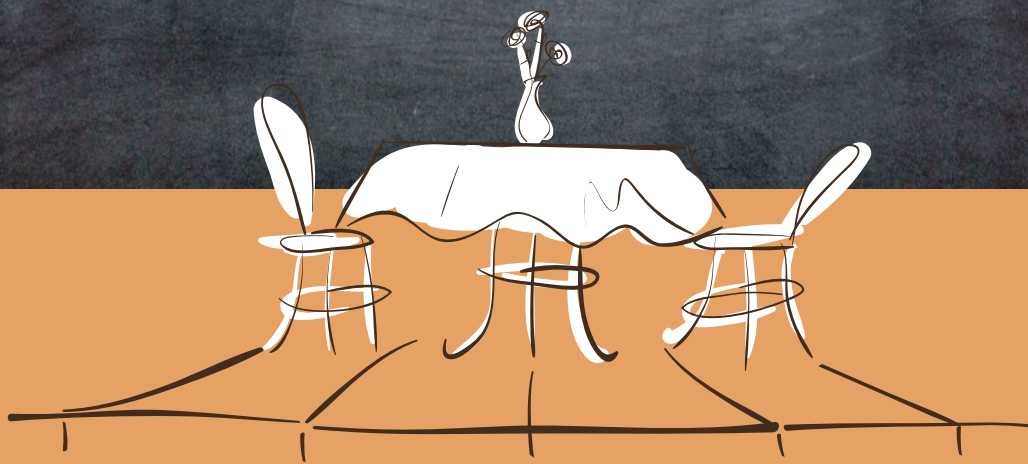


SIDEWALK CAFÉS



GUIDE AND FORM FOR MERCHANTS

Application for a periodic occupancy permit for sidewalk cafés

sidewalk cafés

Sidewalk cafés on public property* are part of the urban landscape during the summer period. They contribute to the vitality and dynamism of the borough's commercial streets and arteries, such as avenue de Monkland and chemin de la Côte-des-Neiges.

Since pedestrians, cyclists and motorists already share the public way, it is important to comply with certain standards in order to ensure public safety and facilitate circulation, both on the sidewalk and on the street.

In 2016, the Borough reviewed its By-law on the occupancy of public property** in order to better manage this activity by:

- Facilitating circulation by pedestrians and persons with reduced mobility in sectors with sidewalk cafés;
- Guaranteeing the safety of clients at sidewalk cafés;
- Contributing to the vitality of commercial arteries;
- Ensuring the functional and aesthetic quality of sidewalk cafés on public property;
- Protecting urban furniture.

From now on, a **periodic occupancy permit** will be required to establish and operate a sidewalk café on **public property**.

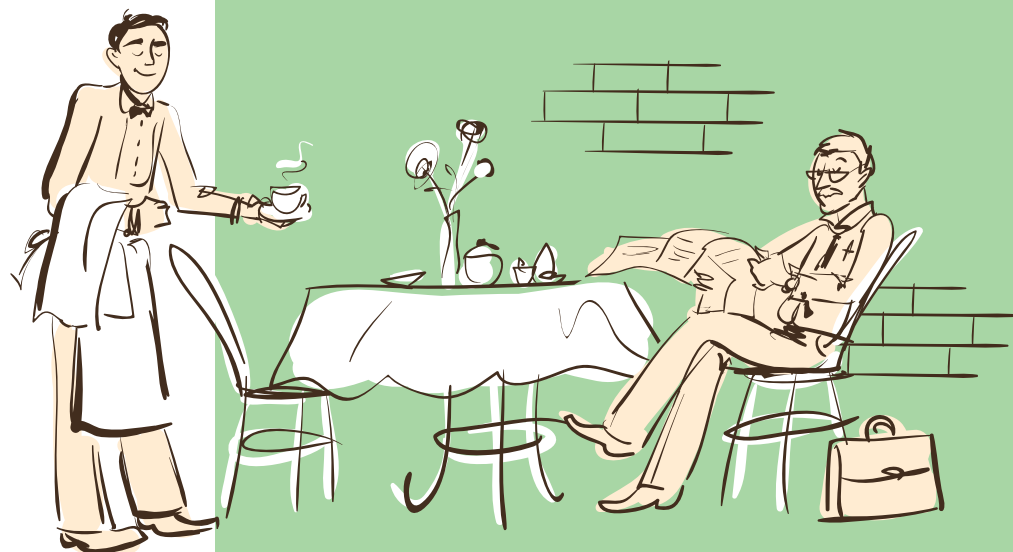
** A sidewalk café is deemed to be on public property if it occupies the forward part of a property owned by the city, or if it encroaches on a sidewalk or a curb.*

*** The By-law on the occupancy of public property is available on the borough website at montreal.qc.ca/cdn-ndg. Under the tab marked "Business and economy," select "By-laws" and type RCA16 17262 into the search engine.*

ATTENTION!

There are two types of permits. If you intend to set up a sidewalk café:

- On **public** property, in whole or in part: a **periodic occupancy permit for a sidewalk café** is required. The following document sets out the regulations to comply with and the steps to follow in order to obtain the permit.
- On **private property** without encroaching on public property: a **certificate of occupancy (and a transformation permit)** may be required. For further information, please go the reception desk at the borough's permits and inspections division, located at 5160 boulevard Décarie, suite 865.



Instructions

on how to obtain a periodic occupancy permit for a sidewalk café

To obtain a new permit, you must submit an application to the borough. Here are the steps to follow:

1. Carefully review the borough's standards and requirements pertaining to the establishment of a sidewalk café on public property and ensure that the public space you wish to occupy can be used to operate a sidewalk café. These standards and requirements are listed in this guide and the online by-law (RCA16 17262) posted on the borough website. Applicants may also contact the Division de l'occupation et de la circulation du domaine public at 514 872-4469.
2. Print and duly complete the permit application form (at the end of this guide).
3. Assemble all the required supporting documents listed on the following page, and make out a cheque for \$550 (2016 rate) payable to the Ville de Montréal to cover the application processing fee.
4. Deliver (by standard mail or in person) the duly completed application form and supporting documents to:
Division de l'occupation et de la
circulation du domaine public
2140, avenue Madison, 3rd floor
Montréal (Québec) H4B 2T4

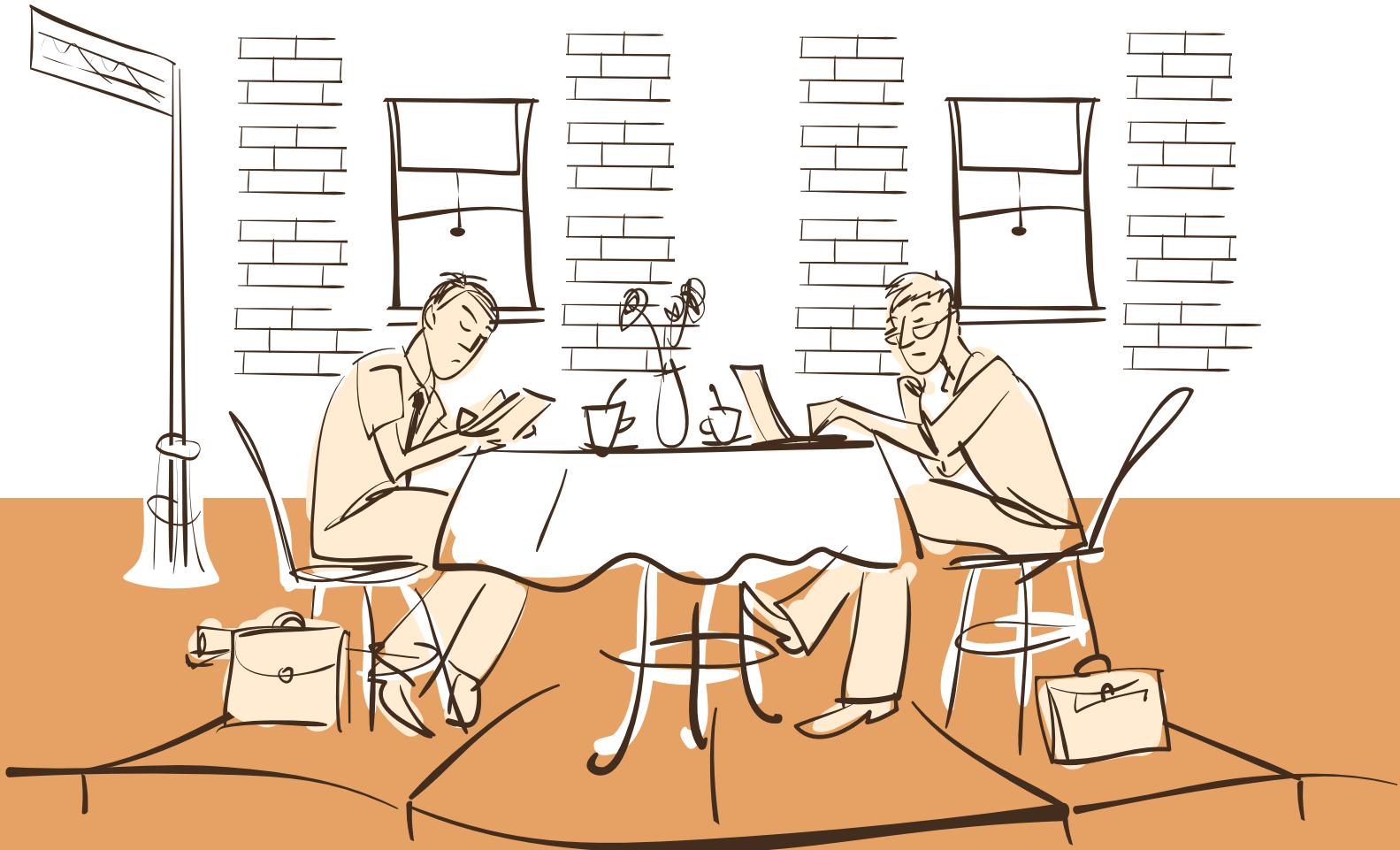
Once your file has been reviewed, you will be informed of the fees applied to issue your permit and the cost of occupying public property for the desired period. You can then **make your payment and obtain your permit** by standard mail or in person by going to the Division de l'occupation et de la circulation du domaine public.

Important : The Borough will only review permit applications containing all the required supporting documents. Incomplete applications will be refused.

If you have any questions :
514 872-4469
ville.montreal.qc.ca/cdn-ndg

Required documents (for a **new** permit only)

- Proof of third-party liability insurance for physical injury and material damages in the amount of \$2M, effective for the duration of the occupancy.
- Plan or description by metes and bounds (three copies) of the projected occupancy of the sidewalk café in its setting, signed and sealed by a land surveyor (illustrating the private and public equipment located between the operator's building and the road, including the trees, lampposts, fire hydrants, road signs, water supply valves, etc.). The description must also indicate the dimensions, location and area spanned by the planned occupancy.
- Detailed layout plan (three copies) of the planned installations, including the type, amount and placement of furniture, as well as the elevations required to understand the existing ground levels and those of the proposed installations.
- Proof that the applicant owns the building housing the business to which the sidewalk café is attached or that the applicant operates the establishment and is authorized by the owner of the building to submit an application. In addition, the operator must provide the building owner's name and contact information, including his or her telephone number.
- Cheque for \$550 (2016 rate) made out to the Ville de Montréal.



Renewing your permit

(STARTING IN 2017 ONLY)

In order to renew your permit, you must submit an application to the borough.

To find out if you meet all the conditions required to renew your permit, please consult the by-law (RCA 16 17262) available on the borough website.

Here are the main steps to follow.

1. Make sure you comply with all the requirements set out by the borough during the previous year.
2. Make sure the occupancy of the sidewalk café is identical, in every respect, to the occupancy for which the permit was issued during the previous year. If it differs, submit an application for a new permit (see the previous pages for details on the steps to follow).
3. Print and complete the permit application form (at the end of this guide).
4. Keep in hand a proof of third-party liability insurance for physical injury and material damages in the amount of \$2M, effective for the duration of the occupancy.
5. Forward the duly completed form and proof of third-party liability insurance by standard mail or bring them in person to:

Division de l'occupation et de la
circulation du domaine public
2140, avenue Madison, 3rd floor
Montréal (Québec) H4B 2T4

Once your application has been reviewed, you will be informed of the fees applied to issue your permit and the cost of occupying public property for the desired period. You can then **make your payment and obtain your permit** by standard mail or by going in person to the Division de l'occupation et de la circulation du domaine public.

SUMMARY OF CHARGES

2016 fees

- Processing fee (\$550)
for new permit applications
- Cost of the permit (\$90)
- Public property occupancy fee*
- Urban furniture removal fee
(where applicable)

** Fees to occupy public property are calculated based on the area spanned by the authorized occupancy and the value of the lot adjacent to the occupancy listed in the property assessment roll.*

Design standards

See the by-law (RCA16 17262) posted on the borough website for complete details on the applicable design standards for a sidewalk café.

Here are the main standards.

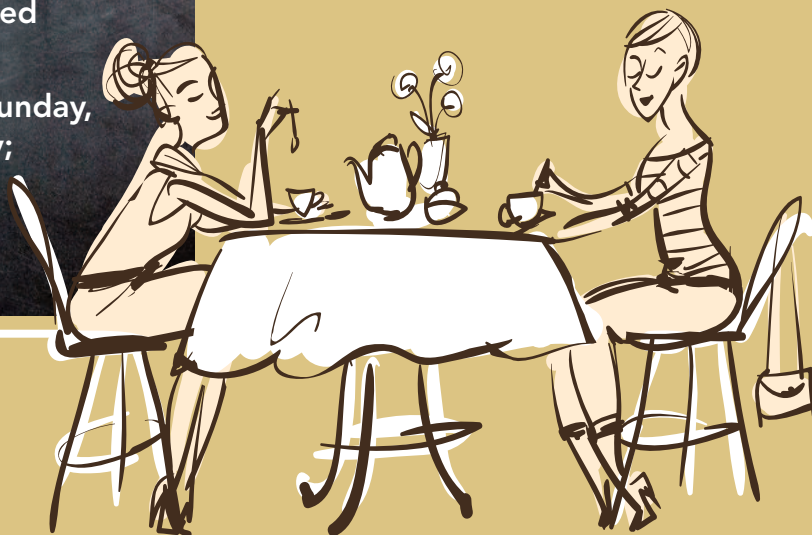
Location

- A sidewalk café may not encroach on the part of the public property in front of a facade adjacent to the establishment it serves. However, an encroachment in front of a facade adjacent to a contiguous commercial establishment may be authorized if the operator of this establishment and the owner of the building concerned consent thereto in writing. If such is the case, the encroachment may not exceed 25% of the width of the facade on the establishment in question.
- A continuous pedestrian passage with a minimum width of 1.5 m, including the sidewalk, must be kept clear and accessible at all times along the entire length of the sidewalk café.
- The sidewalk café must feature at least one point of access with a minimum width of 1.2 m.
- No point of access to a building may be obstructed, and a minimum clearance width of 1.2 m must connect this point of access to the existing public pedestrian passage.
- Minimum clearance of 1 m is required around a fire hydrant, and minimum clearance of 50 cm is required around a publicly-owned tree or any urban furniture (lamppost, parking meter, bench, signage post, etc.).

OCCUPANCY HOURS

A sidewalk café may only be occupied during the following hours:

- Between 7 a.m. and 11 p.m. on Sunday, Monday, Tuesday and Wednesday;
- Between 7 a.m. and midnight on Thursday, Friday and Saturday.



Furniture and materials

- If a platform is installed on the ground, it must be made of wood and must be designed to ensure rainwater runoff. With the exception of the access points, it must be entirely marked off by a railing or planting containers. At any point, the platform may not exceed a height of 30 cm above ground level.
- All the structures must be placed on the ground. Drilling into or removing the pavement is not authorized.
- Only the following furniture is authorized in a sidewalk café: tables, chairs, umbrellas, garbage cans and potted or container plants.
- A sidewalk café may not be covered with anything other than firmly anchored umbrellas, which may be no larger than an umbrella used to cover a table for four people.
- If a railing is installed, it must be made of:
 - welded ornamental steel protected by a galvanizing process or painted black;
 - or
 - welded aluminium with an anodized natural finish or painted black.
- Railings assembled mechanically are prohibited.
- The railing may range in height from 85 cm to 97 cm.
- The following furniture or equipment is prohibited in sidewalk cafés:
 - Any material made of synthetic resin;
 - Any furniture featuring an inscription or illustration depicting a commercial product, or any form of advertising other than that which is authorized under other municipal regulations;
 - Any furniture likely to obstruct public signage in part or in full;
 - Flags, banners and advertising signs;
 - Sound, heating or lighting equipment.

Universal access

Tall sidewalk cafés must be accessible to persons with reduced mobility. An access ramp must be set up to ensure that persons with reduced mobility have access to the sidewalk café. The ramp must have a minimum width of 1.2 m and a maximum slope of 1:12. The furniture must include at least one table for persons with reduced mobility.

Vegetation

The sidewalk café must have a considerable amount of vegetation. Flower boxes hung from the railing must not be a nuisance to users of the public space.

All the plants in the sidewalk café must be natural and may not exceed a height of 1.5 m from the adjacent ground level or road.

Prohibited activities

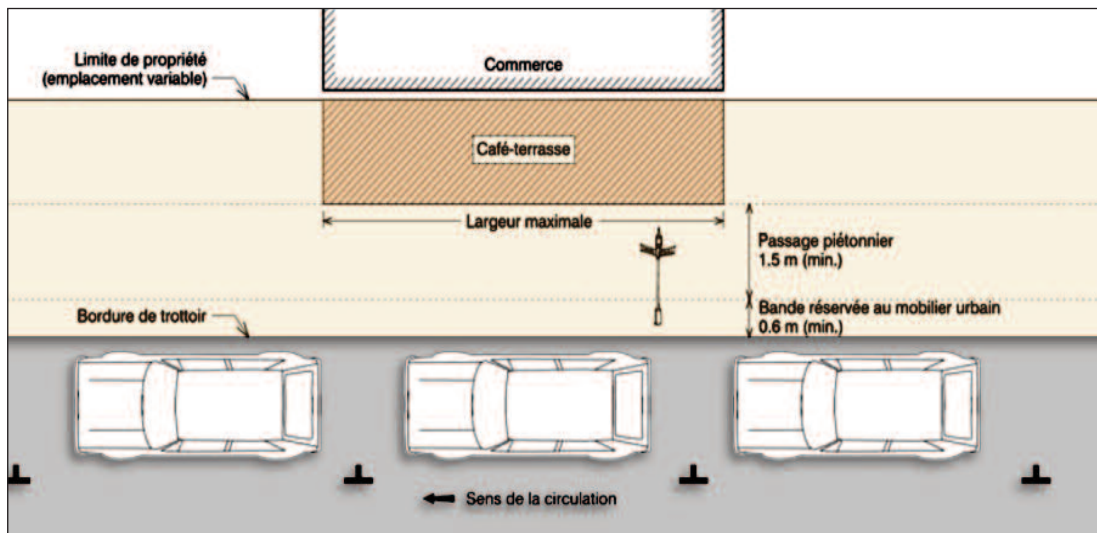
Dance, theatre performances or film screenings, concerts, shows and cooking are prohibited in the sidewalk café.



Types of sidewalk cafés permitted

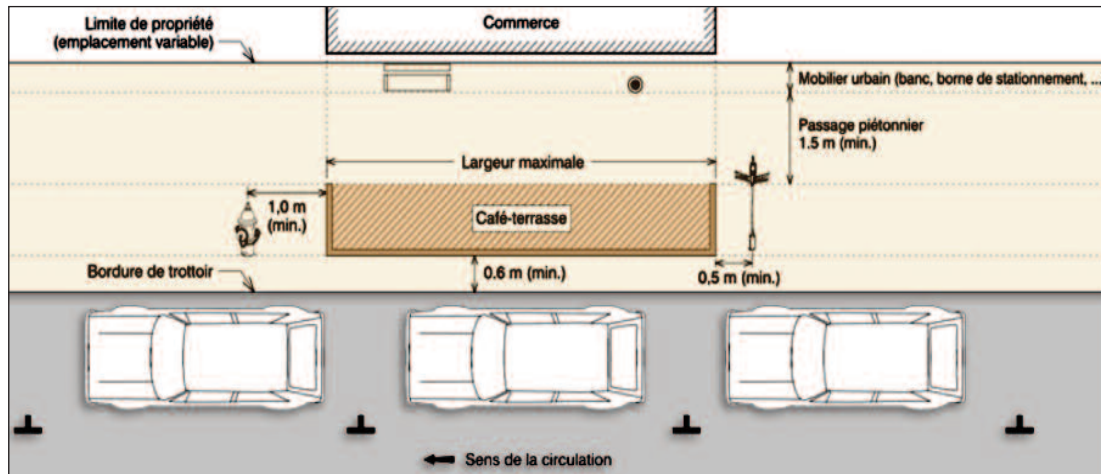
A) The terrace

The sidewalk café is set up between a building and the sidewalk.



B) The split-level terrace (contre-terrasse)

The sidewalk café is set up between the sidewalk and the road.
It may or may not encroach on the road.

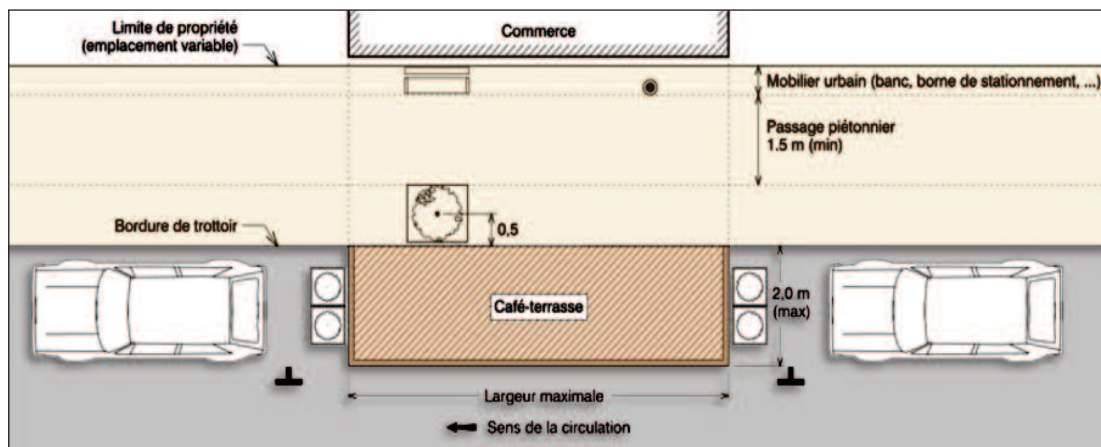


A sidewalk café set up in this way may be:

- Arranged so that a clearance of 0.6 m is preserved between its elements and the road;
- Marked off on the street side by a railing serving as a protective barrier for seated clients (only if the sidewalk café does not have a platform);
- Marked off by planting containers placed on the ground perpendicular to the sidewalk curb on either side of the sidewalk café (only if the latter encroaches on the road).

C) In the street

The sidewalk café is set up in the street, in a space usually reserved for parking..



This type of design is possible when the sidewalk is not large enough to accommodate the sidewalk café and to guarantee a pedestrian passage with a minimum width of 1.5 m. The regulations in this sector must allow for parking during peak traffic hours.

In addition, planting containers must be placed on the road, perpendicular to the sidewalk curb on either side of the sidewalk café.

General requirements and responsibilities

An operator who obtains a permit undertakes to comply and ensure compliance with the regulations and standards applicable on the site of his or her sidewalk café.

ACCESS TO PUBLIC UTILITY INSTALLATIONS

Public utility companies (i.e., Hydro-Québec) and the Ville de Montréal must have access to their installations at all times. At the request of the competent authority, the permit holder must remove all his or her structures from public property within the prescribed time limit in order to facilitate access to these installations.

MODIFICATION OR REVOCATION

At all times, the Ville de Montréal reserves the right, if deemed necessary, to require the removal, movement, transfer or modification of the works occupying public property at the expense of the permit holder, for example for safety reasons. The city may also revoke the permit.

LIMITATION OF THE SIDEWALK CAFÉ

The permit holder must ensure that the sidewalk café does not exceed the area cited on the permit. The permit holder undertakes to intervene with his or her clientele and staff, where required, in order to ensure compliance with this requirement. Any abusive occupation may be subject to criminal sanctions and the revocation of the permit.

CLEANLINESS

The installations and furniture used to operate the sidewalk café must be kept clean and in good working order at all times. The permit holder is responsible for the cleanliness of the entire area spanned by the sidewalk café and the area within a radius of 1 m of the café. Maintenance operations on the sidewalk café must be done every evening after closing and at the request of the competent authority. Garbage cans and ashtrays are required.

SAFETY

Outside of the authorized occupancy hours, the furniture in the sidewalk café must be stored in such a way that it cannot be used, does not extend beyond the perimeter of the authorized occupancy of public property, and does not compromise public safety.

WARNING : This document was drafted solely for the convenience of the reader and holds no official value. For all legal purposes, the reader must consult the official version of the By-law on the occupancy of public property (RCA16 17262), available at ville.montreal.qc.ca/cdn-ndg.

DAMAGES AND ACCIDENTS

The permit holder shall be held responsible for any damage to public property and urban furniture, and he or she will be required to pay the charges required to repair or replace damaged works.

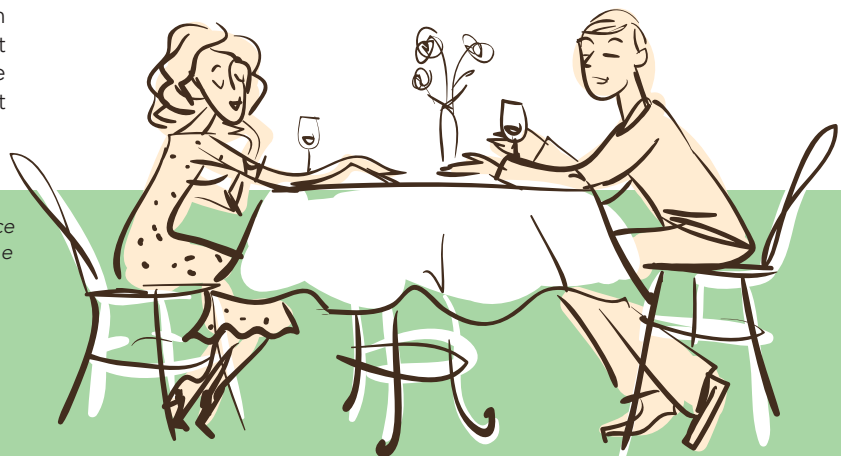
The permit holder is also responsible for any accidents or damages to persons and public or private property resulting from the installation, existence, maintenance or use of the works occupying public property.

The permit holder must indemnify and hold harmless the Ville de Montréal and defend it against any claim that could be made as well as any legal action initiated and any judgment rendered against the Ville de Montréal.

Finally, the permit holder shall hold harmless the Ville de Montréal from any damages to its works or furniture occupying public property caused by equipment owned by the Ville de Montréal or by Ville de Montréal employees or contractors in the performance of their duties.

FORM TO COMPLETE

After carefully reviewing all the design standards for the sidewalk café as well as the general requirements and your responsibilities, you must complete the **Application for a periodic occupancy permit for sidewalk cafés** (see the end of this guide).



Application form

Periodic occupancy permit for sidewalk cafés

Whether it concerns an initial application or a permit renewal, this form must be completed by the operator of the commercial establishment or his or her agent.

TYPE OF APPLICATION *Check the box corresponding to your situation.*

- ☐ New application: attach all the required documents (see p. 4)
☐ Renewal: attach proof of third-party liability insurance in the amount of \$2M

OCCUPANCY PERIOD *Check the box corresponding to your application*

The occupancy period for the sidewalk café may not exceed 7 months in a single year.

- ☐ Suggested period: May 1 to October 31
☐ Other period : from _____ to _____
DAY AND MONTH DAY AND MONTH

INFORMATION ON THE COMMERCIAL ESTABLISHMENT

Name on the Registraire des entreprises : _____

Other name of the business : _____

Corporate name : _____

Lot number : _____

Address : _____

_____ Postal code : _____

Telephone number : _____ Fax : _____

INFORMATION ON THE APPLICANT

☐ Mr. ☐ Ms.

Given name : _____ Family name : _____

Function : _____

Address : _____

_____ Postal code : _____

Telephone number : _____ Fax : _____

Email : _____

If the applicant is a body corporate, please provide the name of its representative and the resolution authorizing the latter the act in that capacity.

The applicant undertakes to comply with the applicable regulations and standards on the site of his or her sidewalk café.

I / we accept the applicable requirements.

I, the undersigned _____

GIVEN NAME AND FAMILY NAME OF THE APPLICANT IN BLOCK LETTERS

And I signed, _____ Date : _____

SIGNATURE OF THE APPLICANT

CONTACT INFORMATION FOR THE BOROUGH

Bring the duly completed form
and supporting documents
in person or mail them to :

**Division de l'occupation et de la
circulation du domaine public**
2140, avenue Madison, 3rd floor
Montréal (Québec) H4B 2T4

Telephone number : 514 872-4469

E-mail :
permis.etudestechniques.cdnndg@ville.montreal.qc.ca

*This document is also posted on the borough
website at ville.montreal.qc.ca/cdn-ndg*

HAVE AN
EXCELLENT SEASON!

