if it becomes a hazard due to wind or weather conditions, or if it is in a state of disrepair.

Do retail businesses need a permit to display merchandise outdoors? No. Outdoor display is routinely monitored by Town staff and business owners will be contacted regarding any displays that do not meet the rules set above.