

# Ontario Traffic Council

## Restaurant Patio Guidelines within the Right of Way

April 2022

**CIMA+**



**Ontario Traffic Council**

# **Restaurant Patio Guidelines within the Right of Way**

Thursday, April 21, 2022

B001463

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Engineering for **people**

## **Ontario Traffic Council**

### **Guidelines**

#### **Ontario Traffic Council Restaurant Patio Guidelines within the Right of Way**

**Project No. B001463**

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- Sidewalk Patio Standards and Application, City of Belleville
- Temporary Private Patio Guidelines, City of Cambridge
- Temporary Sidewalk Patio Guidelines, City of Cambridge
- Temporary Seasonal Patio Program, City of Guelph
- Sidewalk Patio Standards and Application, City of London
- Application Process for Outdoor Patios, City of Mississauga
- Bylaw 5.40.5 – Seasonal Patios, City of Orillia
- Streetside Spots Standards, City of Ottawa
- Design and Operational Standards for Pop-up Patio Space, City of Port Colborne
- Sidewalk Patios Requirements & Guidelines, City of Sault Ste. Marie
- Guidelines for Temporary Patios During COVID-19, City of St. Catharines
- GuideCafé TO – Sidewalk Café Guidelines 2022, City of Toronto
- Café TO – Curb Lane Café Guidelines 2022, City of Toronto
- Sidewalk, Parklet & Curbside Café Guidelines, City of Windsor
- Seasonal Sidewalk Patios on Municipal Property Application Form, Municipality of Clarington
- Temporary Outdoor Patio Regulations, Town of Fort Erie
- COVID-19 Street Rebalancing Guide, Federation of Canadian Municipalities
- Patio Heater Safety Guidelines, Technical Standards and Safety Authority



# 1 Definitions

## **MASH**

This refers to the Manual for Assessing Safety Hardware. The Manual presents uniform guidelines for crash testing permanent and temporary road safety features.

## **May vs. Should vs. Must**

The word “may” is used when a requirement is recommended, but it is up to the discretion of the patio operator or the road authority.

The word “should” is used when a requirement is strongly recommended from a safety and/or accessibility aspect.

The word “must” is used when a requirement is mandatory.

## **Restaurant Patio**

Restaurant patio (patio) as referred to in this guide means a patio of a restaurant and/or alcohol establishment located on road authority’s right-of-way (i.e., sidewalk, on-street parking space, curb lane). Restaurant patios may be permanent, temporary or seasonal.

## **Patio Operator**

Patio operator means any business owner or property owner applying for a permit to operate a patio.

## **Pedestrian Clearway**

A pedestrian clearway is a designated clear pathway (1.8 metres minimum width) that is to be maintained through or around a patio.

## **Permanent Restaurant Patios**

Permanent restaurant patios in the context of these guidelines refers to a patio that is permanently installed within a road authority’s right-of-way. Permanent restaurant patios are not permitted to occupy a parking space or a curb lane.

## **Temporary Restaurant Patios**

Temporary in the context of these guidelines refers to a patio that is installed for a fixed period of time with a definite end date.

### **Seasonal Restaurant Patios**

Seasonal restaurant patios in the context of these guidelines refers to a patio that is installed on a recurring basis in the spring, summer and fall months. In the winter months, the patio is removed from the road authority's right-of-way.

### **Road Authority**

Road authority means a governmental agency having jurisdiction over public streets and highways. Road authority includes the department, any other provincial agency, Region, County, City, Town, or Township responsible for the construction, repair, and maintenance of streets and highways.

## 2 Purpose and Background

### 2.1 Purpose

The purpose of these guidelines is to provide road authorities with guidelines relating to patios within the public right-of-way (i.e., sidewalk, boulevard, on-street parking space, and curb lane). These guidelines do not cover situations where a temporary patio is being considered on private property, such as private roads and/or parking lots within a shopping mall or plaza.

These guidelines have been created for the benefit of those road authorities who have not developed their own guidelines and as a supplementary resource to those road authorities who have developed their guidelines but are seeking additional guidance on the topics outlined herein.

The intention of applying these guidelines is to ensure that universal accessibility, public safety and the streetscape experience are enhanced and not negatively impacted by the introduction of a patio within the road authorities' right-of-way.

### 2.2 Background

The impetus for these guidelines originated in 2020, when Ontario's Provincial Emergency Orders were implemented due to the COVID-19 pandemic limited restaurant dine-in service. During the pandemic, business owners' use of patios helped increase opportunities for added capacity while meeting physical distancing measures.

In many communities, the introduction of patios received positive feedback from both the businesses and the public, as they can activate the street, create a more vibrant urban environment, and bring more business opportunities. By providing opportunities for outdoor dining, the community, and businesses within it, patios within the right-of-way can encourage the use and enjoyment of the public realm. Therefore, many communities are planning to continue allowing patios within the right-of-way.

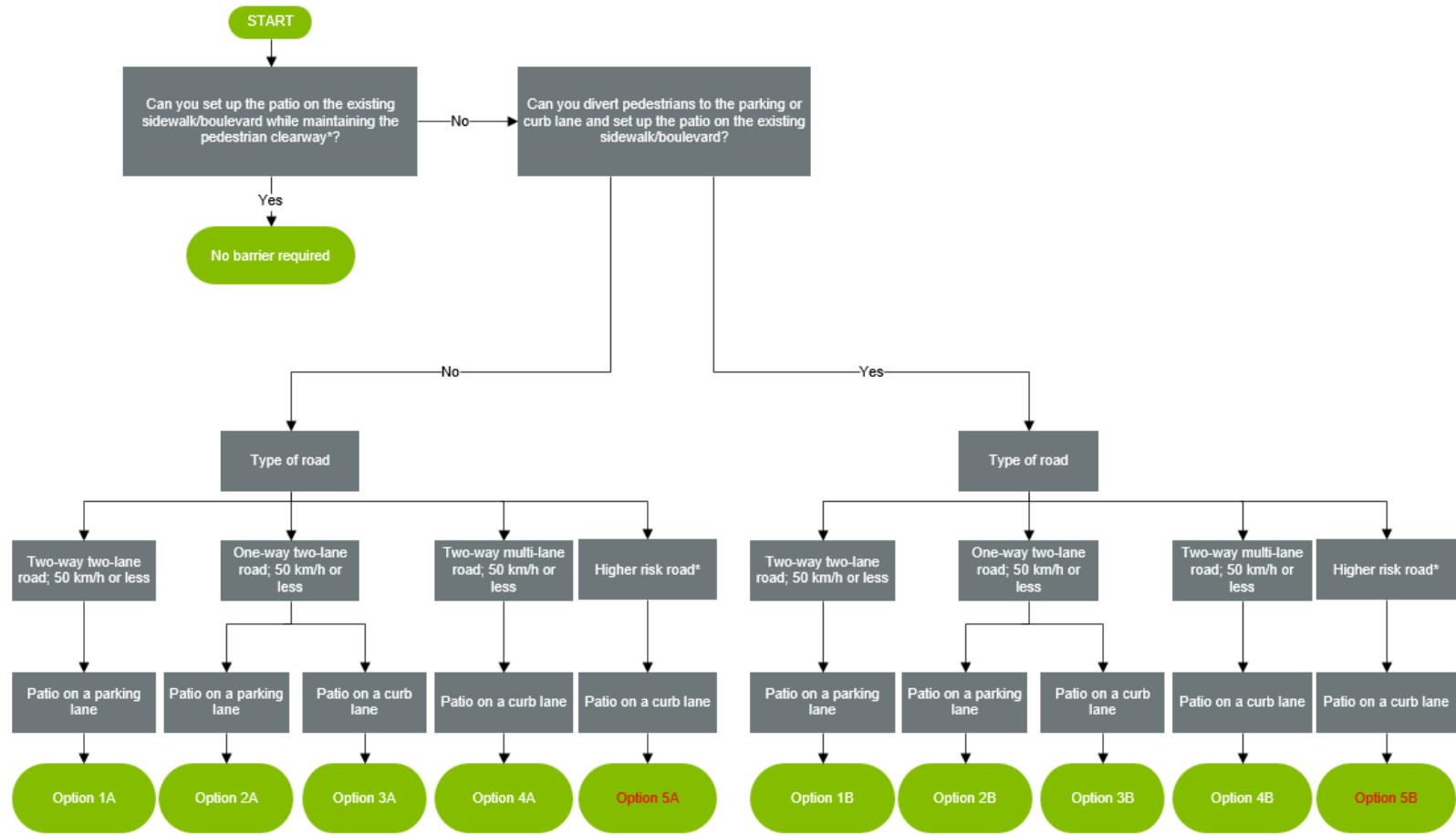
### 3 Location Feasibility

The following section provides guidance on provisions for patios within the right-of-way. Considerations are whether the patio and pedestrian clearway can be accommodated entirely off the roadway versus the requirement to have either the patio or the pedestrian clearway on the roadway, in the parking lane or the curb lane and the character of the road on which the patio is located, specifically, the number of lanes and the posted speed of the roadway. The flowchart presented in **Figure 1** on the following page presents the decision-making process to install a patio within the right-of-way. For options involving patio installations in a parking lane or a curb lane, traffic control plans indicating the level of containment/signing to protect pedestrians and/or restaurant patrons and staff are indicated. These traffic control plans are provided in **Appendix A**.

As patios located with a parking lane or a through lane are a temporary condition, they should be treated in a similar fashion to temporary road closures presented in Ontario Traffic Manual (OTM) Book 7. All typical layouts have been designed to meet or exceed guidelines as set out in OTM Book 7. Typical layout templates are similar to OTM Book 7 to promote uniformity of treatment in the design, application and operation of traffic control devices and systems across Ontario. Some devices have been altered or omitted from that of OTM Book 7 so that may be more applicable to the intent of this manual. Additional safety measures have been added to that of OTM Book 7 in the best interest of public safety. The design of the barriers and the suggested level of protection for each layout should be based on a risk assessment that is context sensitive (consideration of traffic volume, operating speeds and the potential for hostile intent that would cause damage or harm to restaurant patrons). **Road authorities are free to either enhance or remove elements from the patio layouts based on local traffic conditions and their engineering judgment.**

Where feasible, it is preferable to install a patio within the existing sidewalk/boulevard area to avoid using a parking lane or a curb lane on a roadway. If there is sufficient room to have a patio in the existing sidewalk/boulevard area and a pedestrian clearway (1.8 m) can also be accommodated within the existing sidewalk/boulevard area, there is no need for any traffic protection for the patio.

If there is insufficient room for both the patio and a pedestrian clearway off the roadway, it is preferable to divert pedestrians onto the roadway around the patio rather than keeping the pedestrian clearway on the existing sidewalk, given that they will have a far lower level of exposure to traffic as compared to restaurant patrons (who are seated at a table) and to a lesser extent the restaurant staff serving them. In either case, traffic protection must be provided.



**Note**

\*Higher risk roads are one-way roads with multiple lanes (>2 lanes) or roads with a posted speed of 60 km/h

Option XX: Attenuator/cushion also required

Figure 1 – Flow Chart for Determining Roadside Protection, Temporary Signing and Delineation



When it is not feasible to divert pedestrians onto the roadway around the patio, traffic control plans have been prepared for the following scenarios:

- Two-way two-lane road; 50 km/h or less (patio in a parking lane) – Option 1A
- One-way two-lane road; 50 km/h or less (patio in a parking lane and in a curb lane) – Option 2A and 3A
- Two-way multi-lane road; 50 km/h or less (patio in a curb lane) – Option 4A
- Higher risk road - One-way multi-lane road or roads posted 60 km/h (patio in a curb lane) – Option 5A

When it is feasible to divert pedestrians onto the roadway around the patio, traffic control plans have been prepared for the same scenarios:

- Two-way two-lane road; 50 km/h or less (patio in a parking lane) – Option 1B
- One-way two-lane road; 50 km/h or less (patio in a parking lane and in a curb lane) – Option 2B and 3B
- Two-way multi-lane road; 50 km/h or less (patio in a curb lane) – Option 4B
- Higher risk road - One-way multi-lane road or roads posted 60 km/h (patio in a curb lane) – Option 5B

Additional protection in the form of a crash cushion or attenuator is required when there is a higher risk of an errant vehicle striking the barrier at the leading end of the barrier protecting the patio, specifically one-way multi-lane roads or roads posted 60 km/h.

Patios must not be installed within a parking lane or a curb lane on roads with a posted speed greater than 60 km/h.

### 3.1 Location Requirements

Patios within parking lanes or curb lanes that are installed near signalized or unsignalized intersections may be problematic due to the following issues:

- Visibility to a traffic signal or Stop sign may be impacted by the presence of the patio and/or barriers
- Removal of a lane increasing congestion at an intersection
- Drivers required to make a lane shifts immediately downstream of a signalized intersection and
- Sightlines for motorists on the crossing road of approaching traffic (visibility reduced due to patio and/or barriers)

Engineering judgement should be used in these situations to determine if the patio can be installed safely.

### **3.2 Other Requirements**

For patios near transit stops, a clear 15 metre length parallel to curb and 2 metre width perpendicular to curb from the bus stop pole must be maintained for the bus stop landing pad. Accessibility at bus stops must be maintained at all times, including curb space to deploy the ramp. This area must be free of furniture, planters, or fencing.

## 4 Classifications

This section outlines different types of patios that may be implemented within the public right-of-way, as follows:

- Sidewalk/boulevard patios
- Curb lane patios
- Frontage patios with walkway

Additional information on dimensions is presented in **Section 6** of these guidelines. For all patios, a pedestrian clearway of at least 1.8 metres wide needs to be maintained with 2.1 metres width considered ideal. At locations with high pedestrian volumes, a clearway width of 2.5 metres may be required.

### 4.1.1 Sidewalk/Boulevard Patio

Sidewalk/boulevard patios include the following options:

- Frontage patio (along the building)
- Curbside patio (along the curb)
- Alleyway patio
- Corner patio

#### 4.1.1.1 Frontage Patio (Along the Building)

This classification includes patios located immediately adjacent to the building but extending beyond the front property line into the public right-of-way, as shown in **Figure 2**.

Frontage patios are only permitted where a pedestrian clearway can be maintained:

- The pedestrian clearway must be clear from any obstacles (e.g., trees, light poles, bike rings, etc.)
- If a straight pedestrian clearway cannot be maintained, the pedestrian path deviation must be less than 20 degrees.

If the above requirements cannot be met, a curbside patio may be considered as an alternative option.

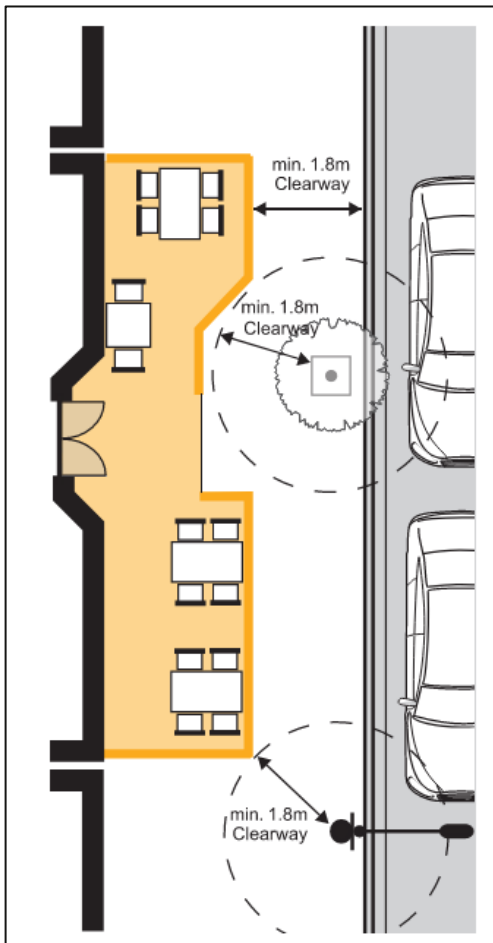


Figure 2 – Frontage Patio<sup>1</sup>

<sup>1</sup> Image credit: *Sidewalk Patio Standards and Application Process*, City of London, 2018

#### 4.1.1.2 Curbside Patio (Along the Curb)

When a frontage patio is not possible due to pedestrian clearway constraints, curbside patios may be considered, as shown in **Figure 3**.

Curbside patios are patios along the curb that are located on the exterior edge of the public right-of-way, with the clearway located between the building and the patio. This type of patio ensures the pedestrian clearway is maintained (see **Section 4.1.1.1**) while allowing the patio to be set up on the sidewalk with some streetscape elements (e.g., fire hydrant and light poles) incorporated into the patio. However, any fire hydrant must not be incorporated within the patio and requires a 1.8-metre buffer zone at all times.

Between the boundary of the patio and the curb, a minimum buffer of 0.5 metres must be provided.

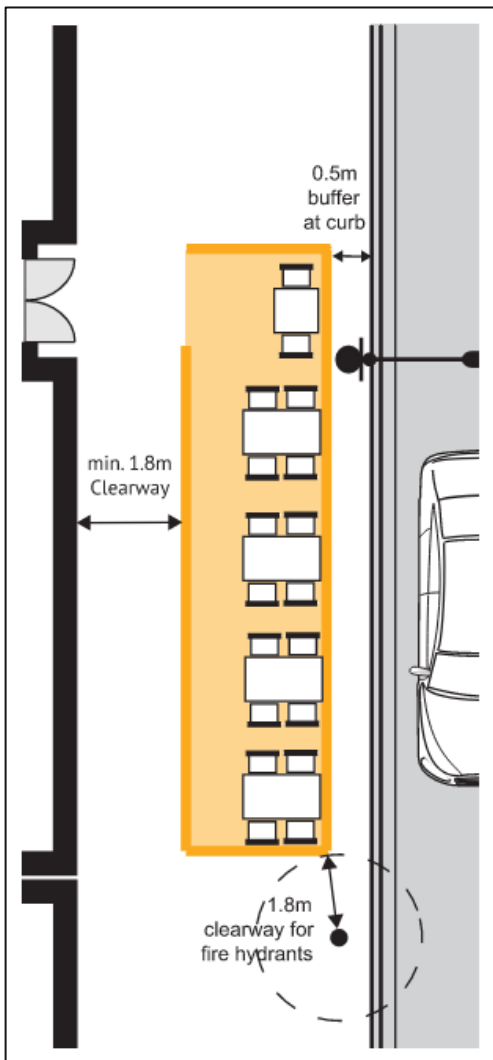


Figure 3 – Curbside Patio<sup>2</sup>

<sup>2</sup> Image credit: *Sidewalk Patio Standards and Application Process*, City of London, 2018



### 4.1.1.3 Alleyway Patio

Where there is a public alley between two buildings, a patio may be located in the space adjacent to the establishment, provided the proposed patio does not prevent vehicular access (or vehicular traffic has an alternate route available) as shown in **Figure 4**.

When setting up an alleyway patio, a pedestrian clearway must be maintained, and the clearway should be located between the outer edge of the patio and any neighbouring buildings. The road authority may wish to close the entire alleyway and provide signs detouring pedestrians around the patio.

The entrance to the patio should be located as close as possible to the entry of the associated establishment. This will provide ease of access for the patio operator to serve patrons.

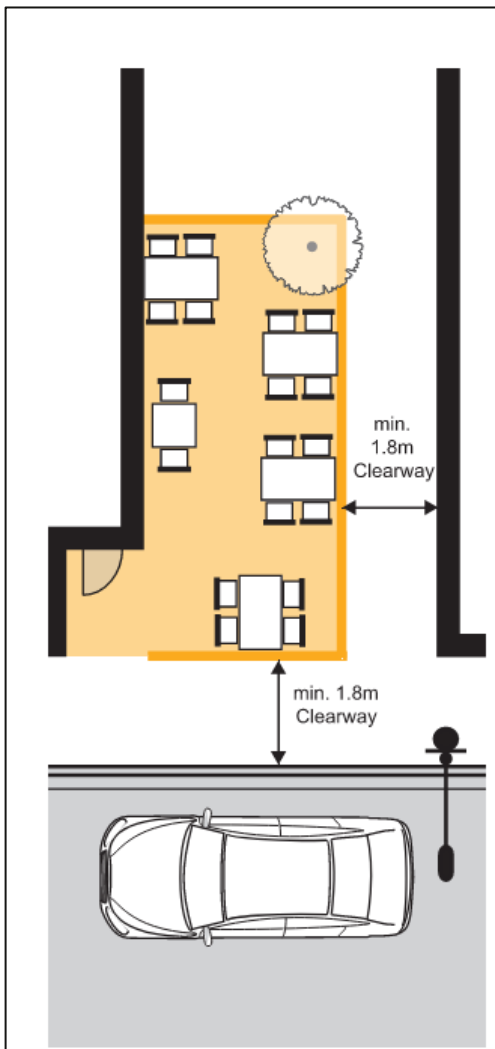


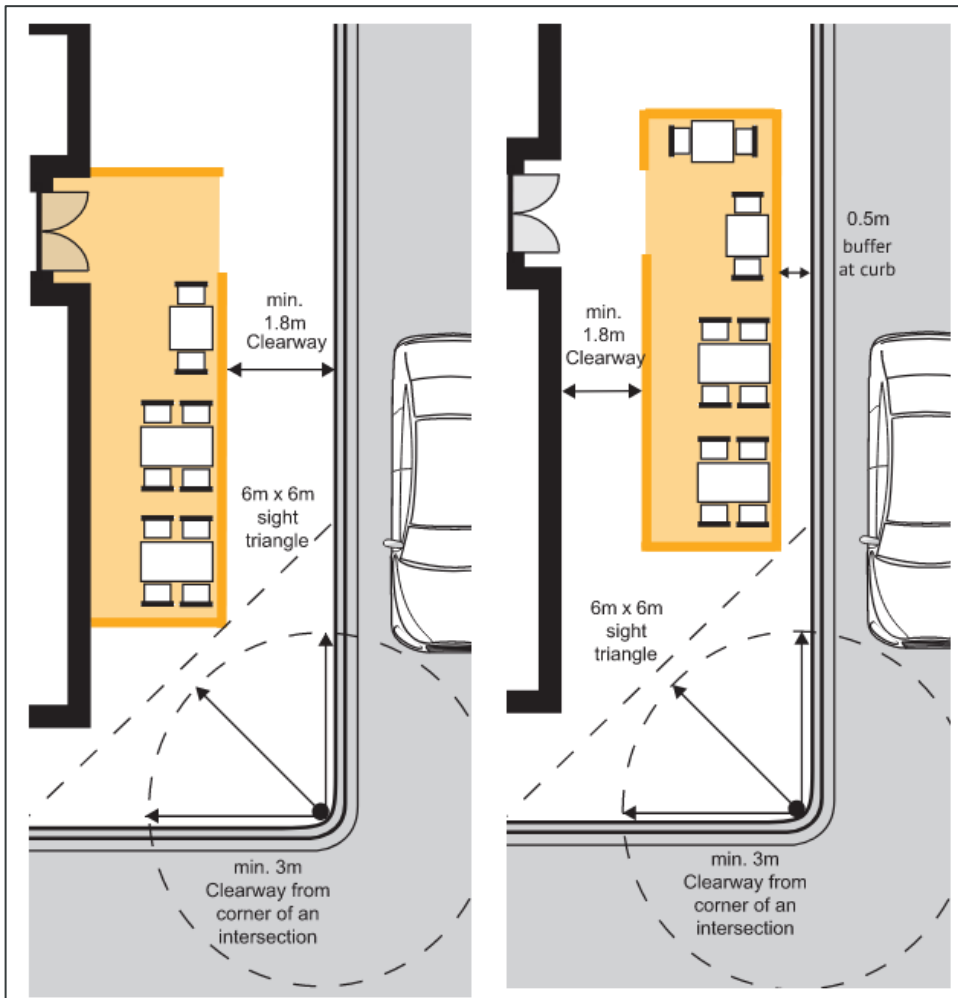
Figure 4 – Alleyway Patio<sup>3</sup>

<sup>3</sup> Image credit: *Sidewalk Patio Standards and Application Process*, City of London, 2018

#### 4.1.1.4 Corner Patio

An example of a corner patios is shown in **Figure 5**. Corner patios are similar to frontage patios and curbside patios; however, corner patios require special treatment to ensure the increased pedestrian volumes and traffic activity can be accommodated without interference:

- A minimum clearway of 3 metres must be provided from the corner of the intersection.
- A 6-metre x 6-metre sight triangle should be maintained where there is sufficient space.



**Figure 5 –  
Corner Patio<sup>4</sup>**

<sup>4</sup> Image credit: *Sidewalk Patio Standards and Application Process*, City of London, 2018

## 4.1.2 Curb Lane Patios

Where the public right-of-way is not large enough to support a patio on the sidewalk, patios may be located within an on-street parking space subject to an agreement with the road authority. Curb lane patios refer to those:

- In an on-street parking space or through lane
- Having a boulevard and on-street combination

Curb lane patios require some form of roadside protection, as outlined in **Section 3.0**. Refer to **Section 5.1** for further details on roadside protection requirements.

### 4.1.2.1 Patios in an On-Street Parking Space or Curb Lane

**Figure 6** shows an example of a patio occupying an on-street parking space or a curb lane. Details on roadside protection (required for this patio) are shown in **Section 5.2**.

Ideally, patios located within an on-street parking space should be brought to the same height as the sidewalk using a platform. However, if platform cannot be provided, accessible ramps must be provided. See **Section 7.2** for detailed requirements on accessible ramps.

Patios in on-street parking spaces may only occupy complete spaces and shall have a minimum of 4 metres of the parking space or through lane located directly in front of the associated establishment.

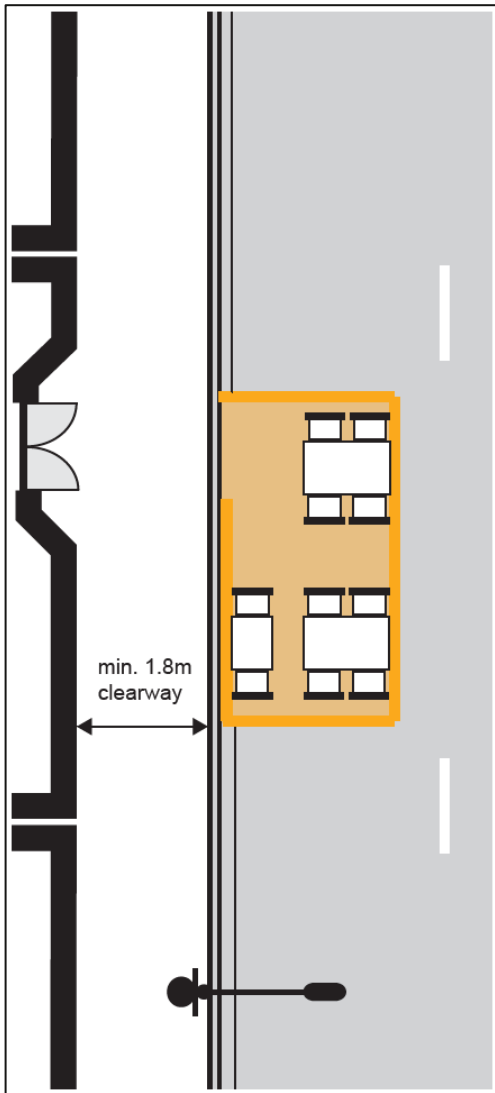


Figure 6 – Patio in On-Street Parking Space<sup>5</sup>

**Note:** Roadside protection details not shown.

<sup>5</sup> Image credit: *Sidewalk Patio Standards and Application Process*, City of London, 2018

#### 4.1.2.2 Boulevard and On-Street Combination

To create a larger patio, it may be suitable in some cases to combine a patio in the boulevard with a patio in an on-street parking space. The combined, enlarged space will act as one patio. **Figure 7** shows an example of a patio occupying a portion of a boulevard and a through lane or parking lane (on-street).

The pedestrian clearway shall be located between the interior boundary of the patio and the associated building.

The use of an on-street parking space may be subject to an agreement with the road authority.

The portion within the on-street parking space must be brought to the same height as the public right-of-way. A level transition between the two portions must be provided.

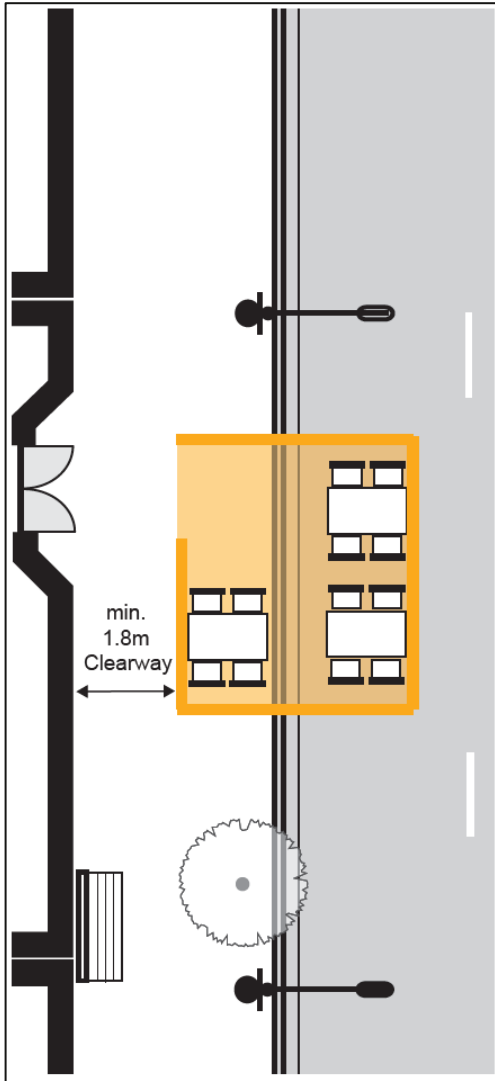


Figure 7 – Boulevard and On-Street Combination<sup>6</sup>

**Note:** Roadside protection details not shown.

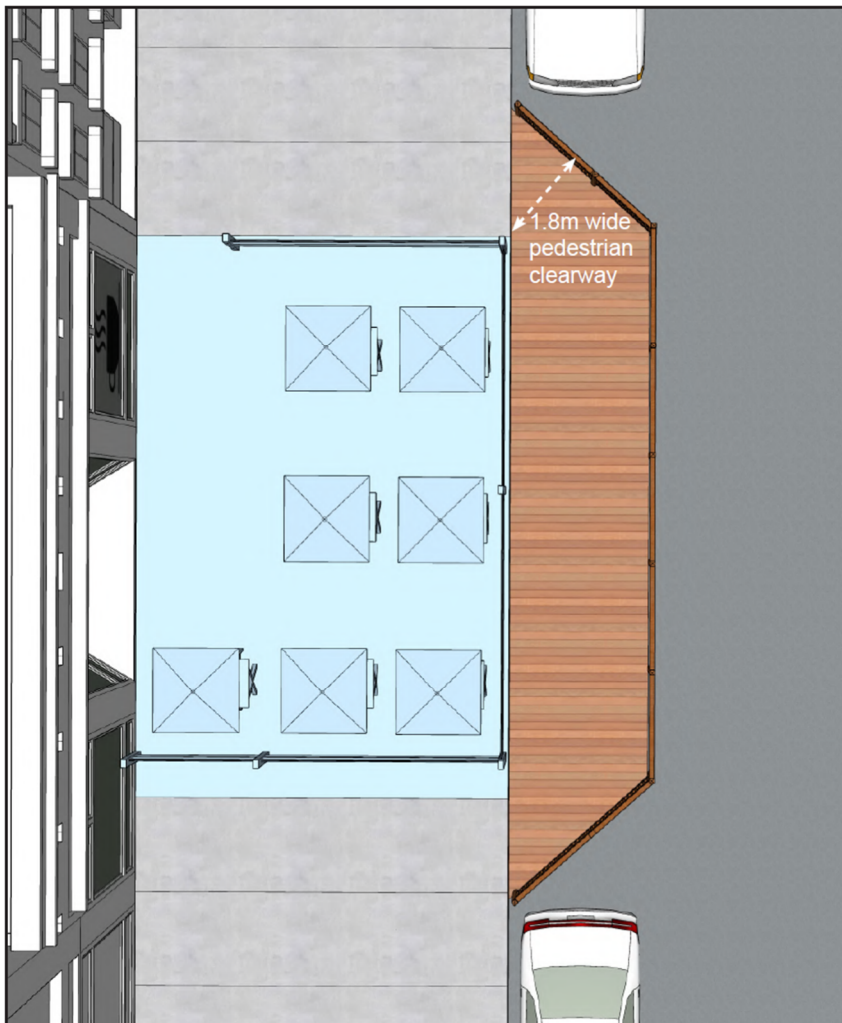
<sup>6</sup> Image credit: *Sidewalk Patio Standards and Application Process*, City of London, 2018

### 4.1.3 Frontage Patio with Pedestrian Clearway

**Figure 8** shows an example of a patio occupying the entire boulevard with the pedestrian clearway being provided on-street.

Where the public right-of-way is not large enough to support a patio on the sidewalk while maintaining the pedestrian clearway, the pedestrian traffic may be diverted to the curb lane subject to an agreement with the road authority, and the following requirements must be met:

- A platform must be provided to bring the curb lane to the same height as the sidewalk
- When diverting the pedestrian clearway, the pedestrian clearway's deviation must be less than 20 degrees



**Figure 8 – Frontage Patio with Pedestrian Clearway<sup>7</sup>**

**Note:** Roadside protection details not shown.

<sup>7</sup> Image credit: *Sidewalk Patios Requirements & Guidelines*, City of Sault Ste. Marie, 2020

## 5 Physical Safety Considerations

The following section outlines physical safety considerations as they relate to restaurant patios, specifically:

- Patio user safety, including roadside barriers and reflectors, fire prevention and health concerns
- Road user safety including temporary signage, traffic control devices, cycle lanes and sightlines

### 5.1 Patio User Safety

The following section addresses patio user safety related to the use of roadside barriers, reflectors, fire prevention and health concerns.

#### 5.1.1 Roadside Barriers

For all patios occupying either a parking lane or a curb lane on a roadway or where a pedestrian pathway has been diverted onto the roadway (**Section 4.1.2** and **4.1.3**), a roadside barrier (along with a crash cushion or attenuator in some situations) must be installed to mitigate the risk of an errant vehicle striking either a pedestrian, restaurant patrons seated at tables or restaurant staff serving patrons. The roadside barrier, crash cushion and attenuator must be compliant with MASH (Manual for Assessing Safety Hardware)<sup>8</sup> standards for some of the layouts presented. Further information on products that are MASH compliant are presented in **Appendix B**.

All barriers installed in parking or curb lanes shall be equipped with an appropriate amount of retroreflective material to provide adequate daytime and night-time visibility.

**Table 1** and **Table 2** show the required roadside protection (attenuators/cushions and barriers) for different roads and posted speeds for patios occupying the right lane (through lane) and patios occupying a parking lane. The roadside protection requirements are in accordance with *Ontario Traffic Manual Book 7: Temporary Conditions*, a manual that identifies layouts for temporary conditions in which a portion of the roadway is temporarily closed, reflecting different levels of risk. The following is noted:

- Higher risk roads - An attenuator or a crash cushion is required on one-way multi-lane roadways where the patio is occupying the curb lane (TL-1 MASH tested) or for roads with a posted speed of 60 km/h (TL-2 MASH tested); and

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<sup>8</sup> *Manual for Assessing Safety Hardware (MASH)*, American Association of Highway and Transportation Officials, 2016



- Barriers are required in most situations, with more robust containment required for patios occupying a curb lane (as opposed to a parking lane), for one-way roads with multiple lanes and roads posted 60 km/h.

**Table 1 – Patios Occupying Parking Lane (Roadside Protection Requirements)**

Characteristics	Typical Layout	Attenuators and Cushions	Barriers
Two-way two-lane road; 50 km/h or less	Options 1A and 1B	No requirement	TL-1 MASH tested
One-way two-lane road; 50 km/h or less	Options 2A and 2B	No requirement	2A – No barrier required 2B – Any type of barrier required.

**Table 2 – Patios Occupying Curb Lane (Roadside Protection Requirements)**

Characteristics	Typical Layout	Attenuators and Cushions	Barriers
One-way two-lane road; 50 km/h or less	Options 3A and 3B	No requirement	TL-1 MASH tested
Two-way multi-lane road; 50 km/h or less	Options 4A and 4B	No requirement	TL-1 MASH tested
Higher risk road (One-way multi-lane road with patio in curb lane or road posted 60 km/h)	Options 5A and 5B	TL-2 MASH tested	Concrete barrier wall

As noted earlier, **Appendix A** contains a set of typical layouts for patios in accordance with *Ontario Traffic Manual 7: Temporary Conditions*. All of the patio layouts are designed to meet or exceed these guidelines and are based on layouts presented in the manual with minor alterations. The leading edge of the barriers is to be placed on an angle 25 – 45 degrees to protect patrons and restaurant employees from a lateral impact.

The following layouts are presented:

**50 km/h speed zone**

- Option 1A – Two-lane two-way road with patio in parking lane
- Option 1B – Two-lane two-way road with patio in parking lane; pedestrians diverted onto roadway
- Option 2A – One-way road with patio in parking lane

- Option 2B – One-way road with patio in parking lane; pedestrians diverted onto roadway
- Option 3A – One-way road with patio in curb lane
- Option 3B – One-way road with patio in curb lane; pedestrians diverted onto roadway
- Option 4A – Multi-lane road with patio in curb lane
- Option 4B – Multi-lane road with patio in curb lane; pedestrians diverted onto roadway

### **Higher risk**

- Option 5A – One-way multi-lane road with patio in curb lane or road posted 60 km/h
- Option 5B – One-way multi-lane road with patio in curb lane or road posted 60 km/h

**Appendix B** contains a list of MASH approved products that may be used as crash barriers and attenuators/cushions.

## **5.1.2 Fire Prevention**

The following section outlines safety as it relates to fire prevention and emergency access.

### **5.1.2.1 Fire Hydrants, Connections, and Route**

Fire department connections and fire hydrants must not be obstructed, and the following requirements must be met:

- 1) A minimum 1.8 metres clearance from fire department connections and hydrants must be maintained on a patio.
- 2) Fire hydrants or fire department connections must be visible from the street and accessible at all times for Fire Services
- 3) Fire routes must not be obscured by a patio.

A patio should not be situated on top of, or within 1.0 metre of an underground hydro vault.

### **5.1.2.2 Emergency Access**

If the curb lane patio is longer than 15 metres, a review may be conducted by the local fire department to determine whether any emergency access points must be installed as

part of the fencing or lateral barrier. Should this be required, patio operator will be notified in writing from the road authority.

An emergency access point is a space with an easily identifiable and removable piece of fencing, at least 1 metre wide, allowing emergency services to gain quick access to the sidewalk from the road. An example of an emergency access point could be removable wooden boards, suspended by brackets.

### 5.1.2.3 Use of Heating Appliances

The use of heating appliances in patios within the right-of-way may be subject to local municipal regulations.

### 5.1.2.4 Other Requirements from Ontario Fire Code (OFC)

The patio, including all materials (i.e., tables, furniture and signage) shall be governed by the requirements of the Ontario Building Code and the Ontario Fire Code (OFC).

### 5.1.3 Health

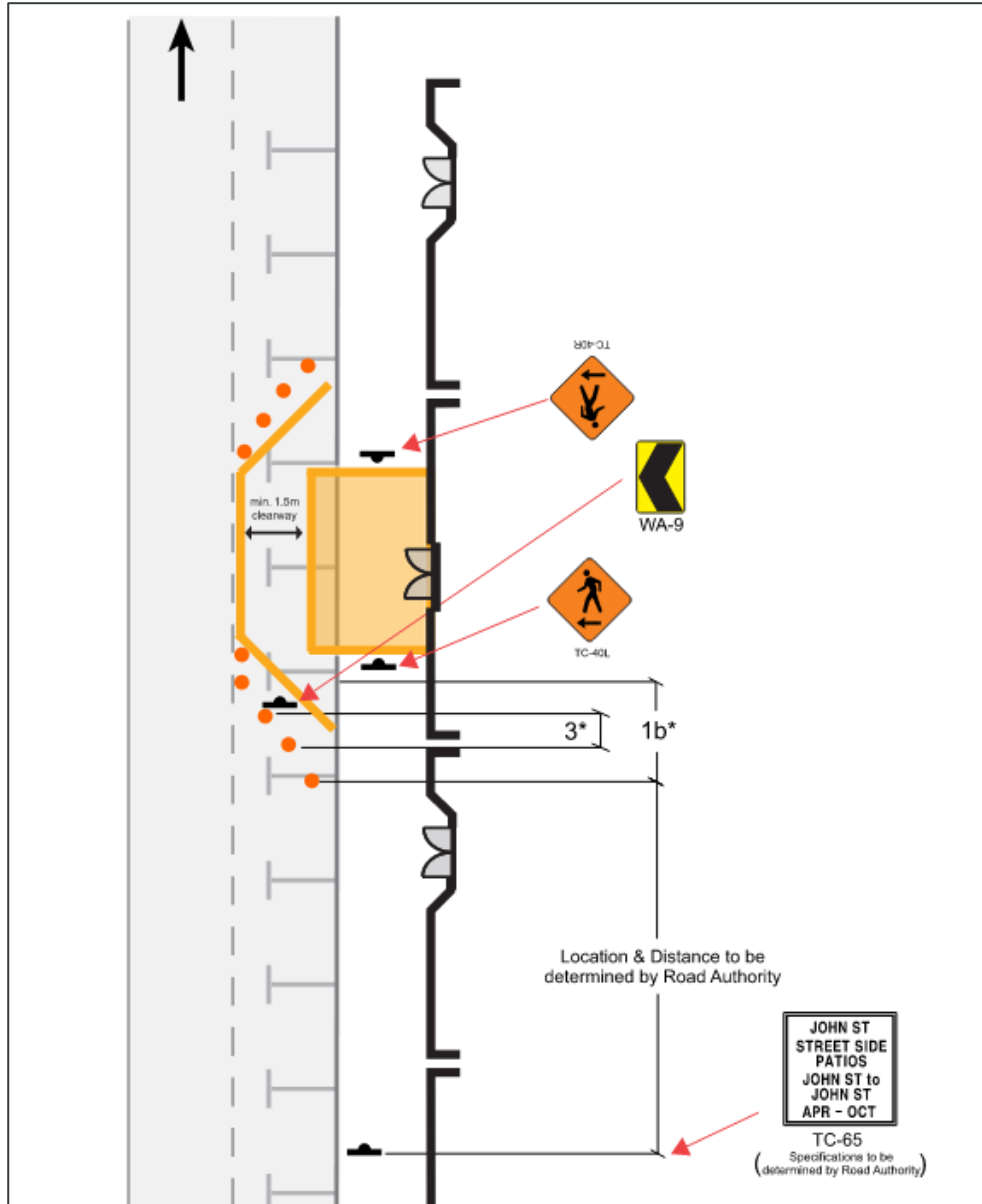
Every patio shall be operated in compliance with all applicable regulations, guidelines, orders, and/or directives published by the Ontario Ministry of Health and Long-Term Care, the Chief Medical Officer of Health, and/or by the local Medical Officer.

## 5.2 Road User Safety

The following section addresses road user safety as it relates to temporary signage and traffic control devices in the context of patios occupying either a parking lane or a curb lane on a roadway, in addition to considerations relating to sightlines.

### 5.2.1 Temporary Signage & Traffic Control Devices

For all patios occupying either a parking lane or a curb lane on a roadway or where a pedestrian pathway has been diverted onto the roadway (**Section 4.1.2 and 4.1.3**), temporary signing and traffic control devices are to be installed to provide motorists and cyclists with advance warning of the presence of a patio and the potential need to change lanes (as applicable). An example layout for a patio in a parking lane is shown in **Figure 9**. For patios in a parking lane, a temporary sign in advance of the patio alerting motorists to the presence of a patio is to be installed at a location and distance determined by the road authority. Consideration should be given to mounting the sign on a utility pole so that it may be viewed over parked vehicles. TC-40L and TC-40R are to be used if pedestrians are being diverted onto the roadway. A WA-9 chevron is used to advise motorists to keep left.



**Figure 9 – Typical Layout (Parking Lane Installation)**

An example layout for a patio in a curb lane is shown in **Figure 10**. The signs indicated in Figure 10 are the same as those provided in the *Ontario Traffic Manual Book 7: Temporary Conditions*, consisting of a modified TC-65 sign with specific information on the location and date of the patio installation, a modified TC-1 On Street Patio sign, a TC-3R Lane Drop sign), a TC-4 sign (Bear Left), and a WA-9 chevron pointing left.

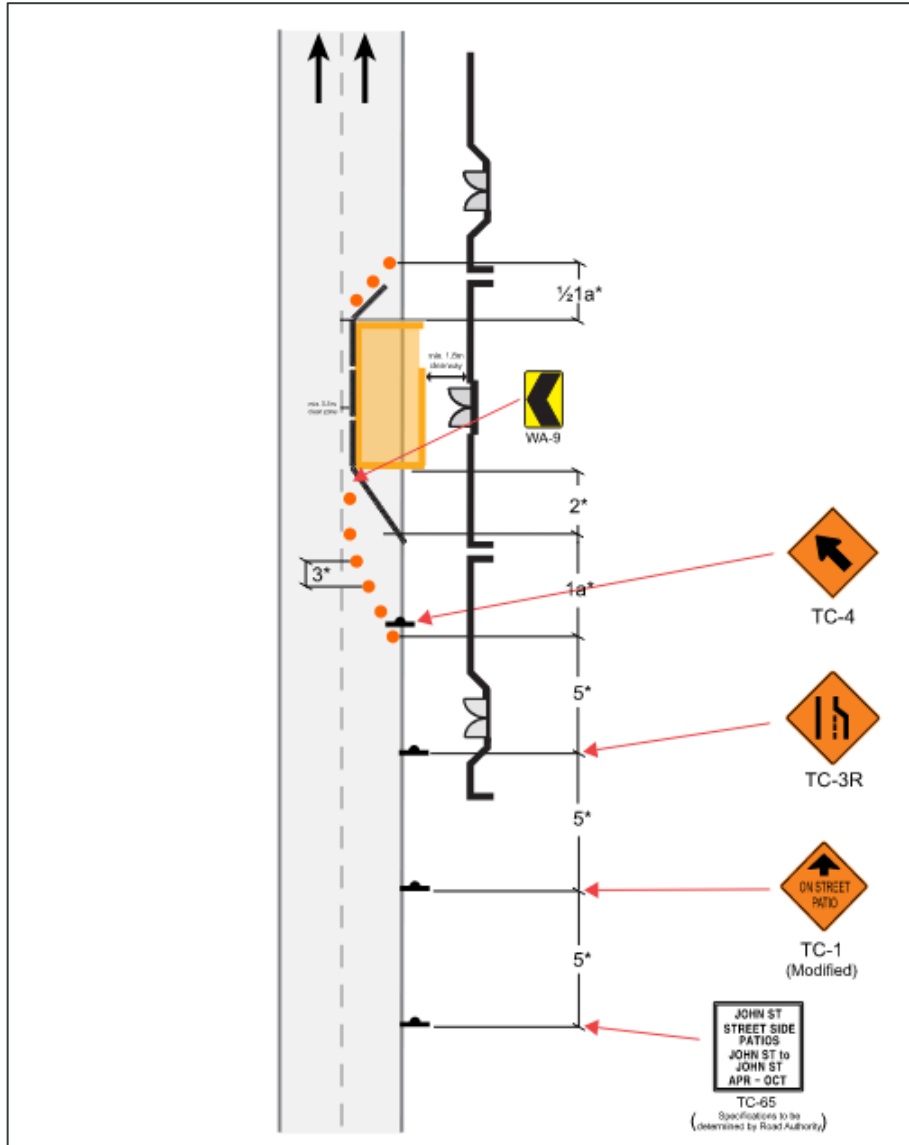


Figure 10 – Typical Layout (Curb Lane Installation)

The typical layouts in **Appendix A** show the sign requirements following *Ontario Traffic Manual 7: Temporary Conditions*. The patio layouts are designed to meet or exceed these guidelines and are based on layouts presented in the manual with minor alterations. It should be noted that where there are several patios in the same lane within 80 metres of each other, there is no requirement to repeat the advance warning signs.

**Table 3** and **Table 4** show the required distance between signs, the required taper length and the delineation requirements on the approach to the patios. If sign and marker placement is upstream of an unsignalized and signalized intersection, modifications should be made based on engineering judgement.

**Table 3 – Patios Occupying a Parking Lane (Signs and Delineation)**

Class Characteristics	Typical Layout	Distance Between Signs (1)	Taper length LV – Low Volume HV – High Volume (2)	Delineators (3)
Two-way two-lane road; 50 km/h or less	Options 1A and 1B	40m - 50m	LV 5m-8m HV 9m-15m	Maximum distance between markers 6 m - 8 m; minimum 5 markers
One-way two-lane road; 50 km/h or less	Options 2A and 2B	40m - 50m	LV 5 m - 8 m HV 9 m -15 m	Maximum distance between markers 6 m - 8 m; minimum 5 markers
<b>Notes:</b>				
(1) – Refer to Ontario Traffic Manual Book 7: Table B (5), page 187				
(2) – Refer to Ontario Traffic Manual Book 7: Table B (1b), page 187				
(3) – Refer to Ontario Traffic Manual Book 7: Table B (3), page 187				

**Table 4 – Patios Occupying a Curb Lane (Signs and Delineation)**

Class Characteristics	Typical Layout	Distance Between Signs (1)	Taper length LV – Low Volume HV – High Volume (2)	Delineators (3)
One-way two-lane road; 50 km/h or less	Options 3A and 3B	40m - 50m	LV 15 m-25 m HV 9 m-15 m	Maximum distance between markers 6 m - 8 m; minimum 5 markers
Two-way multi-lane road; 50 km/h or less	Options 4A and 4B	40m - 50m	LV 15 m-25 m HV 9 m-15 m	Maximum distance between markers 6 m - 8 m; minimum 5 markers
Higher risk road (One-way multi-lane road with patio in curb lane or road posted 60 km/h)	Options 5A and 5B	90m - 100m	40 m-60 m	Maximum distance between markers 8 m - 10 m; minimum 7 markers
<b>Notes:</b>				
(1) – Refer to Ontario Traffic Manual Book 7: Table B (5), page 187				
(2) – Refer to Ontario Traffic Manual Book 7: Table B (1b), page 187				
(3) – Refer to Ontario Traffic Manual Book 7: Table B (3), page 187				

### 5.2.2 Cycle Lane Considerations

Where patios are being installed within a bicycle lane, a temporary bicycle lane delineated using flexible posts should be installed to direct cyclists around the roadside barrier (space permitting). If it is not feasible to direct cyclists around the patio, the

encroachment of the patio into the curb lane or parking lane should be reduced so that the bicycle lane can continue to be safely accommodated.

### **5.2.3 Sightlines**

Patio furniture, including umbrellas, shall not obstruct vehicular or pedestrian sightlines, visibility or movement. At intersections and driveways, sightline triangles must be maintained per *TAC (Transportation Association of Canada) Geometric Design Guide for Canadian Roads, Chapter 8 – Access*. Fencing must not obstruct vehicular or pedestrian sightlines or fire routes.

## 6 Engineering Considerations

The following sections outline engineering considerations for temporary restaurant patios relating to the following:

- Seasonal use
- Occupying on-street parking and curb lanes
- Occupying a sidewalk and
- Patio design and operations

### 6.1 Seasonal Use

The temporary patio season patios are permitted on a seasonable basis, generally between May 1<sup>st</sup> to October 31<sup>st</sup>. However, the duration of the patio season may be determined by the municipality based on the local weather conditions and winter maintenance plans.

During the off season, the public right of way should be returned to its original condition and patio furniture and fencing removed within the right of way.

### 6.2 Occupying Parking Lane / Curb Lane

#### 6.2.1.1 Installing Patios

Patio operators wishing to implement patios in parking spaces or curb lanes are not permitted to install their patio until an appropriate road protection system and temporary signing is installed. Setup or takedown of any structure or materials on parking spaces or curb lanes can only be completed by a road authority or contractor who is trained and qualified in the OTM Book 7. The *Ontario Health and Safety Act and Regulations* takes precedence over OTM Book 7 in worker safety matters.

#### 6.2.1.2 Shared Parking Spaces

The road authority reserves the right to delineate space in the curb lane and assign it to successful applicants.

As a result of the unique nature of individual curb lane closures, patio operators may be assigned space that is not directly in front of their establishment. Similarly, other businesses may have dining furniture belonging to a neighbouring restaurant or curb lane closure equipment located in front of their business.

In order to achieve a balance of curbside uses, the road authority and local business associations may designate other dedicated curbside uses in the vicinity of closure areas including loading zones, bicycle parking, pay and display parking, public parklets,



designated waste collection zones and other uses as required to support restaurants and other businesses.

Additional fees for utilizing on-street parking spaces may be required.

## **6.3 Patio Design and Operations**

### **6.3.1 Capacity**

The total capacity of any licensed temporary patio must not exceed the capacity limit required by the Alcohol & Gaming Commission of Ontario (AGCO). The combined indoor and outdoor dining capacity of all patios must not exceed the capacity for the establishment's washrooms as determined by the Ontario Building Code.

A temporary patio must have two separate exits when it is barricaded with fencing or railings and has a capacity for more than 60 people.

### **6.3.2 Patio Platform**

The biggest constraint of implementing this type of patio is meeting the requirements for maintaining the pedestrian clearway (with its width and path deviation angle). The patio operator(s) must provide a platform to provide a level surface between the patio and sidewalk.

Therefore, this type of patio is more suitable for one establishment with a long frontage or multiple establishments that can share a long-combined frontage if patio operators all wish to create this type of patio.

The implementation of the platform should be a joint collaboration between the patio operators and road authority, noting the following:

- 1) Consideration will need to be given to who is responsible for the platform design, purchase, and installation, as well as the platform storage if the patio is temporary or seasonal.
- 2) The platform design should conform to applicable local standards in terms of weight tolerances.
- 3) The road authority must inspect the platforms after initial installation, and during the patio season (e.g., ensure the stormwater drainage is not blocked by the platforms) and after the patio has been dismantled at the end of the patio season (as applicable).

The platform must not obstruct stormwater flows or block stormwater drains. The patio operator shall be responsible for the clearance of any debris and overall maintenance to ensure free flow.

The street underneath the platform surface must be accessible for emergency maintenance by any utility through access panels or removable pavers.

A separate building permit might be required by the municipality for some platform/deck or ramp construction (e.g., deck or ramps over 200 millimetres). Drawings stamped by a Professional Engineer of the platform/deck may be required along with the building permit application.

### 6.3.3 Fencing

Patio operators must install temporary fencing, planter boxes or other items that provide a barrier between the patio area and the pedestrian clearway for patios located within the right-of-way but off the roadway. For patios installed in parking or curb lanes, refer to **Section 5.1.1** (Roadside Barriers).

To ensure safety and accessibility for the patrons, pedestrians and other road users, these guidelines must be followed for fencing:

- 1) A vertical barrier between 0.9 and 1.2 metres in height must be in place at all times. Opaque items (including dense plant material) must not be greater than 1.2 metres in height, measured from the street's surface to preserve sightlines.
- 2) Where any part of the fencing is near the pedestrian clearway, the fencing must have a solid, cane-detectable base, spaced no more than 0.3 metres apart. Fencing near a sidewalk should also have a colour contrast to the sidewalk to make it easily identifiable to pedestrians.
- 3) Any fencing installed must be free-standing and self-supporting with appropriate weights. Any delineation items, including their supports, must not project into the path of travel of cyclists, pedestrians or motor vehicles.
- 4) The fencing must not be designed to penetrate the surface of the sidewalks/curb lane (i.e., no bolts/brackets) and are secured without endangering any underground utilities.
- 5) Fencing/planter boxes/vertical barrier items must not create trip hazards and should not project beyond the limits of the patio.
- 6) Fencing/planter boxes/vertical barrier items must not be attached to trees, street elements or utilities.
- 7) Fabric, canvas, plywood, plexiglass or similar materials are not to be used for the vertical barrier.
- 8) Temporary fencing, planter boxes and other vertical barrier materials must have retro- reflective tape, or reflective flexi-posts at each end of the patio area, and preferably along the full length of the closure area. All other materials must

minimize glare for nighttime road users. Reflective items are widely available for purchase at hardware stores.

### 6.3.4 Planting

The following guidelines apply to the use of plants in patios.

- 1) Plants must be healthy, living and maintained throughout the season
- 2) Planters can be used in lieu of a fence but must be adequately sized to define the patio space. When using planters in lieu of a fence, please refer to requirements in **Section 6.3.3**
- 3) Ground planters may be used within the patio for decoration. The planters may not exceed 0.5 metres in width and 1.0 metres in height. Planters with plant material, may not exceed 1.2 metres in height or interfere with sight lines.
- 4) Hanging planters may also be used. Plant material may extend a maximum of 0.5 metres from the hanging planter box but should not run over the clearway of pedestrian, cyclist, and traffic.

### 6.3.5 Furniture

All furniture, including fencing, should be made of durable, weather-resistant materials, that are easily cleaned. Composite, metal, or painted and stained wood is preferred. Pressure treated wood and plastic are strongly discouraged. Metal surfaces should be treated with a rust resistant material to prevent rusting and staining on roadways and sidewalk surfaces.

Host stands are permitted within the patio provided they are consistent with the furniture in the patio and do not enter the pedestrian clearway.

Garbage receptacles are permitted within the patio provided they are located with host stands and cannot be seen as a prominent feature within the space.

Menus and sandwich boards are regulated by the Municipal Act and local municipal sign bylaws. If permitted, they should compliment the patio's furniture and do not occupy a portion of the clearway.

### 6.3.6 Sources of Shade

All source of shade must be secured to withstand against wind. These include awnings, umbrellas and canopies and tents.

#### 6.3.6.1 Awnings

Awnings must have a minimum height of 2.4 metres. Awnings must be installed on the first storey of the building. When fabric is being used for awnings, flame and fade

resistant materials are recommended. Awning should not conflict with trees planted in the boulevard.

### **6.3.6.2 Umbrellas and Canopies**

Umbrellas and canopies are a source of shade for patio patrons and employees, and must be installed correctly to ensure the safety of customers and passers-by noting the following:

- 1) Canopies are temporary and removable with no walls or sides.
- 2) The fabric of the umbrella or canopy must be at least 2.1 metres above the street level.
- 3) Umbrellas and canopies must be 3.0 metres x 3.0 metres or smaller. Canopies and umbrellas must be located entirely within the limits of the patio and not encroach onto the roadway.
- 4) Umbrellas and canopies:
  - i) must be properly weighted down to prevent being blown over by wind.
  - ii) must be removed during inclement weather or high winds so as to not create a safety hazard.
  - iii) must be installed so that there are no issues with sightlines for pedestrians, cyclists or motorists.
  - iv) must be free-standing and self-supporting with appropriate weights.
  - v) must not penetrate the surface of the sidewalks/curb lane (i.e., no bolts/brackets) and are secured without endangering any aboveground and underground utilities.

### **6.3.6.3 Tents**

Tents are regulated under the Ontario Building Code. For tents larger than 10 square metres, a building permit may be required. Tents cannot impede the flow of pedestrian traffic on public owned land and must adhere to local public health measures concerning airflow and have a minimum of two open sides. Tents should not impact sightlines and should comply with local fire regulations.

### **6.3.7 Lighting**

Lighting may be used at the patios, and the lighting elements should comply with the following guidelines:

- 1) Lighting features must be temporary and comply with all applicable safety standards and codes.
- 2) Lights may not exceed 3.0 metres in height.
- 3) Lighting must be restricted to low voltage (12V system), 120VAC is not permitted.

- 4) Lights and power cables should be located within the boundaries of the patio. Ensure no power cables or lighting elements run over the pedestrian clearway. Consider battery or solar-powered lights.
- 5) Lighting must not create safety hazards (i.e., casting glare) for pedestrians or vehicles. Lights should be directed onto the patio and away from neighbouring properties and the street.
- 6) Lights must not be attached to trees, utilities or other street elements.
- 7) Permission must be granted for the patio operator to use the power source if the patio operator does not own it.

### **6.3.8 Commercial Signage**

Third-party advertisements on umbrellas, awnings, furniture or any element in the public right-of-way may be regulated by local municipal bylaws.

### **6.3.9 Alcohol Serving**

Restaurant and bar operators wishing to apply for permanent changes to liquor licences will need to apply for approvals through the AGCO.

### **6.3.10 Smoking/Vaping**

Smoking, vaping, and the use of cannabis are not permitted on any patio, pursuant to the *Smoke-Free Ontario Act*.

### **6.3.11 Waste Collection**

With regard to waste collection:

- 1) Restaurants and bars that receive nighttime waste collection from the municipality should continue to place their bins at the curbside on regular collection night.
- 2) If a curb lane closure prevents the patio operator from placing their bins in front of their establishment, they are to be placed communally with the neighbours 3 metres away from the end of the closure area, away from bike lanes and preferably under a streetlight, if possible.
- 3) The business should ensure the location's address is on the bins.

### 6.3.12 Noise

With regard to noise:

- 1) The patio operator should ensure that noise arising from the service of food and alcohol on patio, including the conduct of the patrons, does not disturb local residents.
- 2) Amplified sound is not permitted in any outdoor dining area.
- 3) Acoustic performances in outdoor dining areas may be permitted subject to local regulations.
- 4) Noise and live music must comply with local bylaws, regulations, orders and guidelines.

### 6.3.13 Maintenance

Patio operators:

- 1) Must not attach patio elements to (or incorporate) light standards, street furnishings, panels, grates, utility boxes, parking pay stations, EV stations, or trees and must maintain proper clearances as outlined in local Municipal Guidelines.
- 2) Must keep the sidewalk, curb lane, and any other street areas around the patio in a clean and sanitary condition and clear from debris and trip or slip hazards (e.g., cigarette butts, spilled food or liquids).
- 3) Maintain any structures and equipment in a safe and clean condition and in good repair, and secure or store the patio furniture when not in use outside the hours of business operation.
- 4) Ensure that patrons are not smoking or vaping in the patio area, or within a nine-metre radius of the perimeter of the patio area.

At the termination of the patio permit, the patio operator must return the temporary patio area to its pre-approved condition. Any remediation work undertaken by the road authority to return the patio area to its pre-approved condition may be billed to the patio operator.

## 7 Accessibility

It is important to consider accessibility when designing all aspects of the patio area as noted in the sections below. It is recommended municipalities consult with accessibility stakeholders regarding the patio layouts being considered and/or used within their restaurant patio program.

### 7.1 Accessible Routes

Accessible routes must be provided through the patio area, as follows:

- 1) The pedestrian clearway requires 1.8 metres of space on most sidewalks, with wider sidewalks with higher pedestrian volumes requiring 2.5 metres.
- 2) To ensure the patio area does not impose a change in the direction of the pedestrian clearway of more than 20 degrees, the patio operator should use a tape measure and something to mark measurement points (pylons, chalk marks, etc.) to verify that this requirement is being adhered to
- 3) The patio operator must provide accessible access to the patio with a minimum width of 1.8 metres.
- 4) Accessible access can be achieved through two methods, installation of a temporary platform or a temporary accessibility ramp. It is the patio operator's responsibility to comply with the Accessibility for Ontarians with Disabilities Act (AODA) at all times.
- 5) The patio operator:
  - i) Must not place patio materials in the pedestrian clearway.
  - ii) Must ensure the patio's perimeter fencing has a solid base that is detectable for someone using a white cane.
  - iii) Must not use the pedestrian clearway to queue patrons awaiting their reservation or table.
  - iv) Must not place A-frame signs or other obstacles in the pedestrian clearway.
  - v) Must not lay electrical wires for any appliances (e.g., heaters, lights) across the pedestrian clearway.

### 7.2 Accessible Ramps

Ramps are to be used where a sidewalk and patio are separated by a curb. For a curb that is under 200 millimetres, the following must apply:

- 1) The slope of the ramp must be less than 1:10.
- 2) The ramp must be at least 1.8 metres wide, exclusive of flared sides.
- 3) The ramp must be stable so that it does not shift or move when used



- 4) The ramp must have a surface including flared sides that:
  - i) Is slip-resistant
  - ii) Is visible at night
  - iii) Has a detectable warning surface with colour (peel and stick)
  - iv) Has the texture that is contrasted with the adjacent surfaces (tape at top and bottom)
  - v) Has a smooth transition, less than 6 millimetres, from the ramp and adjacent surfaces
- 5) There must be space at the bottom of the ramp for someone using a mobility device to turn and navigate into the patio area.
- 6) Do not affix the temporary ramp to the sidewalk, curb edge, or road with screws, bolts, or other materials.
- 7) As shown below in **Figure 10**, rubber ramps are recommended over asphalt ramps, as rubber ramps can be easily reallocated when the furniture setup needs to be reconfigured.

A building permit might be required for ramps over 200mm.



Figure 11 – Rubber ramp



## 7.3 Accessible Seating

A minimum of one table or 20% of tables (whichever is greater) must be easily accessible to persons using mobility aids. If more than one accessible table is installed, they should be dispersed through the seating area.

The following should be considered when making decisions about patio elements:

- 1) Consider people using mobility devices when determining what type of furniture are to be set out in the patio area. For example, picnic tables significantly limit a person's mobility device to access a dining surface.
- 2) When determining seating arrangements in the patio area, install some tables with room underneath to accommodate people using mobility devices.
- 3) Ensure that there are clear routes and maneuvering spaces for people using mobility devices on the patio.
- 4) Advertise whether there are accessible washrooms on the website.

## 8 Liability

### 8.1 Insurance Requirements

The applicant must be the business owner and/or the same name on the registered business permit and provide proof of commercial general liability insurance coverage endorsed to include the municipality as an additional insured party (to a minimum limit of \$ 2 Million endorsed to include the proposed patio area). This coverage should include portions of the parking lane or curb lane included in the patio or any outdoor area which is outside the already prescribed business premises.

Where alcohol is served, liability should be increased. Where the original permitted business includes the serving of alcohol, regardless of food service, liquor-host liability insurance must be purchased in the minimum amount of \$5 million – this policy must be extended to include the proposed patio area (include portions of the parking lane or curb lane included in the patio) and should include the municipality as an additional insured).

The applicant must also show that their insurer will provide adequate coverage for all the fittings, fixtures and furniture to be installed upon and in the proposed patio area including business interruption coverage while the patio area is being utilized.

### 8.2 Indemnification

The owner and occupant (the applicant) will indemnify and save harmless the road authority from all claims, actions, costs (including legal fees on a solicitor-client basis), demands and liabilities concerning any personal injury, death or property damage done or sustained by anyone (due to the use and operation of the proposed patio area) concerning the said lands of the road authority and municipality. Indemnification for any and all incidents will extend to collisions that occur away from the business premises and patio area but are alleged to have emanated from the use and operation of the business.

## 9 Communications

The following section presents guidelines for the application process that may be used by the patio owner.

### 9.1 Application Process

The following information should be considered in the application process for installing a patio within the road authority's right-of-way.

- 1) Professional Engineer stamped (if required by the local Municipality) diagram/design drawings of the proposed patio (Patio Plan) that confirm the following design details:
  - i) Roadside protection as outlined in these guidelines
  - ii) Temporary signing and delineation as outlined in these guidelines
  - iii) Location and dimensions of the patio entrances, exits, and access to washrooms, in accordance with the Integrated Accessibility Standards for the Design of Public Spaces
  - iv) Location and use of the adjacent buildings and their entrances and exits
  - v) The location and dimensions of the patio and its entrances and exits
  - vi) Area of the patio in square metres (and square feet)
  - vii) Width of sidewalk occupied in metres
  - viii) Length of sidewalk occupied in metres
  - ix) Number of parking spaces occupied
  - x) Width of sidewalk that will remain unobstructed (to be at least 1.8 metres)
  - xi) The location and dimension of any enclosures, umbrellas, tents, awnings, etc.
  - xii) The location, height, and construction material to be used for the boundary fence, gate location, and width of gate
  - xiii) Location of fire extinguishers
  - xiv) Location of trees
  - xv) Location of tables, chairs, other furniture or installations, etc. and the distance between them to demonstrate how the patio will be accessible to patrons with limited mobility
  - xvi) Location of all municipal services and/or assets within or adjacent to the patio (e.g., location of curbs, municipal parking spaces, sidewalks, hydrants, storm sewer grates, manholes, trees, hydro poles, streetlights, benches, garbage cans, sign poles, etc.)

- xvii) Identify whether any of these elements would need to be removed or relocated to accommodate the design. (Additional fees may apply for removal or relocation, if such modification is permitted)
  - xviii) Access to municipal improvements such as trees
  - xix) The location of transit stops close to the patio
  - xx) The address of the business
  - xxi) The number of seats on the patio and
  - xxii) The maximum occupant load of the business and patio according to the Ontario Building Code
- 2) Certificate of Insurance
  - 3) Proof of a proper liquor license (if alcohol will be served at the patio)

Road authority staff will review the application submission to ensure complete and begin the approval process. Road authority staff may distribute the application to the following departments for approval:

- 1) Planning staff will review the submission to ensure the application complies with applicable zoning and urban design considerations
- 2) Building services for proposed tent (if applicable)
- 3) Fire services for proposed heating devices (if applicable)
- 4) Risk management staff will approve Proof of Liability Insurance.
- 5) Clerk's staff reviews and approves the liquor license.
- 6) Transportation planning/operations staff review for sightlines, parking concerns and adherence to applicable engineering guidelines
- 7) Parks staff review for impacts to planters/trees in the area
- 8) Operations staff review for maintenance and compliance concerns
- 9) Police review for previous disturbances
- 10) Accessibility officer review for compliance to AODA standards

Once all approvals are received road authority staff issue the permit. Road authority staff will inspect to ensure the patio location is consistent with the approved plan.

## 9.2 Patio Application Form Examples

Examples of patio application forms are provided in **Appendix C**.

## 10 Funding

Each municipality have their funding policies as it relates to patios, and generally, there are three models:

- 1) The patio operator is responsible for all costs relating to the patio. These may include:
  - a) permit fee
  - b) encroachment application fee
  - c) cost of furniture
  - d) roadside barriers
  - e) temporary signing and delineation as per OTM Book 7
  - f) accessible ramps
  - g) construction of wooden platform
  - h) cost to assemble patio at the beginning of the patio season and to dismantle at the end of patio season
  - i) Road Occupancy fee,
  - j) relocation of parking meters or parking space occupancy fees,
  - k) legal fees for preparation of Encroachment Agreement and
  - l) Teraview registration fee
- 2) The municipality waives permit fees, but the patio operator is still responsible for all other costs.
- 3) The municipality waives permit fees, and in addition, the municipality or local BIA provide some funds to support the patio operator.

The road authority may wish to consider paying for the cost, installation, removal and storage of the roadside barriers, temporary signing and delineation as per OTM Book 7.

# A

## **Appendix A: Roadside Protection and Temporary Signing Layouts**



Engineering  
for **people**

# Typical Layouts For Street Patios

Material in this section:

Table B - Work Zone Component Dimensions: Long Duration

Typical Layouts - Figure TL-SP-1 to TL-SP-5(A)

## NOTES:

- All typical layouts have been designed to meet or exceed guidelines as set-out in Ontario Traffic Manual Book 7 (OTM Book 7)
- Typical Layout templates are revised, but similar to that of OTM Book 7 to promote uniformity of treatment in the design, application and operation of traffic control devices and systems across Ontario.
- Some devices have been altered slightly from that of OTM Book 7 so they may be more applicable for the application of Street Patios
- Some substitutions have been made to recommended devices to that of OTM Book 7
- Additional safety measures have been added to that of OTM Book 7 in the best interest of public safety

Table B Work Zone Component Dimensions: Long Duration Work (Non-freeways)

	Dimension	Normal Posted Regulatory Speed Limit**				
		50 km/h or lower	60 km/h	70 km/h	80 km/h	90 km/h
1a*	Taper length for full lane closure (m)	LV: 15 – 25 HV: 30 – 50	40 – 60	60 – 80	100 – 120	140 – 160
1b*	Taper length for roadside work (m)***	LV: 5 – 8 HV: 9 – 15	10 – 15	15 – 20	20 – 25	30 – 40
2*	Longitudinal buffer area (LBA) (m)****	(30)	(40)	50	60	75
3*	Maximum distance between markers (m)*****	6 – 8	8 – 10	8 – 10	10 – 12	12 – 14
	Minimum number of markers for taper	at least 5 markers	at least 7 markers	at least 9 markers	at least 11 markers	at least 13 markers
4*	Minimum tangent between tapers (m)	55	100	120	140	160
5*	Distance between construction signs (m)*****	40 – 50	90 – 100	110 – 120	130 – 140	150

\* Table B distances are based on good visibility, and should be increased if visibility is poor.

\*\* The regulatory maximum speed posted on a highway applies under normal conditions, that is, when no construction zone or work activity is present. Guideline provisions required in OTM Book 7 are based on normal posted regulatory speed, and not on temporarily reduced construction zone regulatory or advisory speeds.

\*\*\* Roadside work includes shoulder work and roadway edge work.

\*\*\*\* LBAs are not a requirement at speeds of 60 km/h or lower, but should be used for closed lanes on multi-lane roads if space permits.

\*\*\*\*\* Markers are channelizing devices. Application guidelines are shown in Table F. Cones with reflective collars may be used for daytime or night-time operations on non-freeways.

\*\*\*\*\* 5\* also refers to the required distance for the placement of a TC Warning Sign ahead of the hazard where referenced in section 6.3.5 for the individual signs.

LV = Low Volume









HV = High Volume

LV is defined as the average daily traffic volume with less than 3000 vehicles per day (combined traffic for both directions). This figure can be obtained from the local road authority or estimated by counting the number of vehicles that pass the work site in 3 minutes and multiplying this figure by 300. The count may be taken in off-peak or peak traffic periods, corresponding to the period during which the work operations will be carried out.

Example: 20 cars in 3 minutes x 300 = 6000 vehicles per day (this would be an HV road).



## Legend of Symbols used in the Typical Layouts

Legend	
Symbol	Description
	Traffic Control Devices - TC-54, TC51C or Flexible Delineator Posts
	Sign
	Barrier - MASH Test TL-1
	Barrier - MASH Test TL-2
	Barrier - Not Tested
	Attenuator/Crash Cushion
	Business Front
	Patio Area

## Option 1A

## Parking Lane Closed

Parking-Lane

Thru-Lane

Sidewalk Diversion

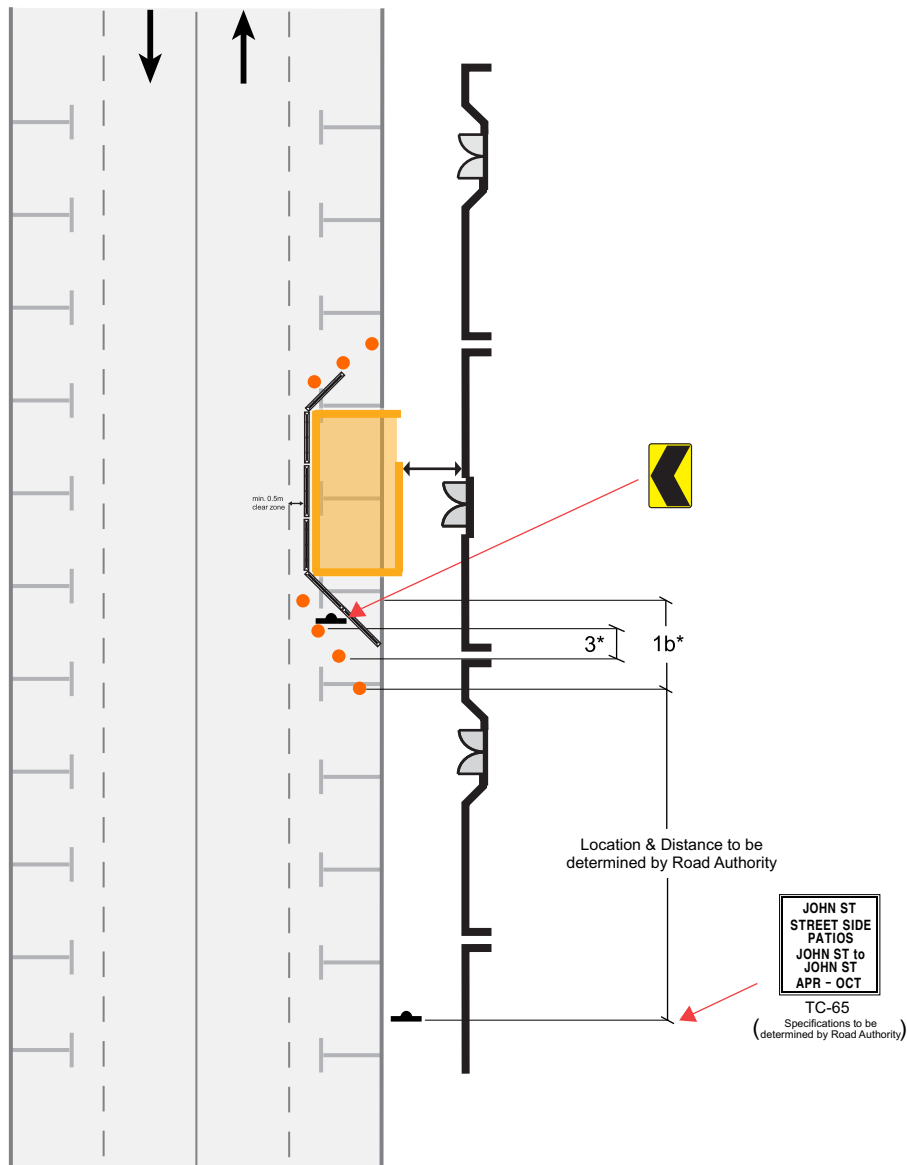
No Sidewalk Diversion

Single Lane - One Way

Single Lane - 2 Direction

Multi-Lane

High Risk



\* Refer to OTM Book 7, Table B

## NOTES

- Barriers to be placed between 25-45 degrees upstream of patio to protect from lateral impact
- Barriers installed to have minimum requirement of MASH test level TL-1 (or equivalent)

## Option 1B

## Parking Lane Closed

Parking-Lane

Thru-Lane

Sidewalk Diversion

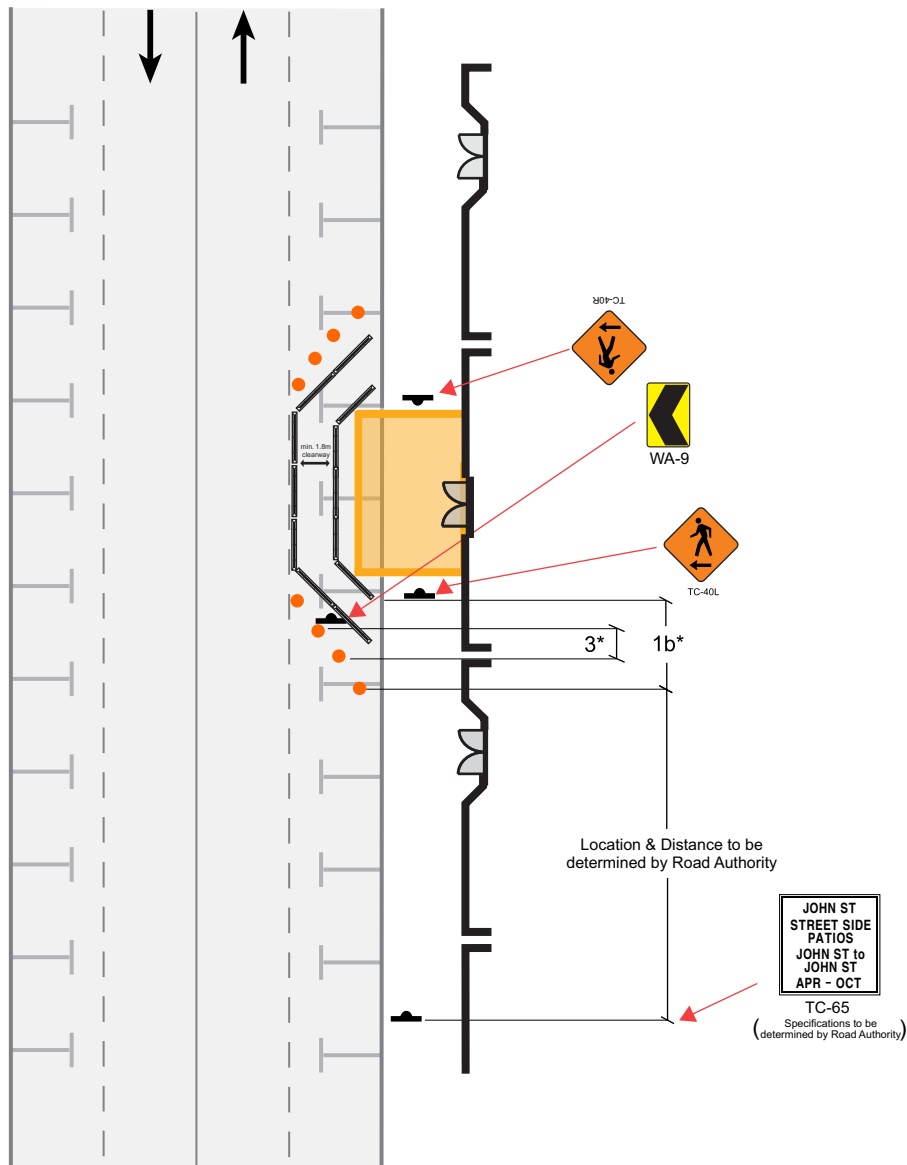
No Sidewalk Diversion

Single Lane - One Way

Single Lane - 2 Direction

Multi-Lane

High Risk



\* Refer to OTM Book 7, Table B

## NOTES

- i) Barriers to be placed between 25-45 degrees upstream of patio to protect from lateral impact
- ii) Barriers installed to have minimum requirement of MASH test level TL-1 (or equivalent)
- ii) Temporary sidewalk to meet or exceed AODA requirements

## Option 2A

## Parking Lane Closed

Parking-Lane

Thru-Lane

Sidewalk Diversion

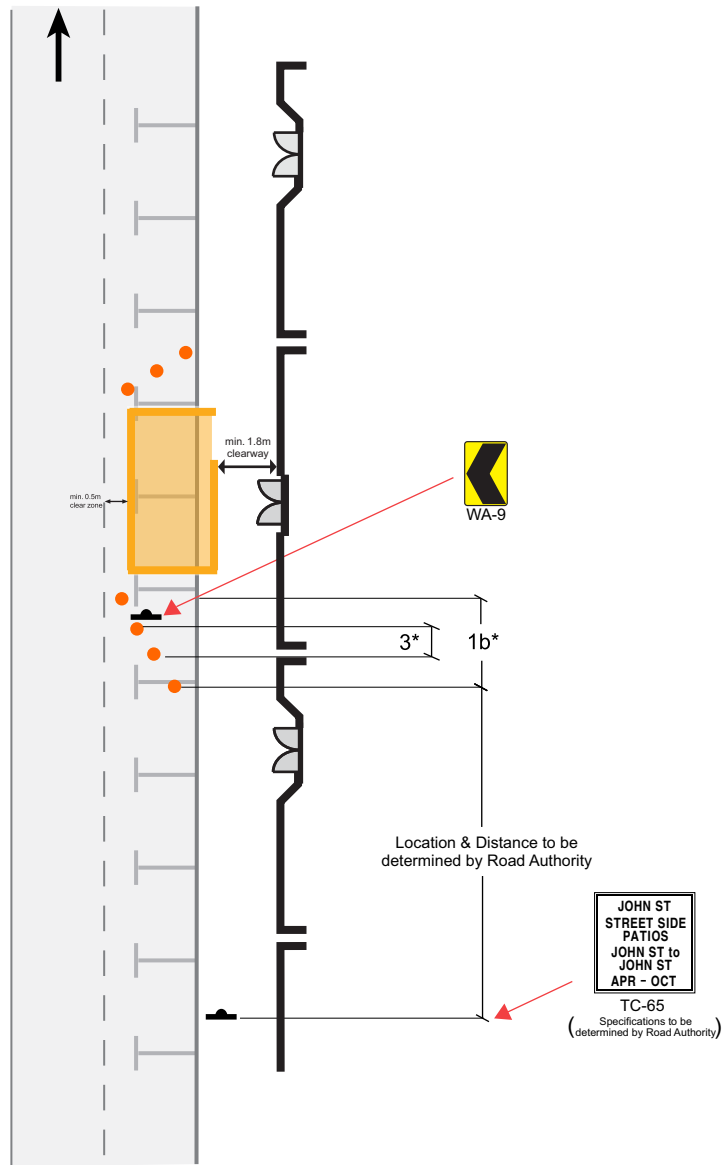
No Sidewalk Diversion

Single Lane - One Way

Single Lane - 2 Direction

Multi-Lane

High Risk



\* Refer to OTM Book 7, Table B

## NOTES

- i) Barriers not required to be MASH tested at any level
- ii) Typical layout to apply when dividing median present for opposing directional traffic

## Option 2B

## Parking Lane Closed

Parking-Lane

Thru-Lane

Sidewalk Diversion

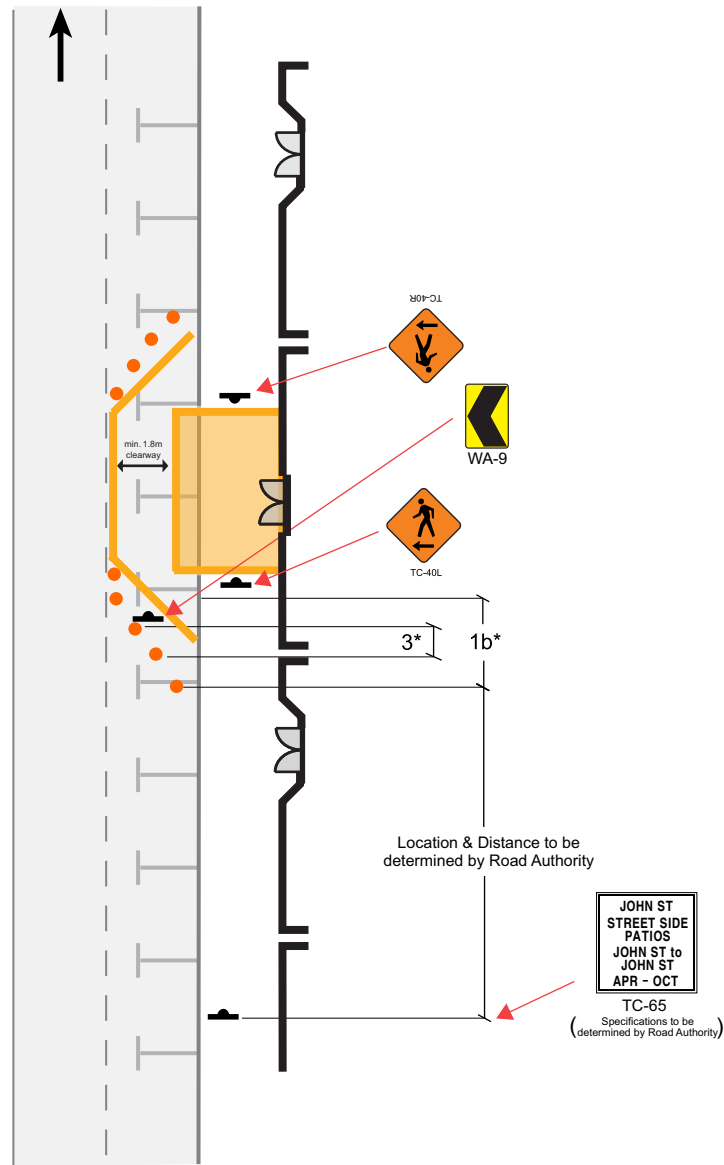
No Sidewalk Diversion

Single Lane - One Way

Single Lane - 2 Direction

Multi-Lane

High Risk



\* Refer to OTM Book 7, Table B

## NOTES

- i) Barriers to be placed between 25-45 degrees upstream of patio to provide positive guidance
- ii) No testing requirements for barriers or delineators utilized
- iii) Typical layout to apply when dividing median present for opposing directional traffic
- iv) Temporary sidewalk to meet or exceed AODA requirements

## Option 3A

## Right Lane Closed

Parking-Lane

Thru-Lane

Sidewalk Diversion

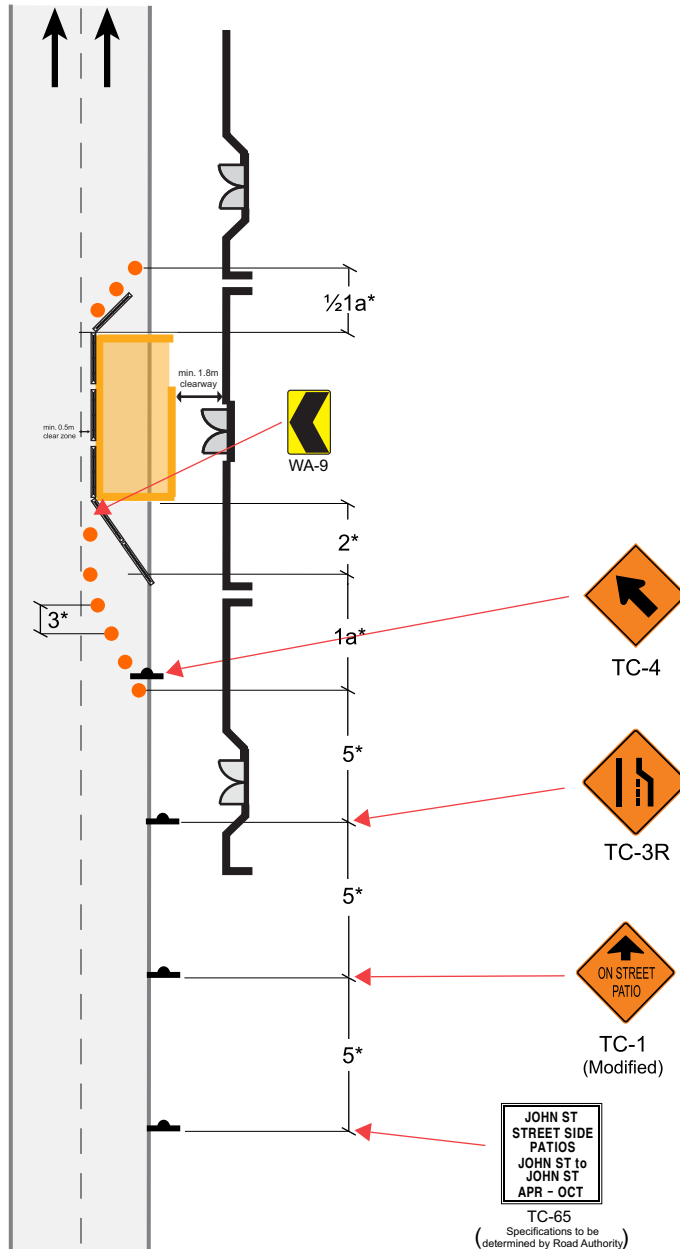
No Sidewalk Diversion

Single Lane - One Way

Single Lane - 2 Direction

Multi-Lane

High Risk



\* Refer to OTM Book 7, Table B

## NOTES

- i) Barriers to be placed between 25-45 degrees upstream of patio to protect from lateral impact
- ii) Barriers installed to have minimum requirement of MASH test level TL-1 (or equivalent)
- ii) Typical layout to apply when dividing median present for opposing directional traffic

## Option 3B

## Right Lane Closed

Parking-Lane

Thru-Lane

Sidewalk Diversion

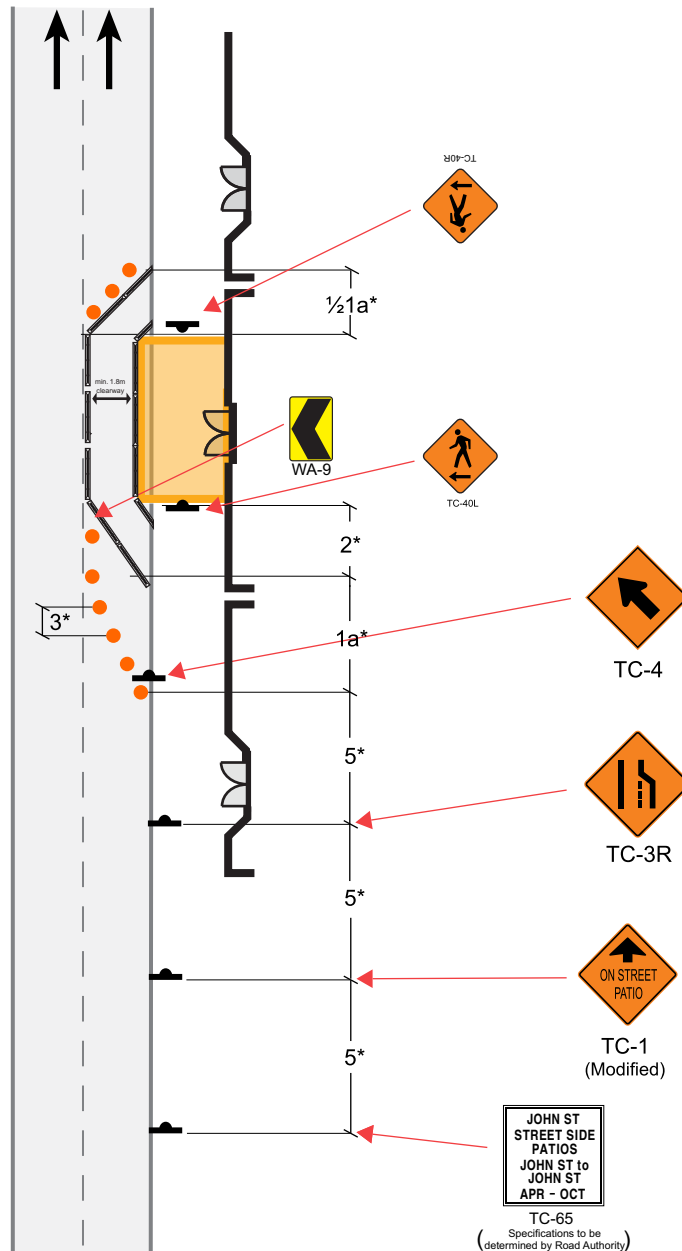
No Sidewalk Diversion

Single Lane - One Way

Single Lane - 2 Direction

Multi-Lane

High Risk



\* Refer to OTM Book 7, Table B

## NOTES

- i) Barriers to be placed between 25-45 degrees upstream of patio to protect from lateral impact
- ii) Barriers installed to have minimum requirement of MASH test level TL-1 (or equivalent)
- iii) Temporary sidewalk to meet or exceed AODA requirements
- iv) Typical layout to apply when dividing median present for opposing directional traffic

## Option 4A

## Right Lane Closed

Parking-Lane

Thru-Lane

Sidewalk Diversion

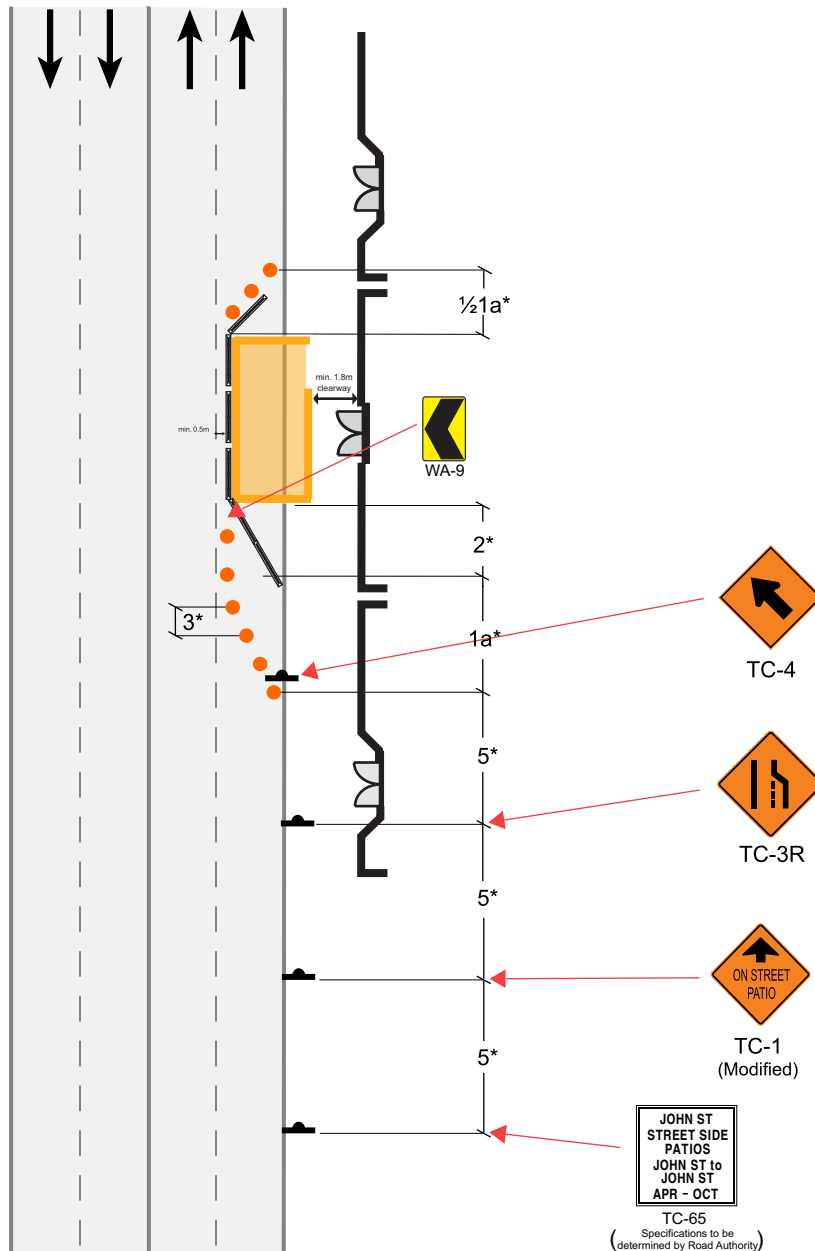
No Sidewalk Diversion

Single Lane - One Way

Single Lane - 2 Direction

Multi-Lane

High Risk



\* Refer to OTM Book 7, Table B

## NOTES

- i) Barriers to be placed between 25-45 degrees upstream of patio to protect from lateral impact
- ii) Barriers installed to have minimum requirement of MASH test level TL-1 (or equivalent)



## Option 4B

## Right Lane Closed

Parking-Lane

Thru-Lane

Sidewalk Diversion

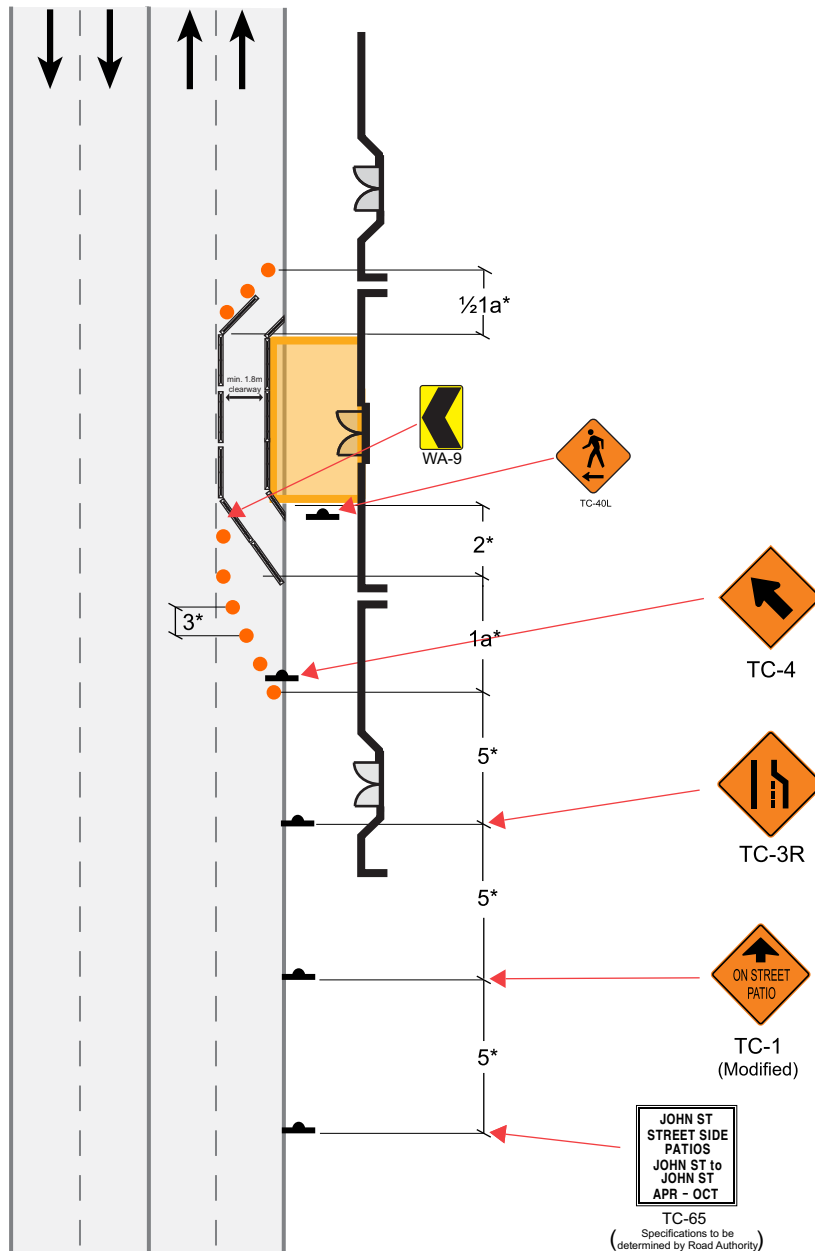
No Sidewalk Diversion

Single Lane - One Way

Single Lane - 2 Direction

Multi-Lane

High Risk



\* Refer to OTM Book 7, Table B

## NOTES

- i) Barriers to be placed between 25-45 degrees upstream of patio to protect from lateral impact
- ii) Barriers installed to have minimum requirement of MASH test level TL-1 (or equivalent)
- iii) Temporary sidewalk to meet or exceed AODA requirements

## Option 5A

## Right Lane Closed

Parking-Lane

Thru-Lane

Sidewalk Diversion

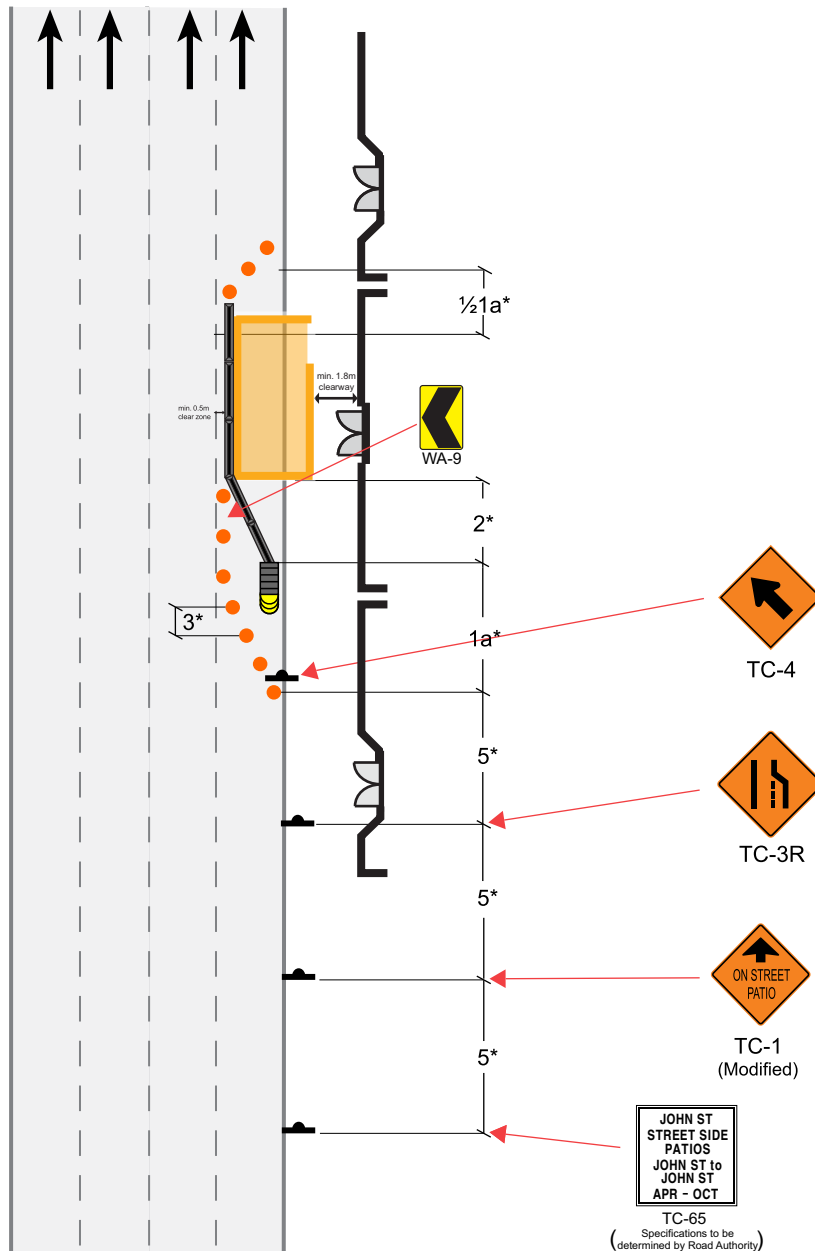
No Sidewalk Diversion

Single Lane - One Way

Single Lane - 2 Direction

Multi-Lane

High Risk



\* Refer to OTM Book 7, Table B

## NOTES

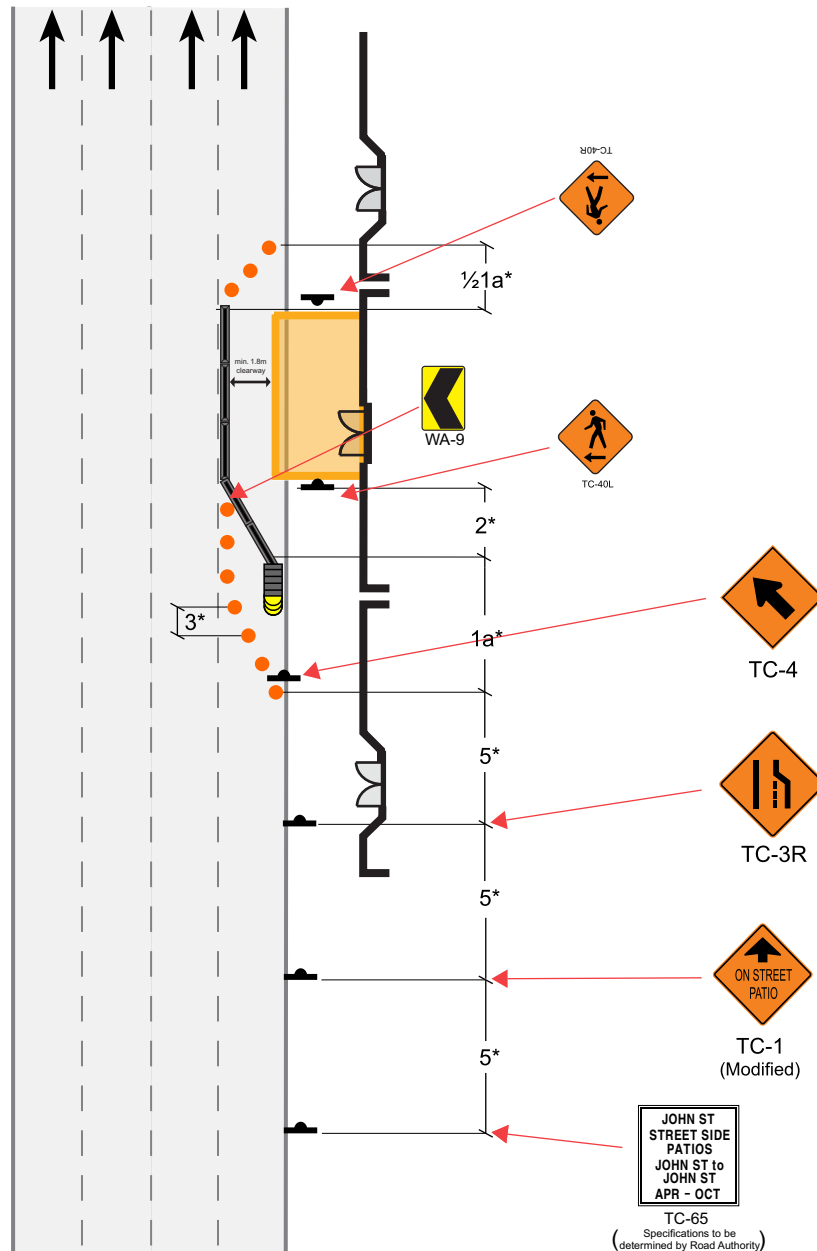
- i) Barriers to be placed between 25-45 degrees upstream of patio to protect from lateral impact
- ii) Barriers installed to have minimum requirement of MASH test level TL-2 (or equivalent)
- iii) Attenuator/Crash cushion to have minimum requirement of MASH test level TL-2 (or equivalent)

## Option 5B

## Right Lane Closed

- Parking-Lane
- Thru-Lane
- Sidewalk Diversion
- No Sidewalk Diversion

- Single Lane - One Way
- Single Lane - 2 Direction
- Multi-Lane
- High Risk








\* Refer to OTM Book 7, Table B


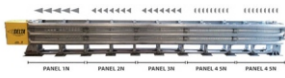

## NOTES

- i) Barriers to be placed between 25-45 degrees upstream of patio to protect from lateral impact
- ii) Barriers installed to have minimum requirement of MASH test level TL-2 (or equivalent)
- iii) Attenuator/Crash cushion to have minimum requirement of MASH test level TL-2 (or equivalent)
- iv) Temporary sidewalk to meet or exceed AODA requirements




**Delimiters No Mash Testing**

	<p>The retractable bar is made of durable ABS plastic and wrapped in reflective sheeting for night-time visibility. Each end of the retractable bar has a rugged 3.25" loop that easily drops over any traffic cones or delineator posts. The bar comes in 2 telescoping lengths: 4' to 6½' and 5' to 10½'</p>
	<p>The stem of the Grabber-Tubes are made of flexible yet durable fluorescent low density polyethylene material, with UV inhibitors to minimize fading. The recessed areas on the stem protect the reflective bands, minimizing rips and scratches. The extra large flange at the bottom of the stem allows the rubber base to hold it firmly in place.</p>
	<p>Commercial duty, sturdy rolling planter cafe Barrier. Nicely finished to both sight and touch. Planter are lined for durability and many, many-years of plant growth. The product comes with original wood grain. It is ready for customizing color with spray paint or stain. Wood has been treated for outdoor use.</p>
	<p>TC-54 Premium Traffic Barrel with Handle Used in conjunction with standard Tire Base and 25 lb Rubber Octagon Base</p>
	<p>The Crowdcafe Barricade is a 6' long multi-functional barricade system that is easy to set up and store. This device features heavy-duty rubber feet that rotate and lock for stacking purposes. The Crowdcafe Barricade comes with holes on one side for mounting signs 24"W x 18"H and can be used wherever crowd control, pathways, and blockades are needed.</p>



**Water filled sled/ Sand attenuators (TL3 Mash Tested)**

	<p>The Big Sandy Attenuator/Crash Cushion Sand Barrel is MASH Tested, Passed and Eligible, and meet the crash worthy requirements of NCHRP 350. Big Sandy Sand Barrels go above and beyond these requirement to provide the best in highway safety.</p>
	<p>The Delta Crash Cushion consists of a series of steel thrie-beam fender panels supported by steel diaphragms. It attenuates energy evenly for all vehicle types with shear bolts tearing through cut-outs of various sizes and shapes. Quick and easy installation reduces exposure to traffic. Multi-directional object marker comes in Chevron, Left or Right angles, and can be quickly changed in the field.</p>
	<p>The Sentry Longitudinal Energy Dissipater (SLED) is a narrow, water-filled non-redirective gating crash cushion that is a MASH Tested, Passed, and Eligible.TL1 / TL2 / TL3</p>

**Mash Containment Level TL2 products**

	<p>The SLED Mini is MASH Tested and Passed for Uni- and Bi-Directional applications as well as TL-2 End Treatment for the TraFFix Water-Cable Barrier™ or Concrete Median Barrier</p>
	<p>The Lo-Ro Water-Cable Barrier is intended for applications where low deflection of barrier walls is desired. The durable design of the Lo-Ro Water-Cable Barrier's interlocking knuckles minimize rotation between modules to ensure maximum stability, while also having the lowest deflection of any MASH TL-2 Water-Filled Barrier at 11' 9½" (3.6m). Each Lo-Ro module has three galvanized steel cables that minimize vehicle penetration into the work zone, has a low profile height of only 36" to provide increased visibility for motorists in urban areas, and molded-in stacking lugs for</p>
	<p>The Water-Wall Barrier is an economic and easy to install crash barrier system. The Water-Wall Barrier is a durable side protective temporary crash barrier system that can be used in many situations; from protecting the public surrounding a construction site, to work-zone safety on roads and highways.</p>

**Mash Containment Level TL1 products**

	<p>The Urban Barrier is a unique product that provides a straightforward, robust interlinking of barrier units with the help of its coupling arrangement – reducing the working width when compared to traditional construction barriers. This in turn provides more space for pedestrians and cyclists to pass the work site. The Urban Barrier is an ideal solution for work zones, bike lines, restaurant patios, and more!</p>
	<p>The Water-Cable Barrier is designed with three (3) molded in galvanized steel cables that strengthen the water-cable barrier to resist vehicle penetration during an impact. The hinges are designed to allow a 30° pivot between sections and each hinge features a double wall knuckle design that greatly minimizes breakage. Each wall includes one (1) galvanized steel T-pin to securely link Water-Cable Barrier sections together.</p>

# B

## Appendix B: MASH Compliant Hardware








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The following is a list of safety products that represents some of the products available for use with restaurant patios. This appendix will be updated with products as they are made available to Ontario Traffic Council. If you have recommendations to add to the list, please contact the OTC at [traffic@otc.org](mailto:traffic@otc.org) .


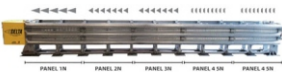



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for **people**




**Delimiters No Mash Testing**

	<p>The retractable bar is made of durable ABS plastic and wrapped in reflective sheeting for night-time visibility. Each end of the retractable bar has a rugged 3.25" loop that easily drops over any traffic cones or delineator posts. The bar comes in 2 telescoping lengths: 4' to 6½' and 5' to 10½'</p>
	<p>The stem of the Grabber-Tubes are made of flexible yet durable fluorescent low density polyethylene material, with UV inhibitors to minimize fading. The recessed areas on the stem protect the reflective bands, minimizing rips and scratches. The extra large flange at the bottom of the stem allows the rubber base to hold it firmly in place.</p>
	<p>Commercial duty, sturdy rolling planter cafe Barrier. Nicely finished to both sight and touch. Planter are lined for durability and many, many-years of plant growth. The product comes with original wood grain. It is ready for customizing color with spray paint or stain. Wood has been treated for outdoor use.</p>
	<p>TC-54 Premium Traffic Barrel with Handle Used in conjunction with standard Tire Base and 25 lb Rubber Octagon Base</p>
	<p>The Crowdcafe Barricade is a 6' long multi-functional barricade system that is easy to set up and store. This device features heavy-duty rubber feet that rotate and lock for stacking purposes. The Crowdcafe Barricade comes with holes on one side for mounting signs 24"W x 18"H and can be used wherever crowd control, pathways, and blockades are needed.</p>



**Water filled sled/ Sand attenuators (TL3 Mash Tested)**

	<p>The Big Sandy Attenuator/Crash Cushion Sand Barrel is MASH Tested, Passed and Eligible, and meet the crash worthy requirements of NCHRP 350. Big Sandy Sand Barrels go above and beyond these requirement to provide the best in highway safety.</p>
	<p>The Delta Crash Cushion consists of a series of steel thrie-beam fender panels supported by steel diaphragms. It attenuates energy evenly for all vehicle types with shear bolts tearing through cut-outs of various sizes and shapes. Quick and easy installation reduces exposure to traffic. Multi-directional object marker comes in Chevron, Left or Right angles, and can be quickly changed in the field.</p>
	<p>The Sentry Longitudinal Energy Dissipater (SLED) is a narrow, water-filled non-redirective gating crash cushion that is a MASH Tested, Passed, and Eligible.TL1 / TL2 / TL3</p>

**Mash Containment Level TL2 products**

	<p>The SLED Mini is MASH Tested and Passed for Uni- and Bi-Directional applications as well as TL-2 End Treatment for the TraFFix Water-Cable Barrier™ or Concrete Median Barrier</p>
	<p>The Lo-Ro Water-Cable Barrier is intended for applications where low deflection of barrier walls is desired. The durable design of the Lo-Ro Water-Cable Barrier's interlocking knuckles minimize rotation between modules to ensure maximum stability, while also having the lowest deflection of any MASH TL-2 Water-Filled Barrier at 11' 9½" (3.6m). Each Lo-Ro module has three galvanized steel cables that minimize vehicle penetration into the work zone, has a low profile height of only 36" to provide increased visibility for motorists in urban areas, and molded-in stacking lugs for</p>
	<p>The Water-Wall Barrier is an economic and easy to install crash barrier system. The Water-Wall Barrier is a durable side protective temporary crash barrier system that can be used in many situations; from protecting the public surrounding a construction site, to work-zone safety on roads and highways.</p>

**Mash Containment Level TL1 products**

	<p>The Urban Barrier is a unique product that provides a straightforward, robust interlinking of barrier units with the help of its coupling arrangement – reducing the working width when compared to traditional construction barriers. This in turn provides more space for pedestrians and cyclists to pass the work site. The Urban Barrier is an ideal solution for work zones, bike lines, restaurant patios, and more!</p>
	<p>The Water-Cable Barrier is designed with three (3) molded in galvanized steel cables that strengthen the water-cable barrier to resist vehicle penetration during an impact. The hinges are designed to allow a 30° pivot between sections and each hinge features a double wall knuckle design that greatly minimizes breakage. Each wall includes one (1) galvanized steel T-pin to securely link Water-Cable Barrier sections together.</p>

# C

## Appendix C: Sample Application Forms



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## CITY OF CAMBRIDGE SIDEWALK PATIO APPLICATION FORM

This application form operates in conjunction with the City of Cambridge Sidewalk Patio Guidelines. Please consult the Sidewalk Patio Guidelines for more detailed information on standards for sidewalk patios.

### 1. SIDEWALK PATIO APPLICANT INFORMATION

Name of Business: \_\_\_\_\_

Business Address: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Phone: \_\_\_\_\_ Cell: \_\_\_\_\_ Email: \_\_\_\_\_

Applicant is Owner  or Authorized Agent of Owner

#### Property Owner Information (if different than applicant):

Name of Property Owner: \_\_\_\_\_

Property Owner Mailing Address: \_\_\_\_\_

### 2. PATIO INFORMATION

Location: Façade Patio:

Curb Side Patio:

Both:

Do you have a valid Business License: Yes  No

Do you have a valid Liquor License (if applicable): Yes  No

(Please provide a copy if yes, required for insurance purposes)

Anticipated Installation Date (opening date): \_\_\_\_\_

### 3. PATIO DESIGN INFORMATION

A patio plan is required showing the location of the proposed patio. Please provide a sketch or pdf drawing of your proposed patio layout including the following information and dimensions.

Location of the patio on the sidewalk	Building information including façade length, building entrance (door location), Siamese connections and exits from building, if applicable.
Minimum Clear Path of Travel (public outdoor sidewalks (or walkways) designed and constructed for pedestrian travel and are intended to serve a functional purpose)	
Fence location and all access points	Location of existing street trees, grates, manholes/catch basins, utility valves and curb line.
Location of all furniture (chairs and tables)	
Location of any planters	
Bus shelters	<b>* All dimensions are to be metric</b>

**4. APPLICATION DECLARATION AND CONDITIONS**

I confirm by my signature below that the information contained in this application, including plans, details, patio location and setback information, is to my knowledge true, complete and in conformity to the City of Cambridge Sidewalk Patio Guidelines. I have read and understand the information provided and agree to abide by the conditions and provisions listed in this application form and Patio Permit. I further understand this is an application process and that an application for a patio does not guarantee installation is feasible and that the patio permit conditions may be subject to change.

**Sidewalk Patio Application Conditions:**

1. The Sidewalk Patio application must be in the name of the person or persons representing the patio business.
2. The Sidewalk Patio Applicant is responsible for the cost to install, maintain and to remove the patio area.
3. All patios shall be regulated on a seasonable basis during the period commencing March 15<sup>th</sup> to October 31<sup>st</sup>
4. The Sidewalk Patio Applicant is responsible to maintain the patio area in original site condition and will be required to remove all furniture and equipment following the patio season deadline.
5. The Sidewalk Patio Applicant is responsible to maintain the patio layout in accordance with the approved patio plan.
6. The Sidewalk Patio Applicant must provide an insurance certificate showing proof of liability insurance and naming “The Corporation of the City of Cambridge” and “The Regional Municipality of Waterloo” as additional insured as outlined under Insurance Requirements.

7. The Sidewalk Patio is subject to all applicable legislation such as The Liquor Control Act, The Alcohol and Gaming Regulation and Public Protection Act, The Ontario Fire Code, The Ontario Building Code Act, Region of Waterloo Public Health and The Accessibility for Ontarians with Disabilities Act. It is the permit holder responsibility to ensure compliance with all applicable legislation
8. The Sidewalk Patio area shall be subject to inspection by the City of Cambridge and/or any regulatory agency noted in #7 above. The City of City of Cambridge has the ability to warn, relocate and remove the patio fencing and furniture or revoke the permit.
9. The owner and occupant will indemnify and save harmless the City of Cambridge and Region of Waterloo from all claims, actions, costs (including legal costs on a solicitor-client basis), demands and liabilities with respect to any personal injury, death or property damage done or sustained by anyone with respect to the said lands of the City of Cambridge and Region of Waterloo.

**Insurance Requirements:**

The owner and occupant will maintain a comprehensive policy of public liability and property damage insurance acceptable to the City of Cambridge providing occurrence-based insurance coverage in an amount of not less than \$2,000,000.00 (\$5,000,000.00 for liquor licensed patio/café) per occurrence exclusive of interest and costs. Such policy shall protect the City from all loss, damage, claims or actions arising howsoever out of use and maintenance of the leased lands and shall name the City of Cambridge and Region of Waterloo as an additional insured there under. Such policy shall provide, for the following endorsements: Cross Liability with a Severability of Interests Clause, Contractual Liability, Host Liquor Liability and a 30-day notice of cancellation clause.

**Patio Application Submissions Process:**

A completed patio application form must be submitted to [hop@cambridge.ca](mailto:hop@cambridge.ca) for review and processing with the following items:

- Patio Design Plan
- Certificate of Insurance
- A copy of Liquor License (if applicable)

**Signature of applicant:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Name: (print):** \_\_\_\_\_

## **2021 Temporary Patio Application Package**

### Introduction:

The BWG 2021 Temporary Patio Program is designed to provide assistance to restaurant owners negatively affected by the prolonged economic impacts of the COVID-19 pandemic, by increasing their serving space to safely accommodate additional patrons.

The 2021 program will commence on April 15, 2021 and conclude on November 1, 2021.

There is NO FEE to apply. This program requires that businesses adhere to all provincial orders and guidelines from the Simcoe Muskoka Health Unit, in the delivery of their services.

### Private Patio Application:

Restaurant owners wishing to establish their temporary patio on private property (i.e. parking lots or rear of restaurant) can select PRIVATE from the menu below and complete the accompanying fields.

You will need to attach:

- A drawing of your proposed patio (JPG or PDF)

### Public Patio Applications (for sidewalk patios in the downtown core):

Restaurant owners in the vicinity of the 'four corners' of Holland Street and Barrie Street / Simcoe Road, who would like to establish a sidewalk patio can select PUBLIC from the menu below and complete the accompanying fields.

You will need to attach:

- A drawing of your proposed patio (JPG or PDF)
- Proof of General Liability Insurance from an insurer licensed in Ontario, for \$3 million per occurrence with an aggregate limit of no less than \$5 million to the Corporation of the Town of Bradford West Gwillimbury against any liability for property damage or personal injury, negligence including death, which may arise from the applicants' operation under this agreement.

### Private and Public Patio Applications:

Restaurant owners in the downtown core that also have spaces in the rear of the building can apply for both patios by selecting PRIVATE & PUBLIC and complete the accompanying fields.

You will need to attach:

- A drawing of your proposed patio (JPG or PDF)
- Proof of General Liability Insurance from an insurer licensed in Ontario, for \$3 million per occurrence with an aggregate limit of no less than \$5 million to the Corporation of the Town of Bradford West Gwillimbury against any liability for property damage or personal injury,

negligence including death, which may arise from the applicants' operation under this agreement.

**Application Type (Select one):**

- Private
- Public
- Private & Public

Application Date:

Registered Name of Business:

Operating Name of Business:

Applicant Name:

Phone:

Email:

Mailing Address:

For Emergencies or Urgent Notification, we require a 24-Hour Contact

Name:

Phone:

Email:

**Property Owner**

I have permission from the owner to operate a patio. Checkbox field

Name:

Title/Position:

Phone:

Email:

I have received permission from the owner to establish a patio

**Patio Information**

Date of Installation:

Length of Patio (in metres):

Width of Patio (in metres):

Proposed Number of Tables:

Proposed Maximum Seating Capacity:

Please attach a drawing of the proposed patio, in JPG or PDF. If you are applying for both private & public patios, please include both drawings in one file.

### **Liquor Licensing**

I am licensed to sell alcohol at my restaurant

- Yes
- No

If yes Please enter your liquor license number

### **Insurance**

I have the required insurance in the amount of \$3 million per occurrence with an aggregate limit of no less than \$5 million to the Corporation of the Town of Bradford West Gwillimbury against any liability for property damage or personal injury, negligence including death, which may arise from the applicants' operation under this agreement.

Please attach insurance certificate in JPG or PDF

### **Encroachment Agreement**

Please review the terms of the Town's ENCROACHMENT AGREEMENT to permit patios on public property.

I understand and agree to the terms of the Town's Encroachment Agreement

Please review the LIMITATIONS & UNDERTAKINGS of the 2021 Temporary Patio Program

I have reviewed and will comply with the General Conditions of the 2021 Temporary Patio Program

Please review the GENERAL CONDITIONS for the 2021 Temporary Patio Program.

I have reviewed and will comply with the General Conditions of the 2021 Temporary Patio Program

I understand that Section 3.2 of the Town's Noise By-law will permit music during the hours of 9 am to 11 pm and that music must cease outside of these hours.

I understand and agree that as part of these conditions, my patio will be subject to inspection by the Town's Enforcement and Fire Services, and that it may be shut down if I am not in compliance

I acknowledge that all personal information on this form is collected pursuant to the Municipal Freedom of Information and Protection of Privacy Act and will be used for the purposes of administering the Patio Program. Questions regarding this collection may be directed to Michael Kemp, Office of Economic Development, 100 Dissette Street, Unit 4, 905-775-5366 ext. 1302.

I acknowledge that the BWG Office of Economic Development will be promoting participating restaurants and may require applicants to complete a follow-up survey.

I acknowledge that by completing and submitting this form electronically that the Town of Bradford West Gwillimbury is accepting my electronic signature and that the electronic signature will be the legally binding equivalent of my handwritten signature for the purpose of submitting this form to the Town.

I, THE UNDERSIGNED HAVE READ AND UNDERSTOOD THE INFORMATION PROVIDED AND AGREE TO ABIDE BY ALL GENERAL CONDITIONS, SPECIAL PROVISIONS AND ALL CONDITIONS LISTED IN THIS PERMIT APPLICATION PACKAGE.

Temporary patios can not be built until permission is granted.

Applicants will receive a confirming email indicating that the application package has been received.

Once Town staff verify that the application is deemed complete and that it meets all the requirements of the 2021 Temporary Patio program, applicants will be notified by phone or email and provided a permit number that must be displayed on an exterior wall or made available upon request.



## WHAT YOU NEED TO START

- Complete the below application
- Application Fee or Renewal Fee
- Apply for CIP Funding if available
- Be able to obtain and provide \$5 million dollars liability insurance, naming the City as additional insured with a 30 day cancellation certificate.
- Attached a sketch/site plan of the proposed encroachment with accurate measurements
- Registration of Encroachment may be required – Fee for Registering on Title responsibility of applicant

## 1. APPLICATION

<b>Applicant</b>	
<b>Name</b>	
<b>Address</b>	
<b>Phone Number</b>	
<b>Email Address</b>	
<b>Owner</b>	
<b>Name:</b>	
<b>Address:</b>	
<b>Phone Number:</b>	
<b>Email Address:</b>	

## 2. THE ENCROACHMENT

<b>Location of the Encroachment</b>	
<b>Address:</b>	
<b>Roll Number</b>	
<b>PIN#</b>	
<b>Legal Description</b>	
<b>Type of Encroachment</b>	
<input type="checkbox"/> Awning	<input type="checkbox"/> Tables and Chairs – No Alcohol
<input type="checkbox"/> Sign	<input type="checkbox"/> Tables and Chairs – Alcohol is being served
<input type="checkbox"/> Bench	<input type="checkbox"/> Encroachment located on St. Lawrence Management Corporation Property
<input type="checkbox"/> Ramp	<input type="checkbox"/> Other - Specify







# ENCROACHMENT APPLICATION COVID-19

## WHAT YOU NEED TO START

- Complete the below application
- Application Fee
- Be able to obtain and provide \$5 million dollars liability insurance, naming the City as additional insured with a 30 day cancellation certificate.
- Attached a sketch/site plan of the proposed encroachment with accurate measurements

## 1. APPLICATION

<b>Applicant</b>	
<b>Name</b>	
<b>Address</b>	
<b>Phone Number</b>	
<b>Email Address</b>	
<b>Owner</b>	
<b>Name:</b>	
<b>Address:</b>	
<b>Phone Number:</b>	
<b>Email Address:</b>	

## 2. THE ENCROACHMENT

<b>Location of the Encroachment</b>	
<b>Address:</b>	
<b>Roll Number</b>	
<b>PIN#</b>	
<b>Legal Description</b>	
<b>Type of Encroachment</b>	
<input type="checkbox"/>	Tables and Chairs - No Alcohol
<input type="checkbox"/>	Tables and Chairs - Alcohol is being served
<input type="checkbox"/>	Encroachment located on St. Lawrence Management Corporation Property
<input type="checkbox"/>	Other - Specify
<input type="checkbox"/>	<b>Duration of Encroachment</b>



# APPLICATION FORM

## 1. Applicant Information

Applicant is the:

- Landowner.
- Authorized agent of the owner.
- Tenant who has been given permission from the registered landowner(s) of the below noted property to make an application for a patio.

Name:

Mailing address:

Email:

Phone:

## 2. Business and Proposed Sidewalk Patio Information

Legal business name:

Business address:

Type of patio proposed:

Frontage:

Curbside:

Parklet:

Frontage with walkway:

# of parking spaces to be used:

# of parking spaces to be used:

Number of proposed patio seats:

Patio dimensions:

18

Will liquor be served on the proposed patio premise?

- Yes     No

If Yes to the above, has applicant received a liquor license from the Alcohol and Gaming Commission of Ontario (AGCO) to serve on the patio premise?

- Yes     No

Will food be prepared outside the main kitchen?

- Yes     No

If Yes to the above, has applicant received a temporary food permit from Algoma Public Health (APH).

- Yes     No

**11. Signature**

I, \_\_\_\_\_ (print name) hereby declare that the information provided in this application are, to the best of my knowledge, a true and complete representation of the purpose and intent of this application. I submit this application with the acknowledgement that the information contained in this application will be on file in the City of Sault Ste. Marie Legal Department, will be circulated to various departments and agencies for comments, and will be made available to the public upon request.

**Signature**

\_\_\_\_\_

**Date**

\_\_\_\_\_

**Please do not write below. Office use only**

**Payment received :**       Yes       No       N/A

- Agency authorization:
- Planning: \_\_\_\_\_
- Building: \_\_\_\_\_
- Public Works: \_\_\_\_\_
- Accessibility Committee: \_\_\_\_\_
- Police Services: \_\_\_\_\_
- Fire Services: \_\_\_\_\_
- Algoma Public Health: \_\_\_\_\_

# CHECKLIST

- 1. APPLICATION FEE.** Patio application fee is \$250. Proposals utilizing on-street parking for either a patio or pedestrian walkway are subject to an additional fee of \$220 per space.
- 2. PROOF OF LIABILITY INSURANCE.** A minimum of \$2,000,000 is required. Patios utilizing a parking space or patios serving alcohol require a minimum of \$5,000,000.
- 3. COLOUR PHOTOGRAPHS** of the business street frontage (showing adjacent businesses).

## 4. SITE PLAN

- Dimensions of the sidewalk patio area and measurements from the curb.  
  
Identify any municipal fire connections, infrastructure, within or nearby the proposed sidewalk patio area such as parking meters, utility poles, bus stops, trees/landscaping, tree planters or other notable obstructions.
- Setback measurements between any of these obstructions and the edge of the proposed sidewalk patio are required.
- Table and seating plan layout and any patio entrances/exits.
- 5. BCIN CERTIFIED DRAWING.** If a temporary pedestrian walkway or a parklet patio is proposed in a parking space, a drawing by a BCIN certified designer is required.
- 6. NEIGHBOUR CONSULTATION.** If the patio requires the use of on-street parking spaces or extends beyond the side property lines, written consent from adjacent property owners is required.
- 7. INFORMATION ON MATERIALS USED.** Description/details and measurements regarding tables, chairs, umbrellas, fencing, partitions, signs, lighting and heating elements.

## 8. OTHER AGENCY REQUIREMENTS (if applicable).

- Approval from Algoma Public Health.
- Liquor license from the Alcohol and Gaming Commission of Ontario.

For a quick evaluation and decision, all materials submitted must be clear, legible and precise. Rough sketches are not acceptable.

**Only complete applications will be accepted.**

## Application for Temporary Patio During COVID-19

### Application for Approval for a Temporary Patio to January 1 2021

This application requests a temporary outdoor patio permitted to operate on private property up to and including January 1, 2021. The temporary status is in response to the impact of COVID-19 on local businesses and enables restaurants, bars and similar food and beverage businesses to open as soon as possible once Provincial orders permit with additional space to allow for physical distancing.

### Conditions of Approval and Inspection

Should this application be approved, occupancy is permitted on the date of the approval subject to the conditions of approval (e.g. compliance with the approved patio plan and any conditions that may apply). Inspection will follow after approval and, should the temporary outdoor patio not pass the inspection, the approval may be suspended, and occupancy may be prohibited until such time as compliance is achieved to the satisfaction of the City.

### Term of Approval

Should this application be approved, the approval will automatically lapse on January 1, 2021 at 3 a.m..

### Conversion of a Temporary Outdoor Patio permitted to January 1, 2021 to a Permanent Patio

Should the applicant want to convert an approved temporary outdoor patio on private property to a permanent patio after January 1, 2021, a separate application is required and the standards terms and conditions may vary from those applicable to a temporary outdoor patio.

1. Legal Name of Business:

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2. Name of the contact person for the business and relationship (i.e. Owner, Manager etc.). Must have legal authority to represent the business.

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3. Address:

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4. Contact Email:

---

5. Contact Phone:

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6. Is the Address in 3 above the location of the proposed temporary outdoor patio?

a)            Yes                      No

b)        If No, please provide the address for the proposed temporary outdoor patio.

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7. Is the proposed temporary outdoor patio located **on private property**

Yes                      No

a)        **If Yes**, are you the owner of the property where the temporary outdoor patio is proposed?

Yes                      No

b)        **If No, you are not the owner**, please provide a letter from the owner of the property authorizing you to apply for a temporary outdoor patio (see attached as Appendix 1).

8. Is the proposed temporary outdoor patio located **on public property**

(City sidewalk, public parking space etc.)

Yes                      No

a)        **If Yes**, you are required to submit a Certificate of Insurance including all matters outlined in Appendix 3.

9. Do you have a valid business license from the City?

Yes                      No

a)        **If No**, your application for a temporary outdoor patio will be delayed pending the issuance of a valid business license from the City. Please refer to the [City's website](http://www.stcatharines.ca) for further information on obtaining a business license.

10. Do you have a valid Liquor License from the Alcohol and Gaming Commission of Ontario (AGCO)?

a) Yes No

b) **If you are licensed** by AGCO:

- i. Include a copy of your current license
- ii. Is the proposed temporary outdoor patio a reallocation of some or all of your licensed seats from inside to outside (no increase in total seating capacity licensed by AGCO)?

Yes No

- iii. **If No**, please advise how many more seats are proposed within the temporary outdoor patio, that exceed the existing licenced seating capacity from AGCO

\_\_\_\_\_

- iv. Identify the number of licensed seats:

Proposed Inside	_____
Proposed Outside	_____
TOTAL	_____

- v. AGCO requires a minimum of 1.1 square metres per person for occupancy within a licensed temporary outdoor patio. Do you comply with this requirement?

Yes No

If No, you will have to redesign the proposed temporary outdoor patio to comply with this requirement.

b) **If you are not licensed** by AGCO:

- i. Do you intend to serve alcoholic beverages on your proposed patio? Yes No

- ii. If Yes, your application for a temporary outdoor patio will be delayed pending the issuance of a valid liquor license from the AGCO. Please refer to the [AGCO's website](http://www.agco.com) for further information on obtaining a liquor license.

11. Include a plan **to scale and in metric**, outlining the layout of the proposed temporary outdoor patio. Please refer to the City's Guidelines for Temporary Patios During COVID-19, the Site Plan Checklist, and Example Plan. The plan needs to be dated and signed by the person who prepared the plan.

**This application is considered incomplete without the required plan and will not be accepted, reviewed or approved until such time as a plan acceptable to the City is submitted.**

#### DECLARATION

I, \_\_\_\_\_ of the City of \_\_\_\_\_, solemnly declare that:

I have legal authority to represent the Business and that all statements contained in this application are true, and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as it made under oath and by virtue of the Canada Evidence Act.

The personal information collected herein is collected under the authority of Municipal Act, 2001 and will be used by and disclosed to any person or public body for the purposes of processing this application, enforcing the conditions of this permit and all applicable laws referenced in the permit, and for all related administrative purposes. This collection of personal information is authorized by the Municipal Act, 2001. Any questions related to this collection of personal information may be directed to the City Clerk.

\_\_\_\_\_  
Name of Applicant

\_\_\_\_\_  
Position/Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

#### **Owners Authorization, if applicable**

If you are not the owner of the lands, please provide a letter from the owner granting the applicant authorization to apply for a temporary outdoor patio.

Questions regarding this application may be directed via email to [temporarypatios@stcatharines.ca](mailto:temporarypatios@stcatharines.ca)

## Appendix 1: Letter of Authorization

If the applicant is not the owner of the land that is subject of this application, the authorization set out below must be completed by the owner(s). All registered owners must complete the authorization form for it to be valid.

Please Note: If the owner is a Corporation, the application must be signed by an officer of the Corporation and the Corporation's SEAL (if any) should be affixed OR the words, "I have the authority to bind the Corporation" may be printed under the signing officer's name instead of affixing the Corporate seal.

I / We, the undersigned, being the registered owner(s) of the land that is subject to this application

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Property Owner's Name(s)

---

(Legal description and/or municipal address)

Hereby authorize

---

First Name

Last Name

Company (if applicable)

To make this application on the property known municipally as

---

For which I am/we are the registered owner(s).

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Appendix 2: Acknowledgements

### Noise

#### >30 m from Residential Zone

- Amplified noise, including but not limited to the use of musical instruments, or other mechanical or electrical music equipment, and dancing, theatrical performances or audiovisual presentations, music concerts and shows, shall not be permitted in areas designated for a commercial patio between the hours of 11 p.m. and 7 a.m. (in accordance with the City of St. Catharines Noise By-law 95-198, as amended).

#### <30 m from Residential Zone

- Amplified noise, including but not limited to the use of musical instruments, or other mechanical or electrical music equipment, and dancing, theatrical performances or audiovisual presentations, music concerts and shows, shall not be permitted in areas designated for a commercial patio.

### Lighting

- Lighting illuminating a commercial patio shall be arranged so as to deflect light away from all adjoining uses and streets
- Use of candles is not permitted

### Encroachments

- At no time shall any part of the patio, including seating, planters, umbrellas, extend beyond the limits of the patio and into an active path of travel for either vehicles, pedestrians or cyclists.

### Fire:

- No person shall obstruct or cause a fire hydrant to be obstructed
- No person shall obstruct or cause a fire department connection to be obstructed
- No person shall obstruct or cause an emergency exit to be obstructed

### Building:

- A minimum 1.1-metre access aisle shall be provided at all times from the open sidewalk to the building and all hydrants and fire department connections.

### Municipal Right-of-Way:

- No person shall dig up, cut or otherwise damage a highway or sidewalk or remove any asphalt, concrete, gravel, grass, turf, sod, earth, shrub or plant from the highway or sidewalk.

- No person shall damage, destroy or, without lawful authority, remove any utility pole, light standard, hydrant or other object or structure that is located on a highway or sidewalk.
- No person shall block or obstruct a highway by any means, or obstruct or construct a drain, ditch, gutter or watercourse on a highway.
- No person or group of persons shall obstruct a sidewalk or private entrance in such a manner as to impede the free movement of pedestrians on that sidewalk or private entrance or to pose a danger to the safety of other persons using the sidewalk, private entrance or other parts of the highway. It is the responsibility of the business to ensure that a minimum 2.4-metre-wide, clear path is maintained at all times for the sidewalk.
- No person shall deposit any sand, gravel, earth, stone, wood, coal or other material, substance or object on a highway or sidewalk.
- No person shall deposit any glass, nails, tacks, scrap metal, handbills, notices, advertisements, litter, debris, rubbish, refuse or waste on a highway or sidewalk, except in receptacles provided for this purpose or in accordance with the applicable by-law or by-laws regulating the collection, removal and disposal of waste.
- No person shall, either directly or indirectly, discharge or cause or permit the discharge or deposit of any prohibited substance into a land drainage works located on a highway.
- The City may remove any material or object deposited by a person on a highway at the expense of that person.

**Social Distancing:**

- It is the responsibility of the owner/operator to ensure that social distancing, in accordance with Provincial guidelines, is maintained within the patio area.

**Inspection:**

- The subject patio can be inspected by City staff at any time and if the commercial patio is found to be operating contrary to any of the above, the City may require that operations cease until staff are satisfied that all requirements have been met.

Owner / Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

## Appendix 3 Certificate of Insurance Requirements

A valid Certificate of Insurance must be written on the comprehensive basis and contain the following:

- a) Name of Insurer (the insurance company);
- b) Policy number and Term of Policy;
- c) Type of Policy: General Liability Policy containing public liability and property damage insurance including personal injury liability, blanket contractual liability, non-owned automobile liability, products-completed operations and employers liability, with respect to the Licensed Area and the Permit Holder's use of the Licensed Area, with coverage including the activities and operations conducted by the Permit Holder and those for whom the Permit Holder is in law responsible and containing a severability of interests clause and cross-liability clause;
- d) Limit of Policy: \$5 million per occurrence;
- e) Named Insured (must be the organization that is listed as the organizer and participating businesses in the Outdoor Patio Permit application);
- f) Description of Outdoor Patio and activities to be insured;
- g) Dates of Outdoor Patio operation (include set up and take down dates);
- h) Location of Outdoor Patio (i.e. road closure, list of all roads that are being used, alleyway, etc.);
- i) The Corporation of the City of St. Catharines is added as an 'Additional Insured';
- j) Outdoor Patio that include alcohol must reference a Host Liquor Liability endorsement; and
- k) Signature of insurance provider or broker.