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| RCRS Secondary: | GOV-02 | Effective Date: | 1987-JUN-08 |
| Policy Number: | COU-049 | Amendment Date/s: | 1988-JUL-18 |
| Title: | Sidewalk Cafes – Encroachment Policy | Repeal Date: | |
| Department: | Community Development | Approval Date: | 1987-JUN-08 |

PURPOSE:

N/A

DEFINITIONS:

N/A

SCOPE:

N/A

POLICY:

1. Council has adopted the general concept of promoting sidewalk cafés in the downtown specified area where possible. (It is considered that these cafés can help to provide a positive and friendly atmosphere in the downtown area.)
2. Small areas adjacent to and fronting existing restaurants may be allocated for the exclusive use of that restaurant by Encroachment Agreement.
3. Each individual request for an open air café Encroachment Agreement adjacent to an existing restaurant shall be referred to Staff for a review of the associated public safety and access considerations, etc., and Staff shall submit their recommendations concerning individual cafés to the Downtown Development Committee for review.
4. In addition to requests by individual restaurateurs for space directly adjacent to their establishment, the City shall on April 1st of each year accept applications for the use of the lease space available on the nodes at mid-Commercial Street and at Chapel and Commercial Streets. Applications will be reviewed by Staff and the Downtown Development Committee who shall make a recommendation to Council regarding the allocation of lease space.
5. Any Encroachment Agreements for the purpose of accommodating open air sidewalk cafés shall be strictly limited as to the total size of the area to be occupied; and further, each agreement shall include a requirement for the encroachment holder and keep the area at the standard of cleanliness suitable to the Director of Engineering and Public Works.
6. That the fee for the lease of public lands for the purpose of operating sidewalk cafés shall be based on \$14. per square metre with a minimum fee of \$100.
7. That any space awarded for lease but where the Encroachment Agreement is not signed within 30 days of the award may be, if appropriate, awarded to an alternate applicant.
8. Weather permitting, the sidewalk café must be operational within 15 days from the date the Encroachment Agreement is signed. If the sidewalk café is not operational within this time frame, the Encroachment Agreement may be cancelled and the payment for such forfeited.

9. That in the case of the renewal of a previously approved Sidewalk Café Encroachment Agreement, that Staff be authorized to renew the Agreement upon receipt of proof of liability insurance and payment of the annual fee.

PROCESS:

N/A

RELATED DOCUMENTS:

N/A

REPEAL/AMENDS:

N/A