



## SIDEWALK CAFÉ PERMIT APPLICATION

Office Use Only

Application No.

### General Information

Business Name:	Contact:
Address:	
Telephone Number: (       )	Email:

### Submission Requirements (Choose one of the following options)

#### Are you renewing an existing permit?

- ☐ Scaled site plan
- ☐ Certificate of Insurance (must include the following):
  1. List the City of Fredericton as an additional insured
  2. List the outdoor patio area
  3. Minimum \$2 million public liability and property damage policy
- ☐ Parking space rental fees (if applicable):
  1. 1 parking space: \$750 (tax included)
  2. 2 parking spaces: \$1500 (tax included)

Number of spaces required (max. 2): \_\_\_\_\_  
Total: \$ \_\_\_\_\_

Full amount payable at Service Center  
(Finance Code: PRK MTR RENTALS)

#### Are you applying for a new sidewalk café?

- ☐ Scaled site plan
- ☐ Exterior/interior layout
- ☐ Design materials
- ☐ Department of Health (if applicable)
- ☐ Liquor License (if applicable)
- ☐ Fire Marshal (if applicable)
- ☐ Certificate of Insurance (must include the following):
  1. List the City of Fredericton as an additional insured
  2. List the outdoor patio area
  3. Minimum \$2 million public liability and property damage policy
- ☐ Parking space rental fees (if applicable):
  1. 1 parking space: \$750
  2. 2 parking spaces: \$1500

Number of spaces required (max. 2): \_\_\_\_\_  
Total: \$ \_\_\_\_\_  
Full amount payable at Service Center (Finance Code: PRK MTR RENTALS)

***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 staff. Failure to comply with any or all of these terms and conditions may result in the revoking of permission to operate 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: \_\_\_\_\_

(Planning Division)

Date Approved: \_\_\_\_\_

(Engineering Division)

Date Approved: \_\_\_\_\_

Form No.: MOB-FRM-012E  
Service: Transportation Network Management  
Sub-Service: Sidewalk Occupancy Permits  
Printed On: April 16, 2025

Issue No.: 1.7  
Issue Date: April 9, 2024  
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### **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 staff. 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. **Sidewalk Café program:** Operation of the sidewalk cafés shall take place between May 1<sup>st</sup> and October 31<sup>st</sup> (inclusive). The sidewalk café program is only applicable within the City Centre Plan Area (see Schedule A for map).
4. **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.
5. **Accessory Use:** The sidewalk café will be considered an accessory use to the adjacent restaurant, eating and/or drinking establishment or beverage room.
6. **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-5, The Zoning By-law for the City of Fredericton*.
7. **Alcoholic Beverages:** Alcoholic beverages may be served in accordance with any liquor license obtained by the said establishment.
8. **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.
9. **Design:** The design, materials and colors of all accessories/improvements for the sidewalk café should complement the architectural style and colors of the building façade and existing street furniture, to the satisfaction of the Development Officer.
10. **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 to.
11. **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.
12. **Fencing:** A fence of no less than 1 metre in height and no 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 & Operations or their designee. 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 & Operations or their designee. Fencing may not be affixed to the concrete sidewalk within the City's right-of-way.
13. **Landscaping:** Landscaping is encouraged, provided it is of a temporary nature and entirely within the boundaries of the sidewalk café.

14. Lighting: Lighting of the sidewalk café shall not project onto adjacent property or the adjacent street(s) and be of a temporary nature.
15. Location: The sidewalk café shall not extend beyond the frontage of adjacent buildings without the written consent of the affected property owner.
16. 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.
17. 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.
18. 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 & Operations.
19. 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 & Operations or their designee. Failure to comply with repair requirements may result in removal of the café.
20. Maintenance: The Sidewalk Café Operator shall maintain and keep the Sidewalk Cafe encroachment area and the sidewalk extension area in a clean, sanitary, attractive condition and keep the adjacent sidewalk free from litter and debris of all kinds. 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.
21. 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 & Operations or their designee.
22. 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 & Operations or their designee.
23. 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 & Operations, where safety would be an issue.
24. 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 & Operations or their designee.
25. Surface: The sidewalk may be surfaced with the approval of the Director of Engineering & Operations or their designee.
26. Umbrellas: Umbrellas shall not extend beyond the boundaries of the sidewalk café.
27. Utility/Infrastructure Access: The Director of Engineering & Operations 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.

28. 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.

**Sidewalk extension 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 Community Planning Department at 460-2020 or [planning@fredericton.ca](mailto:planning@fredericton.ca) to arrange for an inspection. Upon inspection approval the City may issue an occupancy permit.
2. Engineering and Operations Department Dispatch must be notified 24 hours prior to commencement of café construction at (506) 460-2020.
3. If a parking space has been rented as part of the café application Parking Services must be notified a minimum of 48 hours prior to commencement of café construction at (506) 460-2020 or [parking@fredericton.ca](mailto:parking@fredericton.ca) if the applicant anticipates needing a meter removed or adjusted.
  - a) The applicant shall not remove or alter any parking meters. Only authorized City staff are permitted to remove parking meters. If an applicant removes or damages any part of the parking meter, they will be responsible for any loss/damage/replacement.
  - b) Removal of meter(s) will only take place when the post is in the middle of the two reserved spaces. Utility or infrastructure issues may prevent the in-ground meter sleeve from being removed, which will potentially leave a trip hazard in place that must be covered/blocked by the applicant so as to ensure safe pedestrian travel. Best effort will be applied to accommodate applications.
  - c) Sidewalk café installation shall not overflow into a special purpose parking zone or an unrented parking space and should utilize the full rented parking space. Any space not utilized for café purposes cannot be used for any other purpose including parking of small vehicles or motorcycles.
  - d) Rental of a metered parking space for a sidewalk café does not permit an applicant to use any portion of the space to park a vehicle. No vehicle parking is permitted in a sidewalk café rented metered parking space.
4. 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 café.
5. Positive drainage shall be maintained at all times.
6. The applicant shall not cut, trim or interfere with any trees located within the right-of-way.
7. All changes and/or deviations from the approved plans and/or location shall be subject to re-approval by the City of Fredericton.
8. 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 Development Officer will give the applicant no less than twenty-four (24) hours written notice of any remedial work required, except for emergency work.
  - b) If, at the expiration of the time allowed, the applicant or their contractor has not completed remedial work to the satisfaction of the Development Officer and the Director of Engineering & Operations or their designee, 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.

9. Construction of sidewalk extension decking shall not proceed until required parking stalls have been purchased from the City's Parking Services Division.
10. Construction of Sidewalk Café shall not commence until the sidewalk extension decking within the parking stalls is complete.
11. A minimum clear width of 2 metres must be maintained at all times through the sidewalk extension decking.
12. 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 & Operations. 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.
13. Drainage holes are to be cut in the perimeter curbing to facilitate drainage along the curb.
14. Railings are to be placed around the exterior of the sidewalk extension decking 1.07 m high with spindle widths on centre @ 0.10m.
15. 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.
16. Conspicuity tape is to be placed on corner posts and center posts to delineate railings at night.
17. Decking surface is to be flush with curbing and sidewalk.

**Schedule A: City Centre Plan Area**

