Sidewalk Sale, Sidewalk Patio, Parking Patio and Seasonal Boardwalk Guidelines

The City of Moose Jaw

Planning and Development

General Information

This document explains the process, standards, and expectations for designing and operating business extensions as a Sidewalk Sale, Sidewalk Patio, Parking Patio and Seasonal Boardwalk in the City of Moose Jaw. All Sidewalk Sales, Sidewalk Patios, Parking Patios and Seasonal Boardwalks must adhere to the City of Moose Jaw's *Extension of Business for Sidewalk, Boulevard, and Parking Stall* Policy.

Who is Eligible?

Your business may be eligible to apply for a Business Extension Permit for a Sidewalk Sale, Sidewalk Patio, Parking Patio or Seasonal Boardwalk if the business:

- Holds a valid business license
- Is located adjacent to a street with a speed limit no greater than fifty (50) kilometers per hour
- Will not impact public welfare or safety and/or constitute a nuisance
- Can maintain 1.5 metres pathway free from any physical obstructions for passing pedestrians

If you are a registered non-profit, you may be eligible to apply for a **Public Parking Patio**. Contact Planning and Development for more information!

What are Sidewalk Sales, Sidewalk Patios, Parking Patios and Seasonal Boardwalks?

Sidewalk Sale

A Sidewalk Sale is the retail of products, goods or merchandise displayed and maintained upon a public sidewalk or boulevard for the purposes of selling in an adjacent retail establishment.

Source: https://www.tourismsaskatoon.com/listing/2nd-ave-sidewalk-sale/570/

Source: https://twitter.com/cityoftoronto/status/1162140719995412480

Sidewalk Patio

A Sidewalk Patio is a group of tables, chairs and other accessories situated and maintained upon a public sidewalk, boulevard or parking stall for the consumption of food and beverages sold to the public from, or, in an adjacent indoor restaurant or licensed facility.

Parking Patio

A Parking Patio is a Sidewalk Patio which has been extended to include temporary conversion of designated parking stall(s) located on public streets.

Source: https://www.burlington.ca/en/pop-up-patios.asp

Seasonal Boardwalk

A Seasonal Boardwalk is a platform constructed in a parking stall(s) for the purpose of creating a pedestrian corridor that allows easy movement of sidewalk users around an on-Sidewalk Patio.

Source: https://twitter.com/aurbanist/status/879699508279427073

Source: https://totimes.ca/cafeto-plan-creates-more-space-for-outdoor-dining/

Seasons

Business Extension Permits are seasonal, and a permit must be obtained for each season. Sidewalk Sales, Sidewalk Patios, Parking Patios and Seasonal Boardwalks may operate during the summer season. Only Sidewalk Patios and Sidewalk Sales are permitted to operate during the winter season.

- Summer Season operates from April 1st to October 31st
- Winter Season operates from November 1st to March 31st

Source: https://www.tourismwinnipeg.com/eat-and-drink/peg-city-grub/read,post/1077/patios-are-popping-up-in-winnipeg-here-s-where-you-can-find-them

Fees

There is no application fee for a Business Extension Permit. The permit is considered an extension of the existing Commercial Business License. Rental fees for parking stalls are as follows:

- Parking stalls with parking metres: $7.50 per day for 1 parking stall + $3.40 for each additional parking stall or $1100 seasonal rate + $500 for each additional parking stall
- Parking stalls without parking metres: reduce above fees by 50%

How to Apply

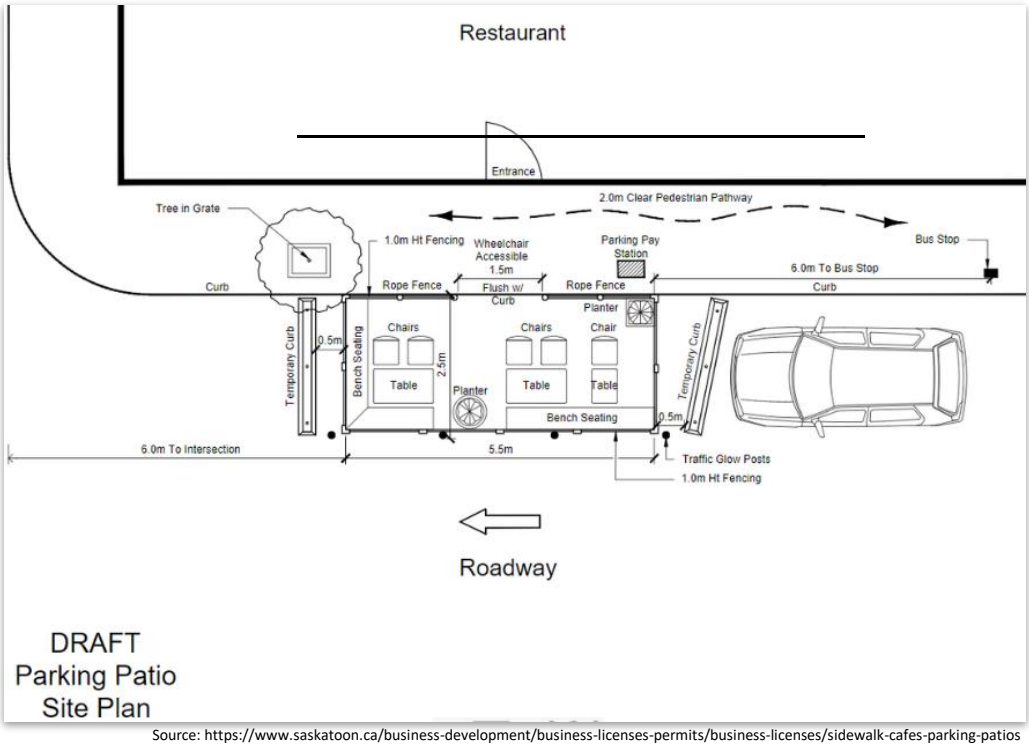
Step 1: Review Guidelines and Regulations

Review this document and the City of Moose Jaw's *Extension of Business for Sidewalk, Boulevards, and Parking Stall Use* Policy carefully and decide which business extension is best suited for the operation of your business.

Step 2: Prepare your Application

ALONG WITH YOUR APPLICATION, YOU MUST SUBMIT:

- **SITE PLAN:**
  - Location of proposed site
  - Location of any planters, awnings, tables, chairs, fences and all other accessories
  - Locations of utility poles, hydrants, bus shelters, parking metres, building entrances and exits, and any other utility or infrastructure related installations
  - Width of all pedestrian passageways



Source: https://www.saskatoon.ca/business-development/business-licenses-permits/business-licenses/sidewalk-cafes-parking-patios

DESIGN SUGGESTIONS

Design features to consider when planning your business extension:

Consider the architectural character of the business and streetscape when choosing design features for your patio.

Offer patrons blankets to keep warm and consider using heat lamps subject to fire safety regulations.

Music is encouraged!

Utilize planters to also function as barriers. Be creative!

If possible, locate your patio where there is sun exposure.

Consider umbrellas to offer patrons protection from precipitation and sun.

Consider cozy and inviting lighting features.

Consider protection from the wind. Options might include using windscreens

- **PROOF OF LIABILITY INSURANCE:** The City must be listed as an additional insured and a minimum of $5,000,000 liability is required. The liability must indemnify the City safe and harmless from any and all claims of injury to persons or damage to property attributable, in whole or in part, to the existence, location and operation of the commercial activity in the public right-of-way.

- **SITE PHOTOS:** Current photos of the existing property and proposed location are required.

YOU MAY NEED TO SUBMIT:

Applications which include the use of parking stalls or sidewalks beyond the frontage of the subject property, must obtain written approval from the adjacent property owner. The City reserves the right to request additional information not listed above to confirm that all bylaw and policy requirements are followed.

Step 3: Wait for Application Approval

Applications will be referred to relevant agencies for review and approval. If additional information is needed, applicants will be contacted.

Source: https://www.thecourtyardcanmore.ca/canmore-dining-guide/

Step 4: Construction & Inspection

If your application has been approved, begin constructing at the beginning of the approved season. Once constructed, arrange for an inspection from the City for your final approval.

Step 5: Begin!

Once the above steps have been taken, begin operating!

Regulations

Depending on the type of business extension you wish to operate, different regulations will apply. Please review all the requirements applicable to your business extension.

Operating Requirement for all Business Extensions

- Business extensions cannot operate longer than the operating hours of the associated business
- Alcoholic beverages may be served provided the associated restaurant is licensed to serve alcohol and has received approval from the Saskatchewan Liquor and Gaming Authority
- A minimum clear pedestrian passage of no less than 1.5 metres shall be maintained, and free of any physical obstructions such as utility poles, fire hydrants, bus shelters, parking metres, trees, temporary signs, benches or garbage receptables
- The business extension must be wheelchair accessible
- Businesses must allow proper drainage and shall ensure that drainage to catch basins remains unrestricted by the business extension. Catch basins must always be kept clear of debris and refuse
- The business extension must contribute positively to the street activity and perception of the surrounding area. Inappropriate patron or staff behaviour, management practices or increases in calls for service from Police, Fire, or any other agency shall be grounds for immediate termination of the Business Extension Permit.

Additional Requirements for Sidewalk Patios and Parking Patios

- All lighting must be temporary in nature and cannot project onto adjacent properties
- Umbrellas must be located entirely within the approved patio area
- Furnishings including tables, chairs and decorative accessories must be constructed of weather resistant materials and shall be neatly and fully contained within the approved patio area

- The entirety of the patio must be removable and not permanently fixed in place. All features must be removed during off-season or after the approved patio ceases operation
- Businesses must have a public washroom
- Fencing may be required by the City or other approving authorities. For Sidewalk Patios, fencing must not exceed 1m in height. Any fencing located within 6m of an intersection is only permitted at the discretion of Public Works.

Additional Requirements for Parking Patios and Seasonal Boardwalks

- Parking Patios and Seasonal Boardwalks must operate solely within the confines of the designated parking space(s) and the adjacent sidewalk
- The City reserves the right to determine how many Parking Patios and Seasonal Boardwalks are suitable per block. Approval will be granted on a first come first serve basis
- Parking Patios and Seasonal Boardwalks are prohibited in a loading zone or pedestrian ramp. They must be a minimum of 6m away from any intersection, bus shelter or bus stop
- Significant vertical design elements shall be included along the outer edges of Parking Patios and Seasonal Boardwalks (i.e. planters, fences)

All traffic safety features must be contained within the approved Parking Patio or Seasonal Boardwalk and are at the sole cost of the business. Parking Patios and Seasonal Boardwalks must provide:

Source: https://winnipeg.ca/ppd/Documents/Brochures/Application-steps-for-a-sidewalk-patio.pdf

- Barriers that are placed at both ends of the Parking Patio and Seasonal Boardwalk to the satisfaction of Public Works. The barrier that faces oncoming traffic must be angled to divert vehicular traffic onto the roadway.
- Traffic glow posts must be placed along the length of the Parking Patio or Seasonal Boardwalk
- Fencing is required around the perimeter of the Parking Patio and Seasonal Boardwalk. Fencing material shall be robust in nature as determined by Public Works.

Businesses that plan to operate a Seasonal Boardwalk, or Parking Patios that wish to construct decking, are subject to the following guidelines:

- Decking must be designed by a Saskatchewan licensed designer and be to the satisfaction of the City
- The surface shall have no protrusions (i.e. screws, nails, planks, etc.) and be made of timber or composite decking affixed with screws
- Decking must be tightly spaced to prevent heels or mobility devices, such as canes, from becoming caught
- Any platform or decking must not be attached to the street and must be flush with the curb;
- Barrier free access must be provided from the Seasonal Boardwalk to the entrance of the building from a location perpendicular to the sidewalk

Source: https://winnipeg.ca/ppd/Documents/Brochures/Application-steps-for-a-sidewalk-patio.pdf

Additional Requirements for Heat and Tent Regulations

Sidewalk Patios and Parking Patios are permitted to use propane and electric heaters subject to the following conditions:

- If using electric heat, the heater must be used as per manufacturer's instructions and be maintained in an area 1m from combustible material.
- Electric heaters should not present a trip hazard and should be plugged directly into the source or into an extension cord that is rated for the appliance and approved by ULC or CSA.
- Cables on the ground shall be placed in trenches or protected by covers
- Propane heaters must be places 1.5m from any combustible material
- Shelter material must meet CAN / ULC-S109 or NFPA 701 standards for flame spread ratings

Source: https://www.winterpatio.com/

Tenting and wind barriers also may be used for Sidewalk Patios and Parking Patios in some cases, subject to the following conditions:

- If using propane heat in a tent, the tank and heater must be located outside of the tent, with heat pumped into the tent and products of combustion released outside
- Tents shall be designed to and installed in conformance with National Building Code
- Smoking and open flames are prohibited within a tent
- Kerosene and radiant heaters are prohibited within a tent
- All tents shall be made of flame retardant material and flame retardant material shall be renewed as often as is required to ensure it will pass the match flame test in NFPA 705
- Shelter material must be transparent/translucent
- Business name and logo may appear on shelter material, but other banners and signs are generally prohibited
- Wind barriers must be equal to or less than 1.8m in height;
- Tents shall have one side open or shall be provided with at least one exit. Exits cannot swing into the right of way
- The minimum size of an exit shall be 0.8m x 2.0m
- Flammable materials cannot be within 3m of the tent
- Each tent shall have a minimum of one Type 2A10 BC (Dry Chemical) extinguisher

Additional Requirements for Winter Season

Only Sidewalk Sales and Sidewalk Patios may operate during the winter season. Businesses are responsible for removing snow from awnings or overhead tent surfaces and around the perimeter of the business extension to ensure a safe walking surface. The business extension must be periodically utilized, or removed during long periods without use.

CONTACT US

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