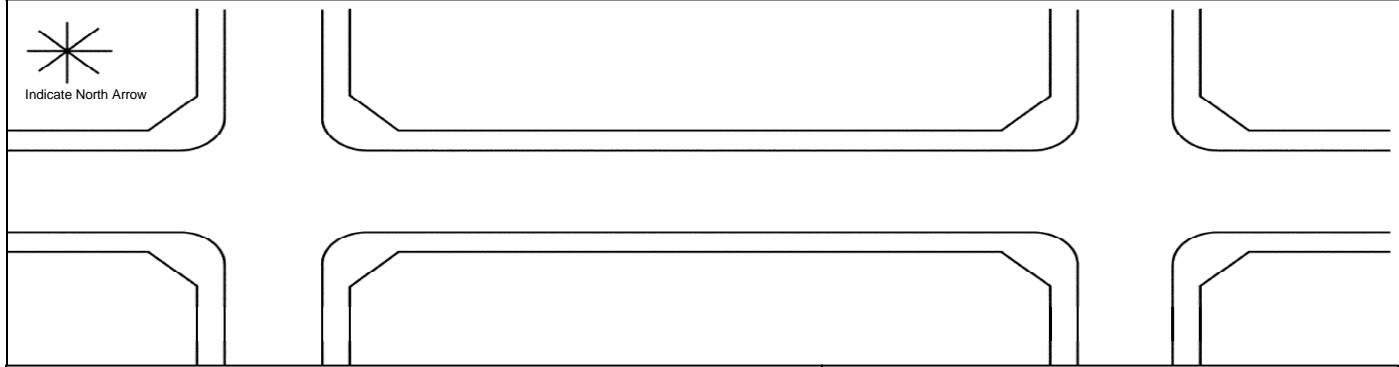


Application No. _____

General Information

Name / Company Name: _____	
Address: _____	
Telephone Number: () _____	Fax Number: () _____
Name of Contractor _____	Telephone Number () _____
After Hours Contact _____	Telephone Number () _____

I hereby make application to UTILIZE THE PUBLIC RIGHT-OF-WAY for A SIDEWALK CAFÉ on property located at _____ General Location of Café:



Width of Sidewalk Occupied _____ Length of Sidewalk Occupied _____ Number of Parking Stalls Required _____ (If Applicable)

Required Information

<input type="checkbox"/> Site Plan	<input type="checkbox"/> Exterior and Interior Layout
<input type="checkbox"/> Department of Health (If applicable)	<input type="checkbox"/> Parking Meter Fees Paid
<input type="checkbox"/> Liquor Licensing Board (If applicable)	<input type="checkbox"/> Fire Marshal (If applicable)
<input type="checkbox"/> Certificate of Insurance	<input type="checkbox"/> Design Materials
<input type="checkbox"/> Bracing Design for Curbing (If Required)	<input type="checkbox"/> Building Permit (Required Y/ N, _____) Building Inspector Signature

Duration Requested

From: _____

To: _____

Duration Approved

From: _____

To: _____

Building Permit # (if applicable): _____

I agree to comply with all the terms and conditions set forth in the Sidewalk Café - Conditions of Approval and Construction and Installation Procedures, and any other terms and conditions assigned by City Council. Failure to comply with any or all of these terms and conditions may result in the revoking of permission to operate the said sidewalk café.

Further, I realize that the payment of monies for this application does not constitute approval to utilize the public right-of-way for a sidewalk café nor approval to commence any part of the work applied for.

Applicant's Signature _____

Date: _____

(Development Services) _____

Date Approved: _____

(Engineering Division) _____

Date Approved: _____

Construction Approval/Café Inspection

Inspected by:

(Development Services) Date: _____

(Engineering Division) Date: _____

Comments: _____

Conditions of Approval

1. **Terms:** The operator must agree to abide by all terms and conditions set forth in this Procedure, and any other terms and conditions assigned by City Council. Failure to comply with any or all of these terms and conditions may result in the revoking of permission to operate the said sidewalk café. The Development Officer reserves the right to require that the sidewalk café be removed at any time.
2. **Other Approvals:** Approval for a sidewalk café is contingent upon the approval of (where applicable) the Department of Health, the Fire Marshal (required for new cafes or when significant changes are proposed for previously approved cafes), the Liquor Licensing Board and any other regulatory bodies governing the sale of food and/or beverages or the public health. Where applicable, copies of licenses reflecting licensing for the sidewalk café area must accompany sidewalk café applications.
3. **Access:** The sidewalk café shall be wheelchair accessible. A 1.1 metre walkway shall be maintained, free from all obstructions, directly to the main door of the associated business.
4. **Accessory Use:** The sidewalk café will be considered an accessory use to the adjacent restaurant, eating and/or drinking establishment or beverage room.
5. **Advertising/Signs:** The use of any sign(s) shall be subject to the issuance of a Sign Permit and the relevant provisions of *Bylaw No. Z-2, The Zoning By-law for the City of Fredericton*.
6. **Alcoholic Beverages:** Alcoholic beverages may be served in accordance with any liquor license obtained by the said establishment.
7. **Awnings:** The installation of an awning is subject to the issuance of a Building Permit. No part of the awning shall encroach beyond the boundaries of the sidewalk café.
8. **Design:** The design, materials and colors of all accessories/improvements for the sidewalk café should compliment the architectural style and colors of the building façade and existing street furniture, to the satisfaction of the Development Officer.
9. **Hours of Operation:** The hours of operation of the sidewalk café shall be limited to that of the adjacent use to which the café is accessory.
10. **Insurance:** The operator of the sidewalk café must provide a Certificate of Insurance showing proof of a Comprehensive Policy of Public Liability and Property Damage insurance of no less than two million dollars (\$2,000,000). The Certificate of Insurance must name the City of Fredericton as an additional insured and clearly indicate that the Certificate covers the sidewalk café operating on the exterior of the building. The City of Fredericton

will not be liable for any harm or damages suffered as a result of an accident/incident of any kind within the boundaries of, or caused by, the sidewalk café.

11. Fencing: A fence of not less than 1 metre in height and not more than 1.2 metres in height shall be required around the perimeter of the sidewalk café. Fencing shall not obstruct traffic sight lines and be to the satisfaction of the Director of Engineering and Public Works. The use of non-transparent fencing material is discouraged. Any additional screening may be permitted provided it does not interfere with traffic sight lines and is to the satisfaction of the Development Officer and the Director of Engineering and Public Works. Fencing may not be affixed to the concrete sidewalk within the City's right-of-way.
12. Landscaping: Landscaping is encouraged provided it is of a temporary nature and entirely within the boundaries of the sidewalk café.
13. Lighting: Lighting of the sidewalk café shall not project onto adjacent property or the adjacent street(s) and be of a temporary nature.
14. Location: The sidewalk café shall not extend beyond the frontage of adjacent buildings, without the written consent of the affected property owner.
15. Noise/Nuisance: The operator of the sidewalk café will ensure that patrons do not disturb persons on the adjacent right-of-way with loud, boisterous, or unreasonable noise, offensive language or other disruptive behavior.
16. Music: Music may be played at a volume that does not disturb adjacent property owners or persons utilizing the adjacent right-of-way. The Development Officer reserves the right to require that the use of music cease at any time.
17. Removal: All sidewalk café fencing, furnishings, landscaping, lighting and other accessories/improvements must be of a temporary nature and be removed during the off-season to the satisfaction of the Development Officer and the Director of Engineering and Public Works.
18. Repairs: If as the result of the inspection of a sidewalk café Staff determine that repairs are required, the Applicant will be notified immediately and required to remedy the matter within 24 hours of notification. When required, repairs must be completed to the satisfaction of the Development Officer and the Director of Engineering and Public Works. Failure to comply with repair requirements may result in removal of the café.
19. Setback from Street Corners and Alleys: Where a sidewalk café is located at a street intersection, the café shall be set back a minimum of 3 metres from the corner of the building located at the intersection. Where a sidewalk café is located adjacent to a driveway or alley, the café shall be set back a minimum of 1.5 metres from the corner of the building adjacent to the driveway or alley. These setback requirements may be modified at the discretion of the Director of Engineering and Public Works.
20. Sidewalk Clearance: Where possible, a minimum passage way of 2 metres shall be provided between the sidewalk café and the curb of the street, or between the sidewalk café and any physical obstructions such as utility poles, fire hydrants, park benches or garbage cans. If it is not possible to provide for a 2 metre passage way, and the sidewalk café extends the width of the sidewalk, the operator shall provide a temporary sidewalk adjacent to the sidewalk café. A temporary sidewalk may only be used where it replaces existing on-street parking spaces. The construction and use of a temporary sidewalk shall be to the satisfaction of the Director of Engineering and Public Works.
21. Temporary Sidewalks: Temporary sidewalks are not permitted on arterial streets located within the City Centre Planning Area (Smythe Street and Regent Street) or on streets identified by the Director of Engineering and Public Works, where safety would be an issue.
22. Storm Water: The use of the public right-of-way shall not interfere with storm water run-off as determined by the Director of Engineering and Public Works.
23. Surface: The sidewalk may be surfaced with the approval of the Director of Engineering and Public Works.
24. Umbrellas: Umbrellas shall not extend beyond the boundaries of the sidewalk café.

25. Utility/Infrastructure Access: The Director of Engineering and Public Works and public utility agencies reserve the right of access to the sidewalk café area for the installation, maintenance or repair of all utility infrastructure. In the event of an emergency, notice of access may not be given. For all scheduled work, every effort will be made to provide the operator with a one (1) week notice. Should access be required, all sidewalk café accessories/improvements will be removed and re-installed at the operator's expense.
26. Waste Storage: All waste receptacles shall be located along the building wall to which the café is accessory and be to the satisfaction of the Development Officer. Further, the operator of the sidewalk café is responsible for the removal of all waste/litter within a three (3) metre radius of the delineated café area.

Construction and Installation Requirements

1. Sidewalk Café Construction Application approval DOES NOT allow occupancy of the café. Upon completion of sidewalk café and sidewalk extension decking (if required), Applicants must contact the Development Services Department at 460-2075 to arrange for an inspection. Upon inspection approval the City may issue an occupancy permit.
2. Engineering and Public Works Department Dispatch must be notified 24 hours prior to commencement of café construction at (506) 460-2088.
3. The sidewalk and road surface shall be kept clear of obstructions and debris to avoid hazard or inconvenience to the public during all phases of construction and operation of the cafe.
4. Positive drainage shall be maintained at all times.
5. The applicant shall not cut, trim or interfere with any trees located within the right-of-way.
6. All changes and/or deviations from the approved plans and/or location shall be subject to re-approval by the City of Fredericton.
7. The applicant accepts the City's right to perform any necessary remedial work caused by the applicant's operation, subject to the following conditions:
 - a) The Director will give the applicant not less than twenty-four (24) hours notice of any remedial work required, except for emergency work.
 - b) If, at the expiration of the time allowed, the applicant or his/her contractor has not completed remedial work to the Director's satisfaction, the City of Fredericton may undertake to have this work done by whatever means it deems necessary.
 - c) The applicant agrees to reimburse the City of Fredericton for all costs incurred under (7a) and (7b) and/or supply the City of Fredericton with a Security Deposit, for a specified amount, where applicable.
8. Construction of sidewalk extension decking shall not proceed until required parking stalls have been purchased from the City's Parking Services Division.
9. Construction of Sidewalk Café shall not commence until sidewalk extension decking within the parking stalls is complete.
10. A minimum clear width of 2 metres must be maintained at all times through the sidewalk extension decking.
11. A **CONTINUOUS** 150mm x 150mm curb is to be installed around the perimeter of the sidewalk decking extension. Curbing should be designed such that it is securely braced to the satisfaction of the Director of Engineering & Public Works. A design drawing showing how the curbing will be braced must be included with the Sidewalk Café Construction Application when sidewalk extension decking is proposed.
12. Drainage holes are to be cut in the perimeter curbing to facilitate drainage along the curb.
13. Railings are to be placed around the exterior of the sidewalk extension decking 1.07 m high with spindle widths on centre @ 0.10m.
14. Railings are to be firmly attached to the decking and be constructed so as to provide protection from someone falling under normal use. The railing system should be constructed so as to withstand loads, forces and, effects from pedestrians.
15. Conspicuity tape is to be placed on corner posts and center posts to delineate railings at night.
16. Decking surface is to be flush with curbing and sidewalk.