

TOWN OF WOODSTOCK OPERATING PROCEDURES FOR SIDE WALK CAFÉ

1. PURPOSE

The purpose of this procedure is to facilitate the use of the public right of way for a sidewalk cafés.

2. DEFINITIONS

Sidewalk Café: Is defined as a group of tables, chairs and other accessories situated upon a sidewalk or public right-of-way for the consumption of food and/or beverages by patrons of an adjacent restaurant, eating and/or drinking establishment or beverage room. A Side walk Café is accessory to any of the above mentioned uses. This definition does not apply to outdoor dining on private property.

3. RESPONSIBILITY

It is the responsibility of the Development /Inspection services to insure this procedure is followed.

4. PROCEDURE

4.1 Sidewalk cafes are permitted with in the central commercial area between May 1st thru to Labour Day subject to the Approval of each individual site by Town Council initially and the Development Officer there after for subsequent annual approval.

4.2 Application Process

4.2.1 An application to utilize the public right away for a sidewalk café may be obtained from the Development /Inspection Services Department.

4.2.2 The completed Application form must be submitted to the Development Officer along with a scale site plan indicating the location and layout of the proposed sidewalk café. The site plan must indicate the proposed location of all awning, tables, chairs, planters, and any other accessory items, as well as identify all utility poles, fire hydrants and other structures located with in 6meters (20'-0) of the proposed café.

4.2.3 Upon submission of the completed application form and the information as required in Step 2 above, the Development Officer prepares a report, including a recommendation for consideration by Town Council for new sidewalk cafés or where significant changes are proposed to an existing sidewalk café.

4.2.4 In cases where a sidewalk café has already been approved by Town Council, the Development Officer, reviews and may approve the application if significant changes have not been made to the Council-approved site plan and all other criteria related to the approval have been satisfied.

4.2.5 The Development Officer will notify the applicant in writing of the decision of Town Council.

4.3 Conditions of Approval

- 4.3.1 Terms: The operator must agree to abide by all terms and conditions set forth in this Procedure, and any other terms and conditions assigned by Town Council. Failure to comply with any or all of these terms and conditions may result in the revoking of permission to operate the said sidewalk cafe. The Development Officer reserves the right to require that the sidewalk cafe be removed at anytime.
- 4.3.2 Other Approvals: Approval for a sidewalk cafe is contingent upon the approval of the Department of Health, the Fire Marshal, the Liquor Licensing Board (where applicable) and any other regulatory bodies governing the sale of food and/or beverages or the public health.
- 4.3.3. Access: The sidewalk cafe shall be wheelchair accessible. A 1.1 meter (3'-6") walkway shall be maintained, free from all obstructions, directly to the main door of the associated business.
- 4.3.4 Accessory Use: The sidewalk cafe will be considered an accessory use to the adjacent restaurant, eating and/or drinking establishment or beverage room.
- 4.3.5 Advertising/Signs: The use of any sign(s) shall be subject to the issuance of Sign Permit and the relevant provisions of Sign Bylaw for the Town of Woodstock.
- 4.3.6 Alcoholic Beverages: Alcoholic beverages may be served in accordance with any liquor license obtained by the said establishment.
- 4.3.7 Awnings: The installation of an awning is subject to the issuance of a Building Permit. No part of the awning shall encroach beyond the boundaries of the sidewalk cafe.
- 4.3.8 Hours of Operation: The hours of operation of the sidewalk care shall be limited to that of the adjacent use to which the café is accessory .
- 4.3.9 Insurance: The operator of the sidewalk cafe must carry a minimum of one million dollars (\$1,000,000), public liability and property damage insurance, with the Town named as co-insured, for the operation of the sidewalk cafe. The Town of Woodstock will not be liable for any harm or damages suffered as a result of an Accident/Incident of any kind within the boundaries of or caused by the sidewalk café. The Town shall be provided with a certificate of insurance.
- 4.3.10 Fencing: A fence of not less than 1metre (3'-6") in height and not more than 1.2metres (4'-0) in height shall be required around the perimeter of the sidewalk cafe. Fencing shall not obstruct traffic sight lines and be to the satisfaction of the Building Inspector. The use of non-transparent fencing material is discouraged. Any additional screening may be permitted provided it does not interfere with traffic sight lines and is to the satisfaction of the Development Officer and the Building Inspector.
- 4.3.11 Lighting: Lighting of the sidewalk cafe shall not project onto adjacent property or the adjacent street(s) and be of a temporary nature-
- 4.3.12 Location: The sidewalk cafe shall not extend beyond the frontage of adjacent buildings, without the written consent of the affected property owner.

- 4.3.13 Noise/Nuisance: The operator of the sidewalk cafe will ensure that patrons do not disturb persons on the adjacent right-of-way with loud, boisterous, or unreasonable noise, offensive language or other disruptive behavior.
- 4.3.14 Music: Music may be played at a volume that does not disturb adjacent property owners or persons utilizing the adjacent right-of-way. The Development Office reserves the right to require that the use of music cease at any time.
- 4.3.15 Removal: All sidewalk cafe fencing, furnishings, landscaping, lighting and other accessories/improvements must be of a temporary nature and be removed during the off-season to the satisfaction of the Development Officer and the Building Inspector.
- 4.3.16 Setback from Street Corners and Alleys: Where a sidewalk cafe is located at a street intersection, the cafe shall be set back a minimum of 3 meters (10'-0) from the corner of the building located at the intersection. Where a sidewalk cafe is located adjacent to a driveway or alley, the cafe shall be set back a minimum of 1.5 meters (5'-0) from the corner of the building adjacent to the driveway or alley. These setback requirements may be modified at the discretion of the Development Officer.
- 4.3.17 Sidewalk Clearance: Where possible, a minimum passageway of 1.8 meters (6'-0) shall be provided between the sidewalk cafe and the curb of the street, or between the sidewalk cafe and any physical obstructions such as utility poles, fire hydrants, park benches or garbage cans. If it is not possible to provide for a 1.8 meter (6'-0) passage way and the sidewalk cafe extends the width of the sidewalk, the operator shall provide a temporary sidewalk adjacent to the Sidewalk café. A temporary sidewalk may only be used where it replaces existing on street parking spaces. The construction and use of a temporary sidewalk shall be to the satisfaction of the Building Inspector.
- 4.3.18 Temporary Sidewalks: Temporary sidewalks are permitted within the Town's Areas identified by the Development officer /Building Inspector, where safety would be an issue.
- 4.3.19 Storm water: The use of the public right-of-way shall not interfere with storm water run-off as determined by the Superintendent of public works.
- 4.3.20 Surface: The sidewalk may be surfaced with the approval of the Development Officer.
- 4.3.21 Umbrellas: Umbrellas shall not extend beyond the boundaries of the sidewalk Café.
- 4.3.22 Utility/Infrastructure Access: The Superintendent Public Works and public utility agencies reserve the right of access to the sidewalk cafe area for the installation, maintenance or repair of all utility infrastructure. In the event of an emergency, notice of access may not be given. For all scheduled work, every effort will be made to provide the operator with a one (1) week notice. Should access be required, all sidewalk café accessories/improvements will be removed and re-installed at the operator's expense.
- 4.3.23 Waste Storage: All waste receptacles shall be located along the building wall to which the cafe is accessory and be to the satisfaction of the Development Officer. Further, the operator of the sidewalk cafe is responsible for the removal of all waster/litter within a three meter (10'-0) radius of the delineated cafe area.

May 11, 2005

TOWN OF WOODSTOCK

General Conditions

1. Sidewalk Café Construction Application approval **does not** allow occupancy of the café. Upon completion of side walks café extension decking (if required) Applicants must contact the Development/Inspection Department at 325-4716 to arrange for inspection. Upon inspection approval the permission for occupancy is issued.
2. The Development/Inspection Department must be notified 24 hours prior to commencement of café construction.
3. The sidewalk and road surface shall be kept clear of obstruction and debris to avoid hazard or inconvenience to the public during all phases of construction and operation of the café.
4. Positive Drainage shall be maintained at all times.
5. All changes and/or deviation from the approved plans and/or location shall be re-approved by the Town's Development officer.
6. The applicant accepts the Town's right to perform any necessary remedial work caused by the applicant's operation, subject to the following conditions:
 - a. The Development/Inspection department will give the applicant not less than twenty - four hours notice of any remedial work required, except for emergency work.
 - b. If, at the expiration of the time allowed, the applicant or his/her contractor has not completed remedial work to the Development Officer/Inspectors satisfaction, the Town of Woodstock may under take to have this work done by what ever means necessary.
 - c. The applicant agrees to reimburse the Town of Woodstock for all cost incurred under 6(a) and 6(b).

Sidewalk Extension Decking

8. Construction of sidewalk café shall not commence until side walk extension decking with in the parking stalls is complete.
9. A minimum clear width of 1.8 meters (6'-0") must be maintained at all times through the sidewalk extension decking.
10. Drainage holes are to be cut in the perimeter curbing to facilitate drainage along the curb.
11. Railings are to be placed around the exterior of the sidewalk extension decking 1.07 high (3'-6") with spindle centered @ 0.10m (4").
12. Railings are to be firmly attached to the decking and be constructed so as to provide protection from someone falling under normal use. The railing system should be constructed as to withstand loads, forces and effects from pedestrians.
13. Conspicuous tape is to be placed on corner posts to delineate railings at night
14. Decking surface to be flush with curbing and sidewalk.

May 11, 2005