



1.0 POLICY TITLE: This policy may be cited as the **Sidewalk Café and Retail Sales Policy.**

2.0 POLICY PURPOSE

The purpose of this Policy is to provide a framework which allows for the Town of Vauxhall to evaluate applications for development of Sidewalk Cafes and Retail Sales which utilize public sidewalk and/or street spaces under control of the Municipality.

3.0 DEFINITIONS

"Applicant" means any person who makes an application for a Sidewalk Cafe and Retail Sales under the provisions of this Policy.

"Business License" – means a license issued pursuant to Business License Bylaw to conduct business within the Town of Vauxhall corporate limits.

"Development Officer" means a person appointed as a Development Officer pursuant to the Town's Land Use Bylaw.

"Fee" means the monetary amount levied on each application.

"Fence" means any enclosing barrier, wall, or structure such as a chain link fence, wooden fence, metal fence, or brick/stucco wall, usually located along the property line.

"Fixture" means furniture, shade devices, potted plants and/or other decor items.

"Land Use Bylaw" means the bylaw that has been adopted by the Municipality for the purpose of prohibiting or regulating and controlling the use and development of land and buildings within the Town of Vauxhall.

"Merchandise" means commodities or goods that are bought and sold in business.

"Municipality" – the municipal corporation of the Town of Vauxhall, or the area contained within the Municipality boundaries, as the context requires.

"Retail Sales" means an outdoor sales display area located within a municipal right of way (sidewalks, boulevards and roadway) which functions as an outdoor extension of the primary business.

"Right of Way" means property owned by the Town of Vauxhall for the use of the public for pedestrian and vehicular movements. The Right of Way includes, but is not limited to the sidewalk, boulevard, and roadway.

"Roadway" means that portion of a street between the curb lines or the portion of a street designed for vehicular travel and parking.

"Sidewalk" means a hard-surfaced path for pedestrians alongside a roadway.

"Sidewalk Cafe" means an outdoor seating area located within a municipal right of way (sidewalks, boulevards and roadway) which functions as an outdoor extension of the primary business of food and/or beverage service.

"Site Plan" means a scale drawing showing:

- (i) the location and dimensions of the sidewalk cafe or sale area relative to the roadway and the sidewalk,
- (ii) the location of proposed fixtures/furniture and/or enclosures, to be located in the area, and
- (iii) the location of any existing streetscape elements that is located within the proposed area of the sidewalk cafe or sidewalk sale.

"Streetscape Element" includes (but not limited to) items such as light standards, sign posts, trees, benches, planter boxes and fire hydrants.

"Town" means the Municipal Corporation of the Town of Vauxhall in the Province of Alberta, and or the area contained within the corporate boundaries of the said municipality, as the context may require.

4.0 APPLICATION

4.1 The Development Officer for the Town of Vauxhall is responsible for carrying out the provisions of this policy.

4.2 No person shall open or operate a Sidewalk Cafe and Retail Sales within the municipal boundaries of the Town of Vauxhall without first obtaining an application for Sidewalk Cafe & Retail Sales use.

4.3 To obtain an approval for Sidewalk Cafe & Sales uses an applicant must:

- a) Submit a completed application form (Schedule A) that includes the details of the proposed Sidewalk Cafe and Retail Sale. The application form must be signed by the applicant, where the owner is an individual person, or in the case of an applicant that is a corporation, must be signed by a director or officer or the corporation with the authority to bind the corporation to the terms of the application.
- b) Submit a Site Plan (Schedule B) showing the area to be occupied, the dimensions of the area, and the type and location of any Enclosures, Fixtures and Streetscape Elements.
- c) Pay the required non-refundable fee.
- d) Provide proof of insurance.

4.4 A proposed Sidewalk Cafe and Retail Sales must be an extension to an existing restaurant or retail sales business directly adjacent to the proposed sidewalk area.

4.5 Sidewalk Cafes and Retail Sales are only permitted within commercial land use districts (as outlined in the Town's Land Use Bylaw), on the north and south sides of 2nd Avenue North between 3rd Street North and 6th Street north.

4.6 Sidewalk Cafes and Retail Sales will be restricted to businesses located on the ground floor of a building.

4.7 A Sidewalk Cafe and Retail Sale will only be permitted if the location will maintain a safe, secure and comfortable environment for pedestrians using the municipal right of way.

4.8 A new application, documentation and payment of the required fee for a Sidewalk Café and Retail Sales application is required each and every year. A application for Sidewalk Café and Retail Sales uses will be valid only in the calendar year the application has been approved and issued.

There are three potential types or layouts that can be considered for an outdoor Sidewalk Café and Retail Sales. In terms of required approvals, the application requirements apply to private land, and this Sidewalk and Retail Sales Policy applies to Municipal Property (sidewalk or road right-of-way), so depending on the type of outdoor patio proposed, additional approval under this policy may be required as indicated below.

Type 1: Outdoor Patio within a parking area of a use on the same private parcel. A Development Permit may be required.

Type 2: Outdoor Patio adjoining a public sidewalk:

- a) Footprint on private sidewalk wholly within Private Parcel. A Development Permit may be required. Applicant must be aware of property line.
- b) Footprint on a combination of private parcel and municipal public sidewalk. A Development permit may be required.

Type 3: Sidewalk Patio requiring redirection of pedestrians to temporary sidewalk deck constructed in curb lane.

- a) Footprint is on both private parcel and municipal public sidewalk; a Development permit may be required.
- b) Footprint is entirely within municipal public sidewalk/road right-of-way, no Development permit is required.

Type 4: Sidewalk Cafe constructed wholly within the street, allowing pedestrian traffic to be maintained on the existing sidewalk.

- a) Footprint is entirely within municipal public sidewalk/road right-of-way, Sidewalk no Development permit is required.

Sidewalk Cafes associated with an existing food or drink establishment (e.g., restaurant, coffee shop, pub or bar) will be considered for any Street or Avenue in the Municipality for which the Town of Vauxhall has control over. Sidewalk Cafes will not be considered or permitted to be developed in alleyway or laneways.

4.9 A Sidewalk Café and Retail Sales application may not be transferred to another party.

5.0 PROCEDURE

The following outlines the procedure which will be implemented for review and permitting of Sidewalk Cafes.

1. **Pre-Application Meeting.** It is strongly recommended that the first time a business applies for a Sidewalk Café and Retail Sales application that a pre-application meeting be set up with the Development Officer. This step will include a review of property lines, to determine applicability of Development Permitting based on a preliminary site review.
2. **Additional Approvals.** Prior to submission of a formal application, the applicant should provide proof other regulatory requirements are fulfilled if applicable, including:
 - a. Confirm with **Alberta Health Services (AHS)** that your proposed food service meets regulations, particularly if you are planning to prepare food outside.
 - b. Confirm with the **Alberta Gaming and Liquor Commission (AGLC)** that your proposed alcohol service meets regulations. In particular, be clear about whether or not your patio is connected to your premises or if liquor service would have to travel through an unlicensed area.
 - c. Provide proof of Business License “No person shall carry on or conduct any business who does not hold a valid subsisting license for that business as defined in our Business License Bylaw”.

- d. Prior to approval for a Sidewalk Café and Retail Sales, applicants will be required to demonstrate that they have adequate insurance coverage for the space that names the Municipality as co-insured. It is recommended that the business proposing the Sidewalk Café and Retail Sales confirm that this insurance will be available and that the cost of insurance is acceptable prior to completing the application.

3. Application Submission. Applicants must apply to establish a Sidewalk Café and Retail Sales on an annual basis. The application must include the following:

- a. Dimensioned site plan showing the overall spatial extent of the proposed patio, including any required temporary sidewalk spaces.
- b. Dimensioned floor plan and elevations showing placement and quantity of chairs, umbrellas, busing stations, display hardware and any other objects to be placed on the patio, including platform railings.
- c. Proof of insurance naming the Town of Vauxhall as Additional Insured which must contain a Cross-Liability clause.

4. Application Review. Each application will be reviewed by the Development Officer to ensure that all requirements are addressed and referred to possible interested parties.

5. Application Issuance. Where approved, an application will be issued for the Sidewalk Café and Retail Sales. Which will be valid for a specified period (temporary; to be issued for the summer period of May through October).

- a. **Fee:** the standard application fee will be \$50.00.

6.0 SIDEWALK CAFE DESIGN STANDARDS

Applications for Sidewalk Café and Retail Sales are subject to review by the Development Officer.

Sidewalk Cafes should consider the following as part of their design:

1. Provide a platform that is level with the curb and sidewalk with no more than a half inch change in elevation between the patio space and the existing curb and sidewalk.
2. Where Sidewalk Cafe will utilize all of the sidewalk width, a temporary boardwalk pathway providing pedestrian walkway around the sidewalk will be required.
3. A minimum 1.0 m width of unobstructed pedestrian pathway must be provided.
 - a. Umbrellas may not extend above the clear sidewalk width.
 - b. Planters and other structures (e.g., pergolas at restaurant entryways) may not extend into the clear sidewalk area.
 - c. Benches or chairs may not be incorporated into the clear sidewalk width or along the railing external to the proposed patio area.

- d. Temporary A-frame signs may not be placed in the clear sidewalk width.
4. No additional signage may be incorporated into the Sidewalk Cafe. Separate development approval would be required for additional signage proposed for the Sidewalk Cafe.
5. Sidewalk Cafe must be accessible to persons with disabilities.
6. Roadway and curb drainage must be retained.
7. Sidewalk Cafes must be designed in a manner that prevents the accumulation of food debris and refuse beneath the structure.


7.0 OPERATING CONDITIONS

The following Operating Conditions are considered requirements and applicable to any Sidewalk Café and Retail Sales authorized under this policy. Standards may be varied only by written consent of the authorizing departments and where explicitly stated on the application issued for the given patio.

1. Applications are evaluated on a first-come first-serve basis.
2. Pedestrian flow of traffic is given a priority in Municipal review of outdoor patio applications. Patios will not be permitted which are deemed infringement of pedestrian movement.
3. Sidewalk Café and Retail Sales may not be located where visibility to vehicle or pedestrian traffic safety is deemed to be an issue by the Town of Vauxhall.
4. Sidewalk Café and Retail Sales will be permitted to be in place from May 1 to October 15 of any given year. The structures must be fully dismantled and removed during the off-season period from October 15 to May 1.
5. Patio furniture, including tables, chairs, umbrellas, which are not permanently affixed to the patio structure must be adequately secured to prevent materials from being moved by vandals or weather (wind) into the street.
6. Sidewalk Café and Retail Sales use is limited to between the hours of 7 am and 10 pm. Patios will not be permitted to be operated from 10 pm to 7 am.
7. No sound reproduction or amplification devices will be permitted on patios.
8. Once issued, the Municipality requires proof of all provincial approvals (e.g., AHS and AGLC).
9. Are non-transferable.
10. Sidewalk Café and Retail Sales will only be applicable to existing businesses within the Town of Vauxhall. Sidewalk Café and Retail Sales applications will not be granted to businesses which are not in good standing with annual business license fees and conditions. Additional business licenses are not required to operate the Sidewalk Café and Retail Sales.
11. Applications are renewable provided the existing is in good standing and a completed application for the same area on the same terms and conditions is received prior to the installation of the patio in the following year.
12. Are revocable for non-compliance with the conditions set out in this policy.
13. The applicant is liable for all loss, costs, damages and expenses whatsoever incurred or suffered by the Municipality for the installation of the Sidewalk Café and Retail Sales.

14. The applicant shall procure and maintain, at their own cost, comprehensive general liability insurance, including provisions for host liquor insurance if liquor is served, in an amount not less than \$2,000,000.00 indemnifying the Town of Vauxhall against any and all damages, injuries or claims. The insurance policy will name the Town of Vauxhall as an additional named insured and shall be maintained continuously as long as the permit is in effect.
15. Securing dogs to the fencing or railings of outdoor patios will not be permitted.
16. The operator of the Sidewalk Café and Retail Sales will conduct regular inspections of the finished and structural components. Repair will be undertaken as necessary.
17. Sidewalk Café and Retail Sales must be maintained in a tidy, clean and sanitary condition. Dirt, refuse, or debris shall not be permitted to accumulate on or around the structure.
18. The Municipality reserves the right to refuse renewal of a Sidewalk Café and Retail Sales if a patio is not maintained in an attractive and safe condition. The Municipality reserves the right to remove poorly maintained outdoor patio structures at the operator's expense.
19. All Sidewalk Cafés and Retail Sales area must be handicap accessible.
20. Merchandise for a sidewalk sale being displayed in a permitted area must be of an arrangement such that they do not pose a hazard to pedestrians.
21. A Sidewalk Café and Retail Sales area shall not block or restrict any normal access to the doorway of the business or accesses to the neighbouring properties.

SCHEDULE A – APPLCIATION FORM

	Town of Vauxhall 223 5 St N. Vauxhall AB T0K 2K0 Phone: 403-654-2174	*Office Use Only* (Paid or Received)
		<input type="checkbox"/> Cheque <input type="checkbox"/> Cash
Sidewalk Café and Retail Sales Application Form		
Applicant / Owner Information		
Business Name:		
Name:		
Civic Address of applicant:		
Community:		
Postal Box & Code:		
Phone:		
Alt. Phone:		
Email:		
Sidewalk Cafe Information		
Municipal Address (of approved business):		
Legal Description of Business Location:		
Plan No.: _____ Block: _____ Lot: _____		
Number of Sidewalk Café Seats proposed:	Insurance provided	Is Alcohol being served?
Additional Approvals:		
Application Declaration		
I confirm by my signature below that the information contained in this application, including plans and details, is to my knowledge, true and complete:		
Date: _____ Signature		
The personal information provided as part of this application is collected under the Safety Codes Act and the Municipal Government Act and in accordance with the Freedom of Information and Protection of Privacy Act as per section 33 (c). The information is required and will be used for issuing permits, safety codes compliance verification and monitoring and property assessment purposes. The		

SCHEDULE B – SAMPLE SITE PLAN

