



Township of Centre Wellington
SIDEWALK PATIO, CAFÉ AND DISPLAYS
ANNUAL PERMIT POLICY

Administrative Policy	Sidewalk Patio, Café and Displays Policy
Approved by Council	

Purpose:

To establish a policy to allow for the permitting of Patio’s, Cafés and Displays on municipally owned property. It should be recognized that not all locations are suitable for a patio, cafe, or display, or can only be supported in specific locations.

Definitions:

“Applicant” means the owner of the café, patio or business applying for the permit.

“Permit Holder” means the person who possess a valid permit to operate a sidewalk patio, café or display and is legally responsible for the operation of said patio/café and display.

“Sidewalk Patio” or **“Patio”** means an enclosed group of tables and chairs and other accessories situated and maintained upon a public sidewalk for the use and consumption of food and beverages including alcoholic beverages sold to the public from an adjacent indoor food and beverage establishment.

“Sidewalk Café” or **“Café”** means a group of tables and chairs and other accessories situated and maintained upon a public sidewalk for the use and consumption of food and beverages sold to the public from an adjacent indoor food and beverage establishment. No alcohol is served or consumed.

“Sidewalk Display” means only display clothing, items, structures or chattels used to exhibit wares or services of items for sale at that establishment.

“Decking” means a raised platform constructed in an on-street parking area to ensure a 2.0 metre wide barrier free pedestrian corridor is maintained along a sidewalk.

Fees:

Sidewalk Patios	As outlined in the Fees and Charges By-Law
Sidewalk Cafés	As outlined in the Fees and Charges By-Law
Sidewalk Display	As outlined in the Fees and Charges By-Law

*Fees may be amended from time to time by the Fees and Charges By-law.

Policy:

General Provisions for Sidewalk Patios, Cafes, & Displays

1. Any person who wishes to erect, install, maintain, or carry on a Sidewalk Café, Sidewalk Patio or Sidewalk Display on Township owned lands shall be required to submit an application to Infrastructure Services seeking permission to do so, together with drawings or plans sufficient to the Townships satisfaction, and payment of the applicable application fees as set by the Township Fees and Charges By-law. In the event an application is denied, a portion (50%) of the permit fee will be applied towards administration fees and the balance returned. A pre-consultation meeting with the Manager of Public Works, or designate is encouraged prior to applying for a permit.
2. The Township shall review the application to ensure the erection, installation, and maintenance of a Sidewalk Café, Patio or Display on Township owned lands, does not, or will not:
 - a) interfere with the Townships intent and purpose in holding the Township owned land
 - b) create an unsafe condition
 - c) create liabilities for which the Township cannot assign full responsibility to the Applicant
 - d) create a situation that is contrary to Township By-laws, Township Policy or Resolution, or any Provincial or Federal regulation or legislation
 - e) interfere with work, plans, efforts, or initiatives of the Township to maintain Township owned lands
 - f) interfere with any utility or other similar installation located on Township owned lands
3. Seasonal agreements may impose site specific conditions to address concerns identified by the Township.
4. Seasonal agreements shall apply for the period May 1st – October 31st. The applicant is responsible for the removal of the patio no later than November 1st or as requested by the Township. All or any agreements shall be terminated by the Township/or Applicant upon 48 hours notification. Seasonal Agreements cannot be re-assigned or transferred.
5. It is the responsibility of the Permit Holder to secure and store their patio and cafe furniture when not in use. The Township will not be responsible for lost, stolen or vandalized items. All items are to be removed from the patio or café by November 1 for the winter season with the exception of 2 small planters (max. 16" x 16") to be on either side of the store front or entrance, and must be placed against the store front. Sidewalk Displays must be removed at the end of each day.

6. The execution of a Seasonal Agreement in respect of a patio, cafe or display does not create any vested right in the owner or occupant of the premises to which the permit is secondary, or in any other person to the land that the patio/café/display occupies, and the agreement may be terminated or suspended in accordance with the terms set out in this Policy and in the agreement.
7. Establishment proprietors must carry a minimum of \$5,000,000 liability insurance for the operation of a sidewalk patio where alcohol is served; \$2,000,000 liability insurance for those not serving alcohol, \$2,000,000 liability insurance for sidewalk displays, and indemnify the Township of Centre Wellington and the County of Wellington, if applicable, as an additional insured. Proof of insurance is required at time of application.

Special Conditions

In addition to the General Provisions of this Policy, the following special conditions apply to every sidewalk patio, sidewalk café and sidewalk display:

8. The Applicant shall apply for and obtain permission through the execution of an agreement, prior to the installation of fencing and/or furnishings.
9. Sidewalk Patio and Café furnishings, fences and other Sidewalk Patio and Café improvements must be removable and not permanently affixed. All objects must be contained within the approved Sidewalk Patio and Café area and removed during the off-season or after the Sidewalk Patio ceases operation. The street, sidewalk and municipal property must be restored to its original condition to the satisfaction of the Township. Sidewalk Displays must be removed at the end of each day.
10. Music or other entertainment provided for patrons of a Sidewalk Patio and Café shall not be amplified or create a nuisance to neighbouring property owners/tenants. The Township reserves the right to revoke permits, without reimbursement of fees, where this nuisance occurs. Nuisance may include, but shall not be limited to, by-law or police reports of loud, boisterous, or unreasonable noise, offensive language or other disruptive behaviour. All music must cease by 10pm.
11. The Township retains the right of access to the approved Sidewalk Patio, Sidewalk Café and Sidewalk Display area for the installation, maintenance and repair of pipes, cables, wires, poles, hydrants, etc., as necessary. In case of emergency work, no notice will be given. For scheduled work, a minimum notice of forty-eight (48) hours will normally be given. The Sidewalk Patio or Sidewalk Café improvements shall be removed and reinstalled at the Sidewalk Patio or Sidewalk Café. The Township does not take responsibility for any damage

incurred when moving any fixtures from the sidewalk patio/café/display in an emergency situation.

12. The Township retains a right of access over, to and upon a Sidewalk Patio, Sidewalk Café or Sidewalk Display for emergency vehicle access.

13. Sidewalk Patio Requirements

- 13.1 Information Requirements: The applicant shall submit a site plan illustrating the proposed location and placement of planters, tables, chairs, fences and all other accessories to be included within the defined patio space which includes the patio building envelope and any utility poles, trees, bike racks, benches, hydrants, shelters, manholes, traffic signs, catch basins, awnings and any other physical or drainage feature of the street within 6 metres (19.7 ft) of any public utility that may be affected by the development.
- 13.2 Design: Patios are encouraged to be complimentary to the building and the surrounding streetscape. If barrier walls are over 1.1 metres in height (up to a maximum of 1.5 metres), consideration should be given to the use of transparent materials over the 1.1 metre height. As always accessibility should be ensured when designing and implementing a patio.
- 13.3 Location: Patios are permitted to extend to the curb where possible and must have a pedestrian platform level with the curb installed in a parking spot that is 2 metres in width. All other area shall maintain a 1.8 metres unobstructed pedestrian corridor
 - 13.3.1 Decking: May be considered provided it meets the following standards:
 - a) is built at the same height as the curb with a 2 metre minimum width
 - b) shall not encroach onto a vehicular travel lane
 - c) shall not obstruct the flow of stormwater runoff to the road drainage system (i.e. gutters, catchbasins)
 - d) fencing shall be installed in accordance with Section 13.6 separating the decking from the vehicular travel lane
 - e) a skirt or screen shall be provided where the distance between the grade and the top of the decking is greater than the total thickness of the deck and framing members
 - f) decking shall be constructed of wood and shall be treated, painted or stained
 - g) decking located at a corner or adjacent to a pedestrian crossing shall not impede the daylight triangle

- h) all Provincial requirements shall be addressed prior to approval of the patio
- i) decking must be inspected by the Township and meet the requirements of the Township prior to being occupied
- j) the design of the decking must be reviewed by the Township prior to construction
- k) Construction materials, tools and equipment cannot be placed or operated on the sidewalk, or adjacent parking space or roadway during the construction of the deck
- l) Any work conducted on municipal property must be performed by a qualified contractor approved by the Township of Centre Wellington and Occupational Health and Safety standards must be adhered to at all times
- m) Reflective signage approved by the Township shall be used to notify oncoming traffic

13.4 Accessory use: A Sidewalk Patio shall be located adjacent to or abutting the existing food and beverage establishment and shall be considered an accessory use. A Sidewalk Patio shall ensure a free and clear access to the entrance. A Sidewalk Patio may have food service only, no food preparation or cooking of food including BBQ's permitted on the sidewalk.

13.5 Hours of Operation: A Sidewalk Patio shall be operated for no longer than the operating hours of the principal use to which it is accessory, and in any event must be closed not later than 10:00 p.m. on any given night. The only exception is existing patios on private property that are regulated by their AGCO license.

13.6 Fencing: Fencing of a Sidewalk Patio must form a fully enclosed perimeter. Fencing is encouraged to be complimentary to the building and the surrounding streetscape. If fencing is over 1.1 metres in height, consideration should be given to the use of transparent materials over the 1.1 metre height. As always accessibility should be ensured when designing and implementing fencing.

The fencing requirements are as follows and must be in compliance with the Alcohol and Gaming Commission of Ontario:

- a) the minimum height for fencing is 1.1 metres (43 inches) to a maximum of 1.2 metres (47 inches)
- b) fencing shall be supported by metal foot plates and shall not be designed to penetrate the surface of the sidewalks (ie: no bolts/brackets anchored into the sidewalk and curb). Alternative supports are approved by the Township such as planters, weights, etc.
- c) fencing should be of solid construction and be designed for easy removal from the site

- d) fencing located within 6 metres (20 ft) of the intersection shall not obstruct the vehicular view angles as determined by the Township
 - e) fencing to be removed by October 31st of each year to allow for sidewalk maintenance and snow clearing
- 13.7 Shade Structures: Umbrellas and shade sails are permitted and shall be located entirely within the approved Sidewalk Patio fence area and not extend outside of the patio area and must stand at least 2.1 metres (7 feet) above the walking surface. Any hardware associated with sails is not permitted to be anchored or bolted into the sidewalk. A retractable awning may be used, however, it must comply with the building code.
- 13.8 Roof Structures: No overhead structures or roof construction, whether temporary or permanent, is permitted on any patio, outdoor café space or outdoor seating / dining area.
- 13.9 Waste and Storage: Sidewalk Patio operators shall maintain the Sidewalk Patio area; and the immediately adjacent area, in a clean and safe working condition at all times. Refuse containers are not permitted within the Sidewalk Patio area. The storage of waste is not permitted.
- 13.10 Access: The owner shall maintain a minimum width of 1.5 metres (5 feet) of unobstructed entrance to a Sidewalk Patio. Barrier free access shall be maintained at all times.
- 13.11 Landscaping: Landscaping of the Sidewalk Patio is encouraged but should be of a temporary nature (planters, potted shrubs, etc). Plant material must be contained within the approved Sidewalk Patio area, or at the discretion of the Township.
- 13.12 Lighting: Lighting of a Sidewalk Patio shall be permitted provided all lighting is task oriented and will not spill onto abutting properties or interfere with the vehicular travel lanes.
- 13.13 Signs & Advertising: No signs or advertising within a Sidewalk Patio shall be permitted with the exception of a menu and no smoking sign(s). A single menu can be posted on the fencing but must be no larger than 40cm (16 inches) by 50 cm (20 inches) in size. Logos are permitted on umbrellas.
- 13.14 Sidewalk Patio Furnishings: All tables, chairs and decorative accessories in a Sidewalk Patio should be constructed using weather resistant materials. Plastic/vinyl furniture is not permitted. All furnishings and equipment with the exception of umbrellas shall not exceed the height of the fence. No furnishings are to be anchored to the sidewalk.
- 13.15 Season: The months of operation shall be May 1st through October 31st

unless otherwise approved.

- 13.16 Propane Heaters: Propane Heaters are permitted on a Sidewalk Patio provided they are installed and operated in accordance with the manufacturer's instructions. Open flames are not permitted.
- 13.17 Site Visibility Triangle: Where patios are located in proximity to intersections, staff will review the proposal to ensure that vehicular and pedestrian safety is maintained. Patios may require alterations to ensure safety.

14. Sidewalk Café Requirements

- 14.1 Information Requirements: The applicant shall submit a site plan, drawn to scale which shows the delineated area of the proposed Sidewalk Café against the business façade and proposed location and placement of table(s) and chairs which includes the café building envelope, public sidewalk and entrance to the indoor restaurant associated with the sidewalk café, awnings and any other physical or drainage feature of the street or beyond six (6) metres (19.7 ft) of any public utility that may be affected.
- 14.2 A Sidewalk Café may have food service only, no food preparation or cooking of food including BBQ's are permitted on the sidewalk. Sidewalk Cafés shall not be licensed to serve or consume alcohol.
- 14.3 Design: Sidewalk cafés are encouraged to be complimentary to the building and the surrounding streetscape. As always accessibility should be ensured when designing and implementing a sidewalk café. A sidewalk Café shall consist of café tables and shall not encroach onto the pedestrian delineated pathway, except where decking is provided.
- 14.4 Location: Cafes that extend from the building façade shall not encroach more than 2 metres (6.6 feet) from the building or the lesser, to ensure that a minimum 1.8 metre unobstructed pedestrian corridor is maintained. The unobstructed pedestrian corridor does not include the utility strip/boulevard area. No signage shall obstruct pedestrian traffic within the 1.8 metre corridor.
- 14.4.1 Decking: May be considered provided it meets the following standards:
- a) is built at the same height as the curb with a 2 metre minimum width
 - b) shall not encroach onto a vehicular travel lane
 - c) fencing shall be installed separating the decking from the vehicular travel lane.
 - d) a skirt or screen shall be provided where the distance between

the grade and the top of the decking is greater than the total thickness of the deck and framing members

- f) decking shall be constructed of wood and shall be treated, painted or stained
- g) decking to be located at a corner, immediately adjacent to a pedestrian crossing shall provide a minimum break of 1.03 metres to permit barrier free access
- h) all provincial requirements shall be addressed prior to approval of the patio
- i) decking must be inspected by the Township and meet the requirements of the Township prior to being occupied.
- j) the design of the decking must be reviewed by the Township prior to construction.
- k) Construction materials, tools and equipment cannot be placed or operated on the sidewalk, or adjacent parking space or roadway during the construction of the deck.
- l) Any work being done on municipal property must be performed by a qualified contractor approved by the Township of Centre Wellington and Occupational Health and Safety standards must be adhered to all times.

14.5 Accessory Use: A Sidewalk Café shall be located adjacent to the existing food and beverage establishment and shall be considered an accessory use. A Sidewalk Café shall ensure a free and clear access to the entrance.

14.6 Hours of Operation: A Sidewalk Café shall be operated for no longer than the operating hours of the principal use to which it is accessory, and in any event must be closed no later than 10:00 p.m. on any given night.

14.7 Fencing and umbrellas/shade sails are options that will be permitted within the Sidewalk Café area. If fencing and umbrellas/sails are used, they shall not impede pedestrian flow and umbrellas/sails must stand at least 2.1 metres (7 feet) above the walking surface and not extend outside of the patio area. Any hardware associated with sails is not permitted to be anchored or bolted into the sidewalk. A retractable awning may be used, however, it must comply with the building code.

14.8 Roof Structures: No overhead structures or roof construction, whether temporary or permanent, is permitted on any patio, outdoor café space or outdoor seating / dining area.

14.9 Access: The owner shall maintain a minimum width of 1.5 metres (5 feet) of unobstructed walkway to the entrance of a Sidewalk Café.

- 14.10 Lighting: Lighting of a Sidewalk Café shall be permitted provided all lighting is task oriented and will not spill onto abutting properties or interfere with the vehicular travel lanes. All lighting shall be contained within the café area.
- 14.11 Sidewalk Café Furnishings: All tables, chairs and decorative accessories in the Sidewalk Café should be constructed using sturdy weather resistant materials and be secure or of solid construction as not to be affected by the wind. Furnishings shall not exceed a height of 1.2 metres (48 inches). It is the responsibility of the cafe owner to secure and store their cafe furniture when not in use. The township will not be responsible for missing items. All items are to be removed from the patio area upon expiry of the permit.
- 14.12 Season: The months of operation are from May 1st – October 31st.
- 14.13 Propane Heaters: Propane heaters are permitted on a Sidewalk Café provided they are installed and operated in accordance with the manufacturer's instructions. No open flames are permitted.
- 14.14 Storage of waste is prohibited in a Sidewalk Café area.
- 14.15 Site Visibility Triangle: Where cafes are located in proximity to intersections, staff will review the proposal to ensure that vehicular and pedestrian safety is maintained. Cafes may require alterations to ensure safety.

15.0 SIDEWALK DISPLAYS

15.1 A **Sidewalk Display** shall:

- (a) be located within 1 metre of the exterior front wall of the building for which a Permit is issued provided a minimum of 1.8 metres of sidewalk can be achieved;
- (b) only display clothing, items, structures or chattels used to exhibit wares or services of items for sale at that establishment.