



City of Kingston

Ontario

By-Law Number 87-136

**A By-Law To Authorize The Adoption Of Regulations
Established For The Purpose Of Dealing With
Applications For The Extended Use Of Sidewalks**

Passed: May 12, 1987

Updated: March 7, 2023

As Amended By:

By-law Number	Passed on:
By-Law Number 88-19	January 5, 1988
By-Law Number 89-173	June 13, 1989
By-Law Number 89-177	June 13, 1989
By-Law Number 90-94	April 10, 1990
By-Law Number 90-315	November 20, 1990
By-Law Number 91-61	January 29, 1991
By-Law Number 91-98	March 26, 1991
By-Law Number 91-201	June 18, 1991
By-Law Number 91-278	August 13, 1991
By-Law Number 92-22	December 17, 1991
By-Law Number 92-138	April 28, 1992
By-Law Number 92-202	June 16, 1992
By-Law Number 93-28	January 12, 1993
By-Law Number 93-104	April 6, 1993
By-Law Number 93-147	May 18, 1993
By-Law Number 93-338	November 2, 1993
By-Law Number 94-71	March 22, 1994
By-Law Number 94-262	August 9, 1994
By-Law Number 94-312	October 11, 1994
By-Law Number 95-101	April 18, 1995
By-Law Number 95-113	May 16, 1995
By-Law Number 95-198	July 11, 1995
By-Law Number 95-199	July 11, 1995
By-Law Number 95-201	July 4, 1995

By-Law Number 95-272	October 10, 1995
By-Law Number 96-26	January 9, 1996
By-Law Number 96-99	April 16, 1996
By-Law Number 96-341	October 16, 1996
By-Law Number 97-102	April 8, 1997
By-Law Number 98-106	June 9, 1998
By-Law Number 98-110	June 9, 1998
By-Law Number 2000-57	March 7, 2000
By-Law Number 2000-78	March 7, 2000
By-Law Number 2001-159	June 19, 2001
By-Law Number 2003-11	December 17, 2002
By-Law Number 2010-115	June 1, 2010
By-Law Number 2012-43	January 24, 2012
By-Law Number 2014-14	December 17, 2013
By-Law Number 2017-210	October 3, 2017
By-Law Number 2018-162	October 2, 2018
By-Law Number 2023-51	March 7, 2023

(Office Consolidation)

By-Law Number 87-136

A By-Law To Authorize The Adoption Of Regulations Established For The Purpose Of Dealing With Applications For The Extended Use Of Sidewalks

Passed: May 12, 1987

The Council of the Corporation of the City of Kingston enacts as follows:

1. The regulations for dealing with applications for use of extended sidewalks in the Downtown Business Improvement Area, said Leases being approved under Section 308, Subsection (3) and Section 310 of the Municipal Act, 1990 c.M. 45 are hereby approved and adopted as set forth in Schedule "A" to this By-Law and the regulations for dealing with applications for the establishment of Kiosks are hereby approved and adopted as set forth in Schedule "B" to this By-Law.

(By-Law No. 87-136; 2003-11)

2. This By-Law shall come into force and take effect on its passing.

3. Deleted see By-Law 2023-51

(By-Law No. 87-136; 90-315)

4. The design regulations for outdoor patios are hereby approved and adopted and set forth in **Schedule "D"** to this By-Law.

(By-Law No. 87-136; 92-138)

- (a) Notwithstanding the provisions of this By-Law and the design regulations set forth on Schedule "D" thereof, the following exceptions with respect to the patio at Stoney's, 189 Ontario Street shall be permitted:

- (i) The side screen may be up to 2.17 metres high above the grade or platform level; and
- (ii) The fence facing the street may be a maximum of 0.92 metres in height.

(By-Law No. 87-136; 93-104)

- (b) Notwithstanding the provisions of this By-Law and the design regulations set forth in Schedule "D" thereof, the fence facing the street around the patio at the Prince George Hotel, 200 Ontario Street may vary from 0.95 metres to 1.05 metres in height.

(By-Law No. 87-136; 93-104)

4. (cont'd)

- (c) Notwithstanding the provisions of this By-Law and the design regulations set forth in Schedule "D" thereof, the clear width of the sidewalk on the taper abutting the patio at Cafe Max, 39 Brock Street, may be 1.62 metres in width.

(By-Law No. 87-136; 93-104)

- (d) Repealed by By-Law No. 97-102

(By-Law No. 87-136; 94-262; 97-102)

- (e) Notwithstanding the provisions of the By-Law and the design regulations set forth in Schedule "D" thereof, the owners of the establishments known as Brandees Restaurant and Lounge, The Cocamo, Frankie Pesto's Italian Eatery, Stoney's Waterfront Café, Tir Nan Og Irish Pub and Wooden Head's Gourmet Pizza be permitted relief from the following;
Schedule "A", Clause 24; and
Schedule "D", Section 4, Dimensions, Paragraph (d); and
Schedule "D", Section 5, Fences (all inclusive);
for the purpose of a temporary extension to each existing patio further into the City's street right-of-way for a distance of up to 1.5 metres beyond the curb line into Ontario Street and Market Street, as shown in the appended site plan drawings, from 8:00 p.m. Wednesday June 28, 2001 until 8:00 p.m. Monday July 2, 2001 for the event hosted by the City of Kingston known as the Tall Ships Challenge.

(By-Law No. 87-136; 2001-159)

5. Deleted see By-Law 2023-51.

(By-Law No. 87-136; 93-104)

6. Deleted see By-Law 2023-51

(By-Law No. 87-136; 93-147)

7. Deleted see By-Law 2023-51

(By-Law No. 87-136; 93-147)

8. Deleted see By-Law 2023-51

(By-Law No. 87-136; 95-113)

9. Deleted see By-Law 2023-51

(By-law Number 87-136; 2010-115)

Schedule “A” to City of Kingston By-Law Number 87-136

Regulations Established For The Purpose Of Dealing With Applications For Use Of Extended Sidewalks In The City Of Kingston

1. Deleted see By-Law 2023-51
(By-Law No. 87-136; 92-138; 2018-162)
2. Deleted
(By-Law No. 87-136; 92-138; 2018-162)
3. Deleted (By-Law No. 87-136; 92-138)
4. Deleted see By-Law 2023-51
(By-Law No. 87-136; 92-138; 2018-162)
5. Deleted see By-Law 2023-51
(By-Law No. 87-136; 92-138; 2018-162)
6. Deleted see By-Law 2023-51
(By-Law No. 87-136; 92-138)
7. Where an application is approved, the applicant shall be required to enter into an agreement with the City. The terms and conditions of the agreement shall be as set out in the document prepared by the City Solicitor; providing, however:
(By-Law No. 87-136; 92-138)
7. (a) There shall be a rental charge for the lease of patio space in each Zone described herein, effective for all sidewalk agreements if the area is used for active selling of food or merchandise, as set out in the Fees and Charges By-Law Number 2005-10, as amended, or of a successor to that By-Law.

The Zones shall be described as follows:

Zone A: Ontario Street and east of Ontario Street to the waterfront and west of Ontario Street to any establishment located more than 30 metres east of King Street.

Zone B: Bounded on the east by Zone A; on the west by any establishment within 30 metres west of Montreal Street; on the south by any establishment within 30 metres south of Johnson Street; on the north by any establishment within 30 metres north of Queen Street.

Schedule “A” to City of Kingston By-Law Number 87-136

7. (a) (cont'd)

Zone C: Bounded on the east by Zone B; on the west 30 metres west of Division Street; on the south 30 metres south of Brock Street; on the north 30 metres north of Queen Street.

Zone D: all other areas of the City.

In any case where it is necessary to remove a parking meter or meters, the sidewalk patio owner shall continue to compensate the Corporation of the City of Kingston at the rate as set out in the Fees and Charges By-Law 2005-10, as amended, or of a successor to that by-law.”

(By-Law No. 87-136; 92-138; 96-99; 2014-14; 2018-162)

- (b) There shall be an annual rental fee as set out in the Fees and Charges By-Law 2005-10, as amended, or of a successor to that by-law, for lease of space if the area is not being used for active selling of food or merchandise. Tables, chairs and decorative accessories on patios not used for active selling of food or merchandise shall be placed a minimum distance of one metre from the curb line and ten centimetres (10 cm) from abutting properties.

(By-Law No. 87-136; 92-138; 96-99; 2014-14)

- (c) The 'Certificate of Compliance', as set out in the form attached hereto and marked as Schedule 'F', is hereby approved and adopted and shall be issued to each sidewalk patio operator by a representative of the Engineering Department prior to the opening each year of a sidewalk patio and following his/her inspection and approval that such sidewalk patio conforms with the provisions of this By-Law.

(By-Law No. 87-136; 95-101; 2018-162)

8. Deleted see By-Law 2023-51

(By-Law No. 87-136; 92-138; 2003-11; 2018-162)

9. Deleted see By-Law 2023-51

(By-Law No. 87-136; 92-138)

10. Deleted see By-Law 2023-51

(By-Law No. 87-136; 92-138; 2018-162)

11. Deleted

(By-Law No. 87-136; 92-138)

12. Deleted see By-Law 2023-51

(By-Law No. 87-136; 92-138; 92-202)

13. Deleted.

(By-Law No. 87-136; 92-138)

Schedule “A” to City of Kingston By-Law Number 87-136

14. Deleted see By-Law 2023-51

(By-Law Number 87-136; 2000-57; 2017-210; 2018-162)

15. Deleted see By-Law 2023-51

(By-Law Number 87-136; 93; 28; 2000-78; 2014-14; 2018-162)

16. The lessee agrees not to encumber the sidewalk surrounding the leased area in any way and specifically not to permit the placement of 'sandwich board' signs, planters or extraneous advertising objects on the sidewalk or allow bicycles to be affixed to or lean against the sidewalk patio fence.

(By-Law No. 87-136; 92-138; 95-101)

Notwithstanding the provisions of this By-Law, sidewalk patio operators shall be permitted to maintain their flower planters as follows:

- a) the planters shall be readily removable from the site;
- b) the planters shall be integral with the fence or deck structure to maintain a compatible design relationship and shall not infringe upon external pedestrian flow;
- c) the planters may be placed on top of, or on the inside or outside of the rail fence structure, must be integral to the fenced area and shall not infringe on external pedestrian flow; and
- d) hanging plants shall be situated inside of the rail or fence structure.

(By-Law No. 87-136; 95-201; 96-99; 98-110)

17. Deleted see By-Law 2023-51

(By-Law No. 87-136; 92-138; 96-99 – 1996; 2018-162)

18. Deleted see By-Law 2023-51

(By-Law No. 87-136; 92-138 - 1992)

19. Deleted see By-Law 2023-51

(By-Law No. 87-136; 92-202 – 1992; 2018-162)

20. Deleted see By-Law 2023-51

(By-Law No. 87-136; 92-202 - 1992)

21. Deleted see By-Law 2023-51

(By-Law No. 87-136; 92-202 - 1992)

22. Deleted see By-Law 2023-51 (By-Law No. 87-136; 92-202 - 1992; 95-101 - 1995)

Schedule “A” to City of Kingston By-Law Number 87-136

- 23. Deleted
(By-Law No. 87-136; 92-202; 2018-162)
- 24. Deleted see By-Law 2023-51
(By-Law No. 87-136; 95-101 - 1995)
- 25. Deleted see By-Law 2023-51.
(By-Law No. 87-136; 95-101 - 1995)
- 26. Any person who contravenes any provision of this by-law shall be guilty of an offence and liable to a penalty up to \$5,000.00, as provided for in the Provincial Offences Act.
(By-Law No. 87-136; 95-101 -1995)
- 27. Deleted see By-Law 2023-51
(By-Law No. 87-136; 2003-11 – 2003)
- 28. Deleted see By-Law 2023-51
(By-Law No. 87-136; 2003-11 – 2003)
- 29. Deleted see By-Law 2023-51
(By-Law No. 87-136; 2003-11 – 2003)
- 30. Deleted see By-Law 2023-51
(By-Law No. 87-136; 2012-43)
- 31. Deleted see By-Law 2023-51
(By-Law No. 87-136; 2012-43)
- 32. Deleted see By-Law 2023-51
(By-Law No. 87-136; 2012-43)
- 33. Deleted see By-Law 2023-51
(By-Law No. 87-136; 2012-43)
- 34. Deleted see By-Law 2023-51
(By-Law No. 87-136; 2012-43)

Schedule “A” to City of Kingston By-Law Number 87-136

35. That all serving sidewalk patios and cafes adhere to the design requirements stated in the Downtown Action Plan as modified for current barrier free width recommendations of 1.83m;
- The patios barrier fence be constructed of steel or wrought iron, and be black in colour;
 - Outdoor decking should only be used to provide a level area at grade of the sidewalk, not to raise the patio to finished floor level. The fascia of such a levelling platform should be solid wood or metal and painted black;
 - No barrier should be closer than 1.83m from any existing lamp, column or other streetscape element. This may require a check in the barrier free fence. The check should extend a minimum of 2.0m along the street axis, each side of the obstacle; and,
- (By-Law No. 87-136; 2012-43)
36. Cane detection horizontal railing is provided at the bottom of the patio fence, and a pronounced color contrast between the railings and the guards and the surrounding environment; and,
- (By-Law No. 87-136; 2012-43)
37. That within the patio a minimum 1.1 meter aisle is maintained up to and around the tables and chairs.
- (By-Law No. 87-136; 2012-43)

Schedule "B" to City of Kingston By-Law Number 87-136

Deleted see By-Law 2023-51

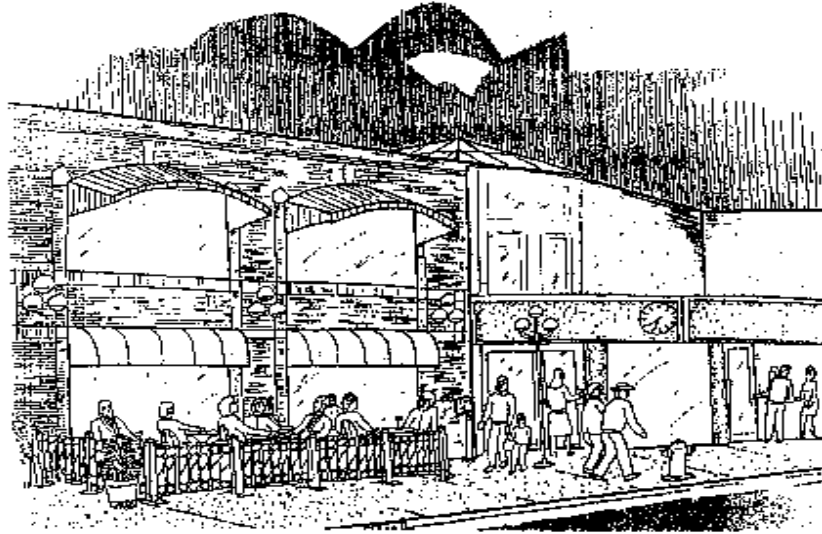
Schedule "C" to City of Kingston By-Law Number 87-136

Deleted see By-Law 2023-51

City of Kingston By-law Number 87-136 "Sidewalks"

Schedule "D" to By-Law No. 87-136

**CORPORATION OF THE CITY OF KINGSTON
DESIGN REGULATIONS FOR OUTDOOR PATIOS**



**Municipal Operations
Corporation of the City of Kingston**

March, 1995

Table Of Contents

Design Regulations For Outdoor Patios

Section	Page
1. Introduction	14
2. Definitions	14
3. General Design Principles	15
4. Dimensions	20
5. Fences	25
6. Awnings	25
7. Platforms	26
8. Furnishings	26
9. Lighting	27
10. Plant Materials	27
11. Signage	31
12. Closing Time	31
13. Grading and Paving	31
14. Curbing	31
15. Refuse Receptacle	31
16. Maintenance	32
17. Insurance	32
18. Subletting	32
19. Sources	32

City of Kingston By-law Number 87-136 “Sidewalks”

List Of Figures

Design Regulations For Outdoor Patios

Figure	Page
Number 1 Land Use Relationship	16
Number 2 Mixed Use	16
Number 3 Outdoor Patio Restaurant Locations	17
Number 4 Typical Locations - Outdoor Patios	18
Number 5 Outdoor Patio at Building Face	20
Number 6 Boulevard Type Layout	21
Number 7 Pedestrian Mall	22
Number 8 Sidewalk Patio Layout Details	23
Number 9 Patio Elevation	27
Number 10 Patio Elevation - Platform	28
Number 11 Patio Elevation - Terraced Deck	29

City of Kingston By-law Number 87-136 "Sidewalks"

Outdoor Patio Restaurant

Design Regulations Proposal

1. Introduction:

The information contained in this report is a compilation of the legislation, policies and regulations which pertain to outdoor patios at the time of its publication.

The Council of the Corporation of the City of Kingston, its officers and employees are not bound by the information contained within this booklet. Neither are they liable for any reliance placed upon the contents of this report by any person.

(By-Law No. 92-138 - 1992; 95-101 - 1995)

2. Definitions:

- | | |
|------------------|---|
| "Patio" | - Shall mean an outdoor patio or sidewalk patio. |
| "Outdoor Patio" | - Means an outdoor area used only on a seasonal basis in conjunction with any restaurant type as defined in the by-law where seating accommodation is provided and which is located wholly on the Corporation's property pursuant to a valid and subsisting encroachment agreement or lease as the Corporation shall deem appropriate. |
| "Sidewalk Patio" | - Means an outdoor area used only on a seasonal basis in conjunction with any restaurant type as defined in the by-law where seating accommodation is provided and where meals and/or refreshments are served to the public for consumption on the premises and which is located wholly on the Corporation's property pursuant to a valid and subsisting encroachment agreement or lease as the Corporation shall deem appropriate. |

(By-Law No. 92-138 - 1992; 95-101 - 1995)

City of Kingston By-law Number 87-136 "Sidewalks"

3. General Design Principles:

- Maintain primacy of the public right-of-way for pedestrian and vehicular movement.
- Ensure a compatible relationship of patio design and construction with adjacent Streetscape Elements and Building Architecture.
- Maintain barrier free access for persons with disabilities and seniors.
- Provide required unrestricted access to public utilities and service connections, unless with the expressed consent of the owner(s) of such services.
- Provide access for emergency, service and delivery vehicles.
- Maintain a safe, secure and comfortable environment for pedestrians.
- Mitigate any possible harmful impacts on adjacent land uses.
- Enhance the vitality of the street environment.

(By-Law No. 92-138 - 1992)

City of Kingston By-law Number 87-136 "Sidewalks"

Schedule "D" to By-Law No. 87-136

FIGURE 1

LAND USE RELATIONSHIP

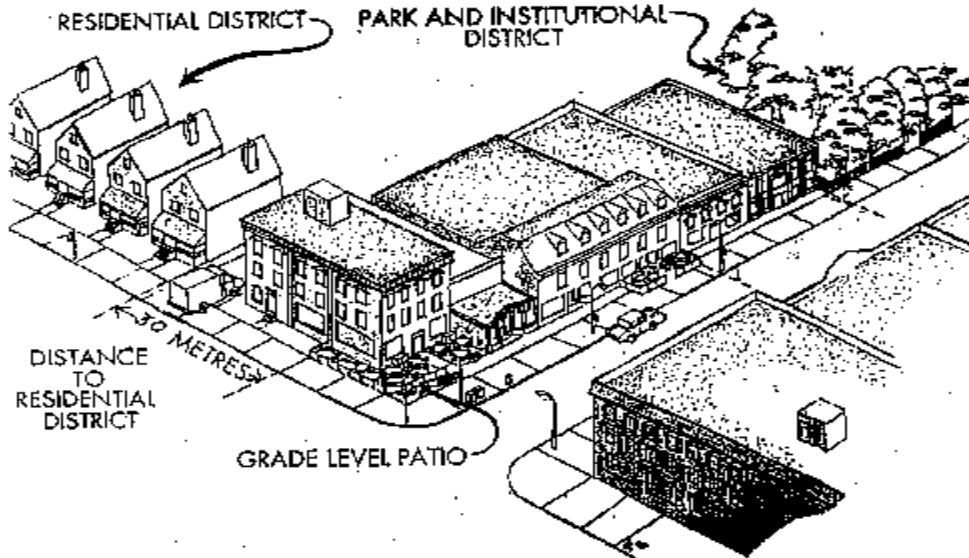
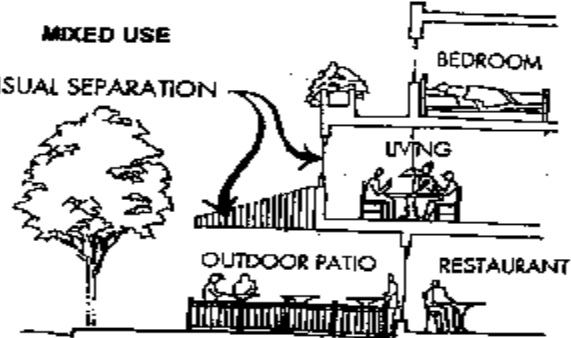


FIGURE 2

MIXED USE

VISUAL SEPARATION

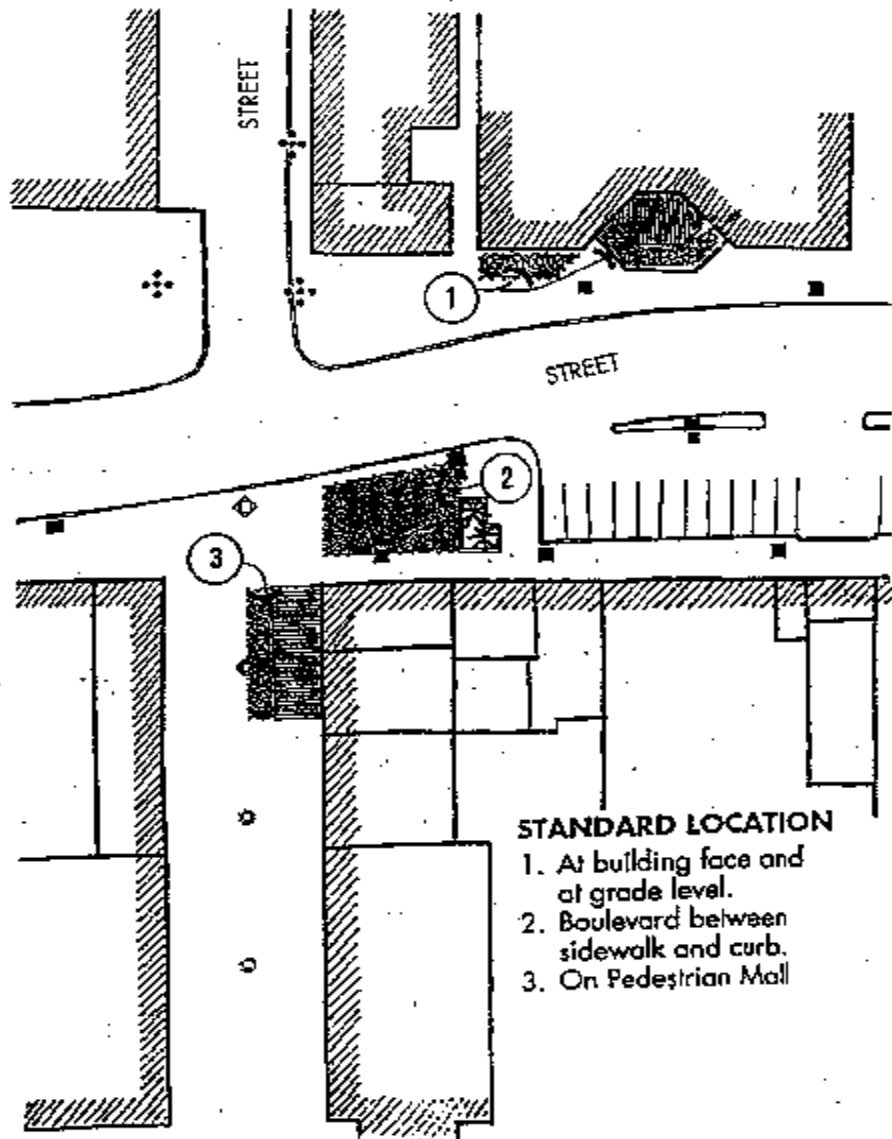


City of Kingston By-law Number 87-136 "Sidewalks"

Schedule "D" to By-Law No. 87-136

FIGURE 3

OUTDOOR PATIO RESTAURANT LOCATIONS

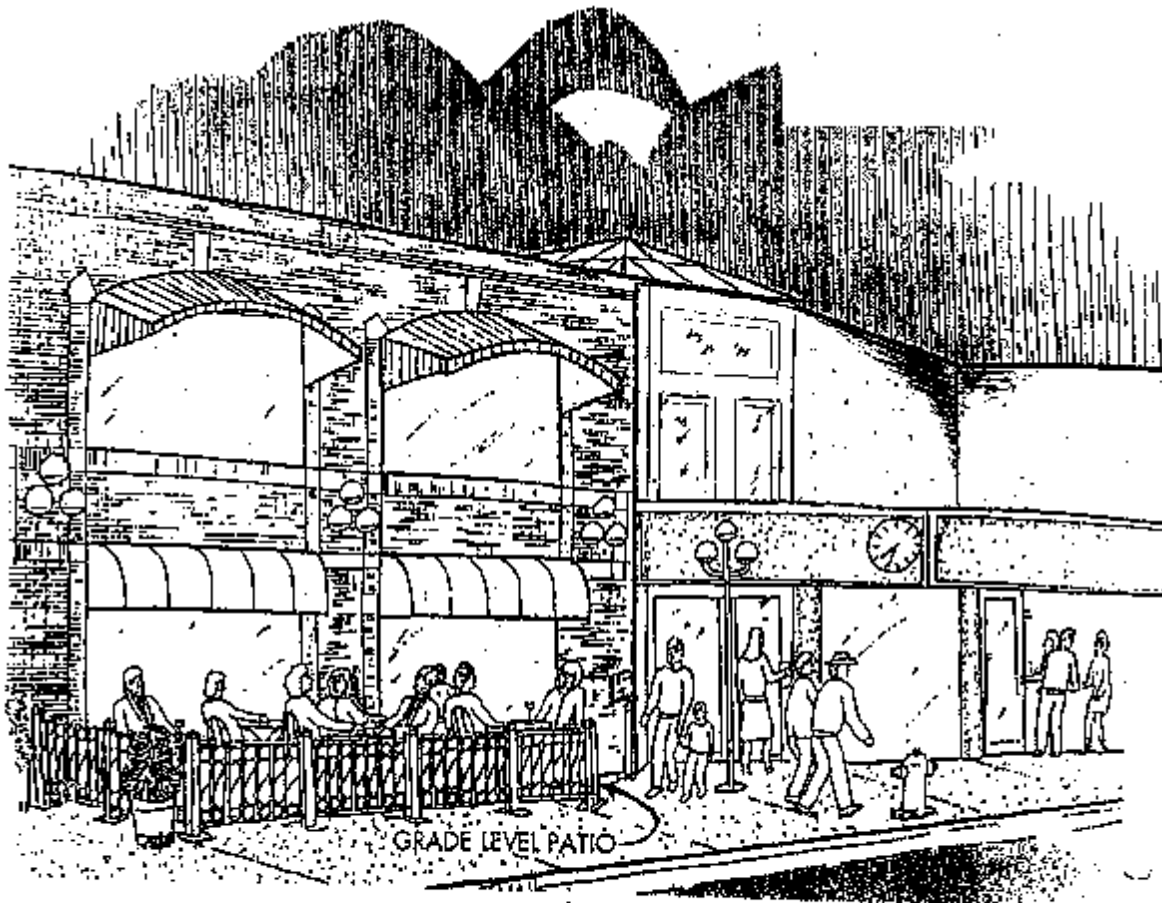


City of Kingston By-law Number 87-136 "Sidewalks"

Schedule "D" to By-Law No. 87-136

FIGURE 4

TYPICAL LOCATIONS - OUTDOOR PATIOS



City of Kingston By-law Number 87-136 "Sidewalks"

4. Dimensions:

(a) Land Use Separation Distance

- Sidewalk patios maintain a 30 metre separation distance to residential zones.

(b) Sidewalk

- The clear width of sidewalks abutting properties should be equal to the sidewalk width in the adjacent areas and may vary from 1.5 metres to 2.5 metres. Clear distance may shift within the right-of-way to avoid obstructions.
- The addition of 0.5 metres to the sidewalk width may be required within 9 metres of an intersection to provide for platooning of pedestrians.
- The minimum clear height from grade level to any obstruction such as an overhead canopy frame should be 2.4 metres, and if the awning should have a skirt, a minimum of 2.0 metres clear height should be maintained.

(c) Deck and Platform Elevation

- Where the patio is elevated above grade on a structure, the height of the deck surface should be no greater than 2 metres. Terraced decks should be setback at a ratio of 2:1 (horizontal to vertical) with a height of 0.45 metres at the sidewalk (See Diagram 11).

(d) Patio Area

- The surface area of a sidewalk patio may not exceed the interior licensed floor area of the restaurant (L.L.B.O. - licensed premises).

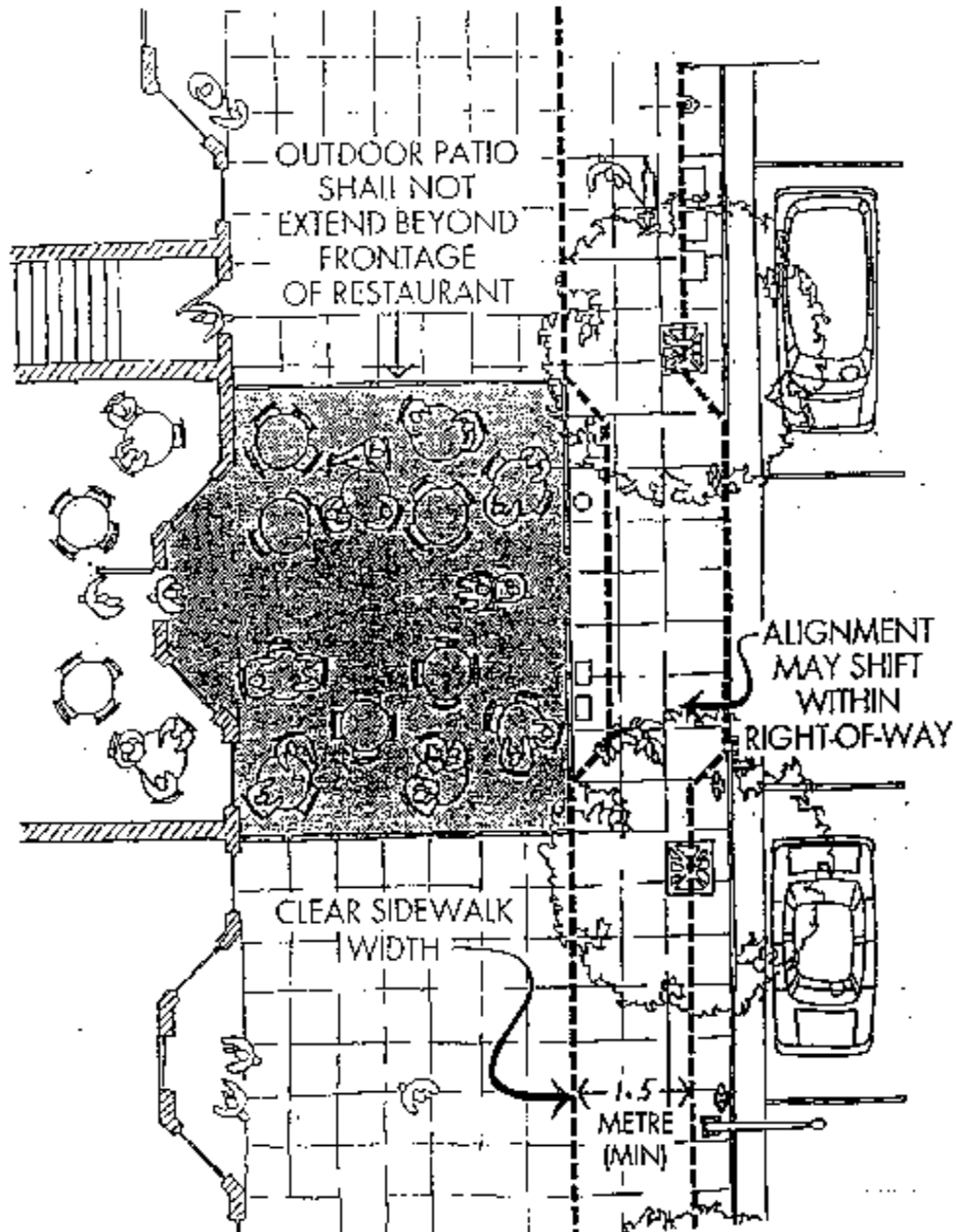
(By-Law No. 92-138 - 1992; 95-101 - 1995)

City of Kingston By-law Number 87-136 "Sidewalks"

Schedule "D" to By-Law No. 87-136

FIGURE 5

OUTDOOR PATIO AT BUILDING FACE

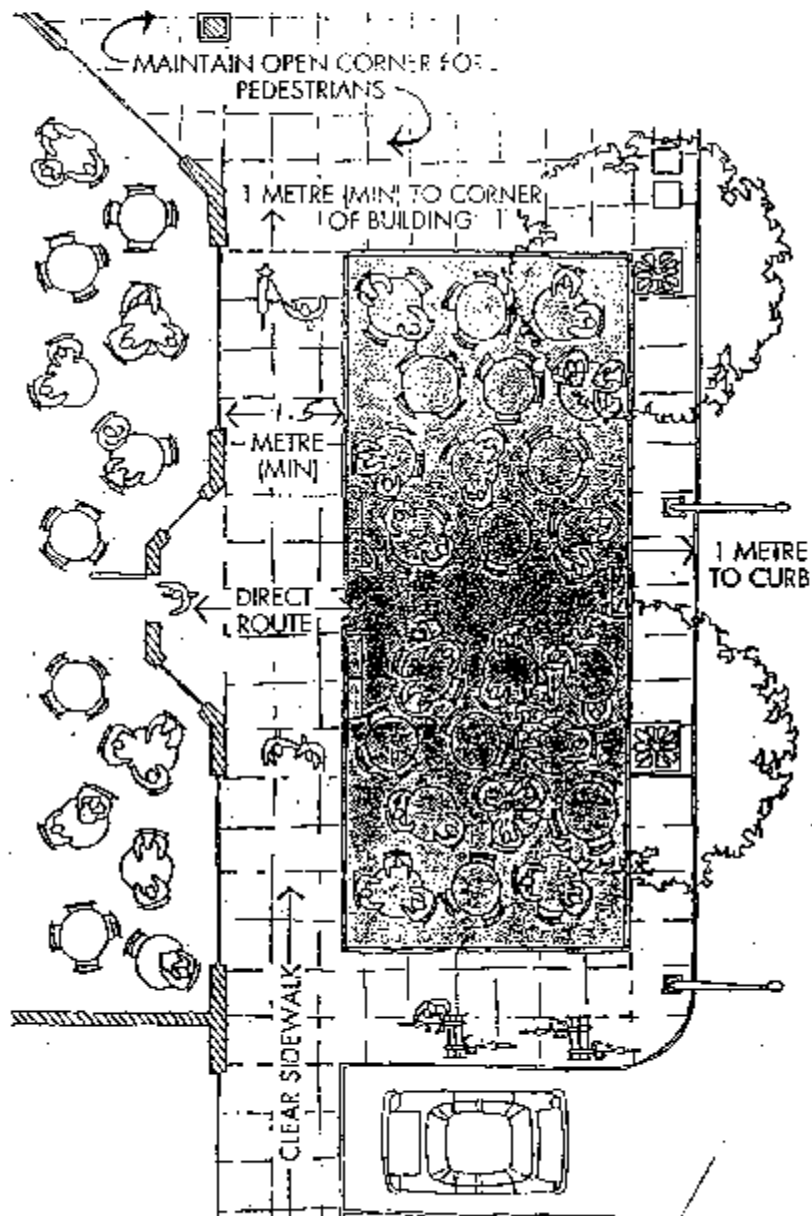


City of Kingston By-law Number 87-136 "Sidewalks"

Schedule "D" to By-Law No. 87-136

FIGURE 6

BOULEVARD TYPE LAYOUT

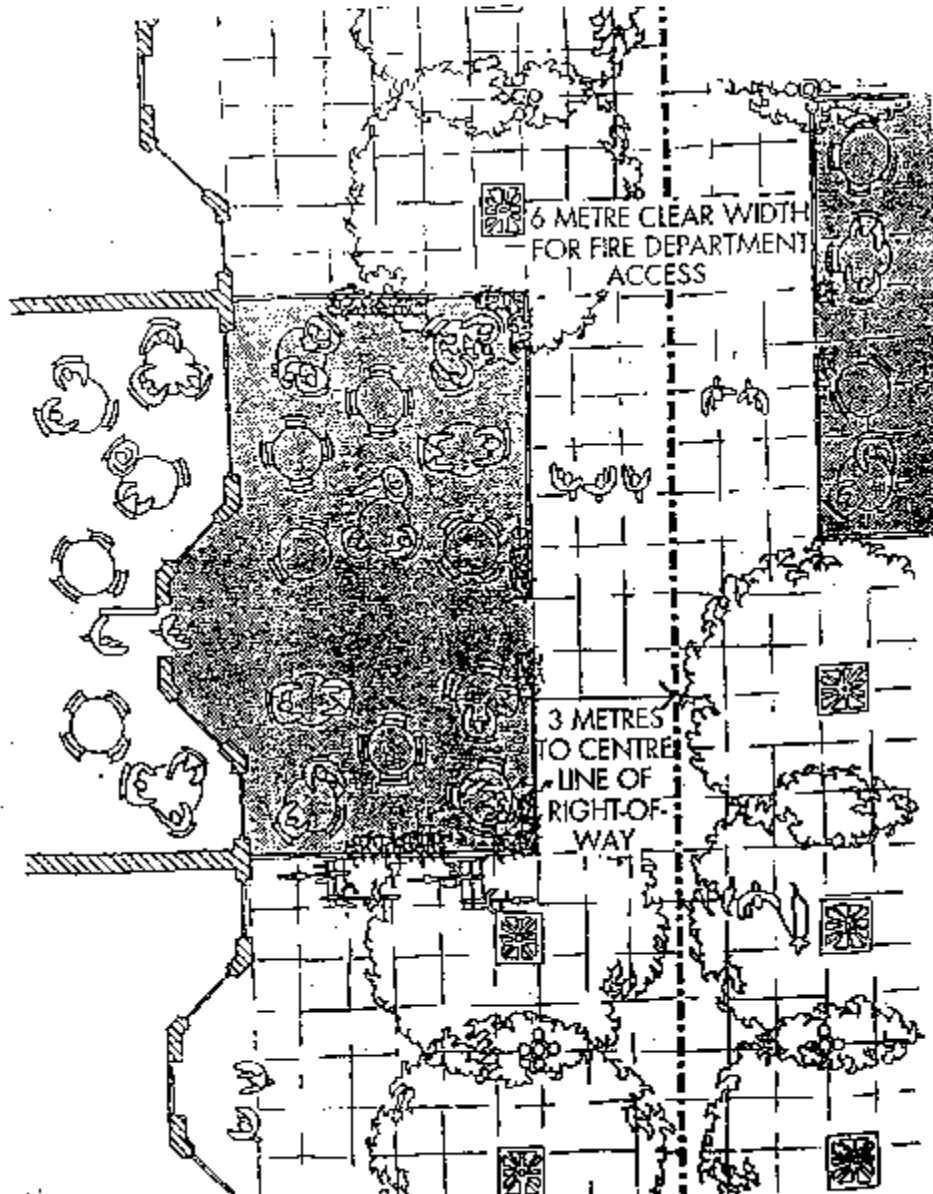


City of Kingston By-law Number 87-136 "Sidewalks"

Schedule "D" to By-Law No. 87-136

FIGURE 7

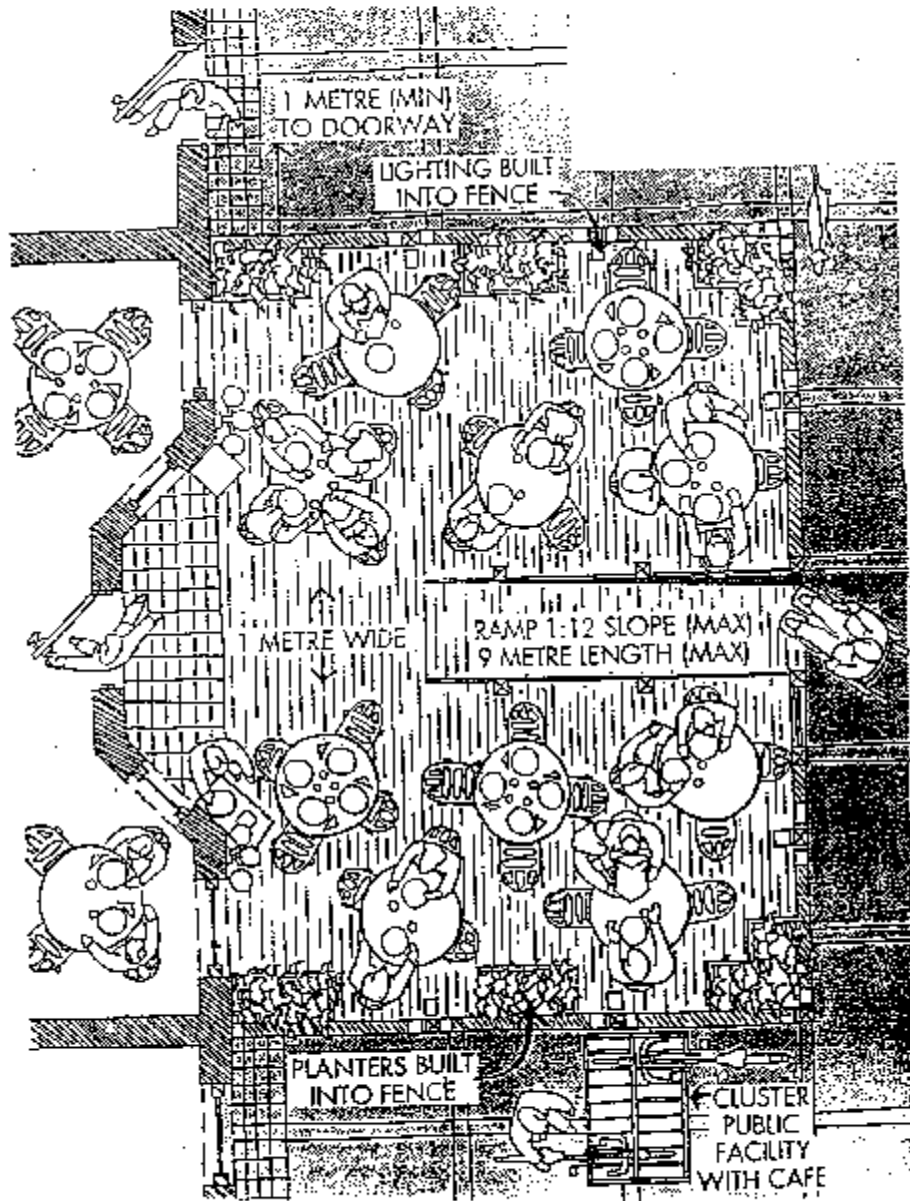
PEDESTRIAN MALL



Schedule "D" to By-Law No. 87-136

FIGURE 8

SIDEWALK PATIO LAYOUT DETAILS



City of Kingston By-law Number 87-136 "Sidewalks"

5. Fences:

- A fence or other vertical barrier should be used to delineate the perimeter of the sidewalk patio area with exception to openings which are necessary to provide access.
- Outdoor patios shall have an access width acceptable to all municipal departments involved in the patio application, inspection and approval process, to meet public safety issues.

(By-Law No. 98-106 – 1998)

- The required height of a fence facing the street is 1.06 metres (L.L.B.O. - licensed premises). Side screens may be up to 2.0 metres high above the grade or platform level. Such screens may not be entirely opaque, but may be formed by structures with lattice or grill work and climbing vines. Front screens are prohibited.
- Fences and screens should be removable at all times.
- Supporting structural members should not project to obstruct the surface.
- Perimeter fencing must be located at least 1 metre away from a fire hydrant.
- Structures should be stored off-site outside of permit period.
- Fences should be of sturdy construction.
- The design, materials and colours used in the development of the patio restaurant should be compatible with the streetscape.
- The top rail shall be painted white and the remainder of the fence shall be painted in a contrasting colour for the benefit of visually impaired people.

(By-Law No. 92-138 - 1992; 95-101 - 1995)

6. Awnings:

- Materials should be securely fastened to a frame which is either retractable or demountable.
- Flame resistant sheltering material should be prefabricated and finished to fit the supporting structure.
- Awnings and umbrellas must be contained within the approved area of the patio restaurant.
- If an awning exceeds 3.5 metres in width, an eavestrough system for rainwater runoff and temporary connection to appropriate storm drain must be provided.
- Materials and colours should co-ordinate with the surrounding buildings and streetscape elements. They should generally contribute to the design theme of the street.

(By-Law No. 92-138 - 1992)

City of Kingston By-law Number 87-136 "Sidewalks"

7. Platforms:

- All decking or platforms should be sectional so as to be easily removable for storage off-site.
- Platforms should be supported by posts or ground beams which meet the requirements of the ***Ontario Building Code***.
- The platform structures should not obstruct site drainage.
- Skirting should be applied to the exposed side of the platform to screen structural elements.
- All exposed materials should be painted or stained to co-ordinate with streetscape elements.
- Where there is to be direct access from sidewalk to sidewalk patios and barrier free access is not available, a ramp should be provided within the deck at a maximum slope of 1:12 (8%) over a maximum length of 9 metres - ***Ontario Building Code***.

(By-Law No. 92-138 - 1992)

8. Furnishings:

- All tables, chairs and decorative accessories in the patio restaurant should be of an appropriate outdoor furniture design, constructed using weather-resistant materials.
- The premises shall not be used or furniture positioned in such a manner as to obstruct exit from the restaurant.
- The chairs and tables shall be kept clear from all existing doorways, sidewalks and laneways adjacent to the patio in the interests of public safety.
- The number of patio chairs and tables must be limited to leave reasonable space for access. Some accessibility for wheelchairs should also be provided.
- All patio objects must be removed from the public boulevard during the off-season and stored in another location, to facilitate snow removal.

(By-Law No. 92-138 - 1992)

City of Kingston By-law Number 87-136 "Sidewalks"

9. Lighting:

- All exterior lighting should be task oriented and should not spill into abutting private property or interfere with the public thoroughfare.
- Lighting should be demountable with no exposed cables or energized fixtures.
- Lighting design should co-ordinate with patio furnishings and streetscape design.
- Patio entrances and patio to restaurant entrances, with or without stairs, shall be clearly illuminated.

(By-Law No. 92-138 - 1992)

10. Plant Materials:

- Permanent planting or removal of vegetation (street trees, etc.) must be approved by the Director of Engineering or the Commissioner of Municipal Operations, Public Works Department.
- Planting of annuals, vines and container grown vegetation is encouraged, but should be readily removable from site.
- Planters should be integral with fence and deck structure to maintain a compatible design relationship and shall not infringe on external pedestrian flow.
- Planters may be placed on top of, or on the inside or outside of the rail fence structure and shall not infringe on external pedestrian flow.

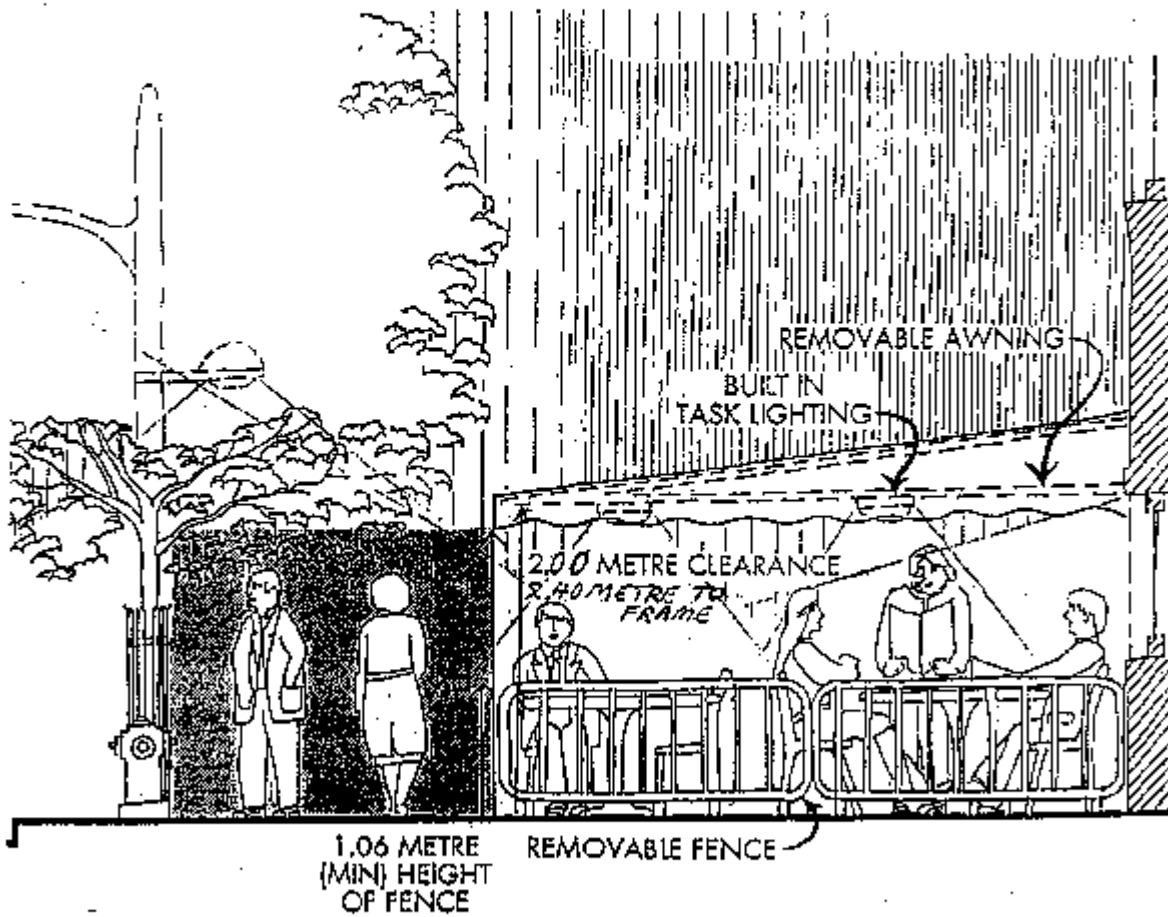
(By-Law No. 92-138 - 1992; 95-101 - 1995; 98-110 - 1998)

City of Kingston By-law Number 87-136 "Sidewalks"

Schedule "D" to By-Law No. 87-136

FIGURE 9

PATIO ELEVATION

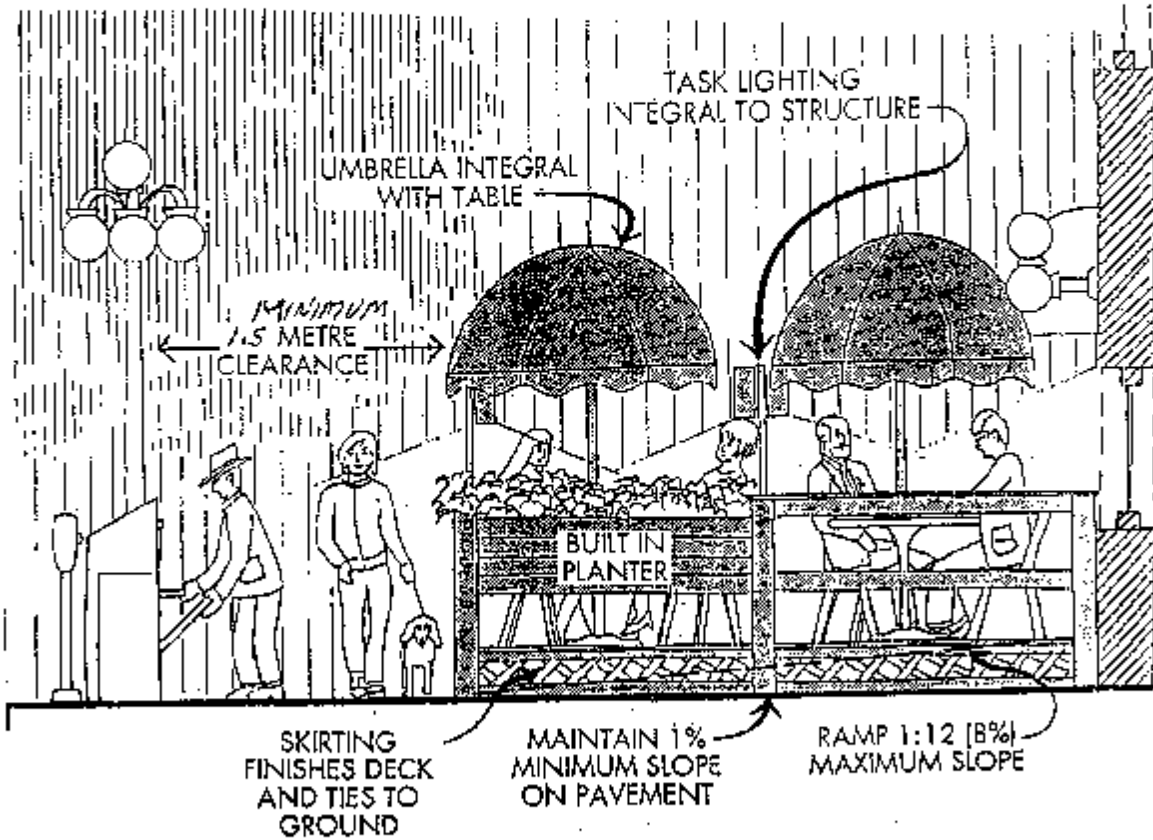


City of Kingston By-law Number 87-136 "Sidewalks"

Schedule "D" to By-Law No. 87-136

FIGURE 10

PATIO ELEVATION - PLATFORM

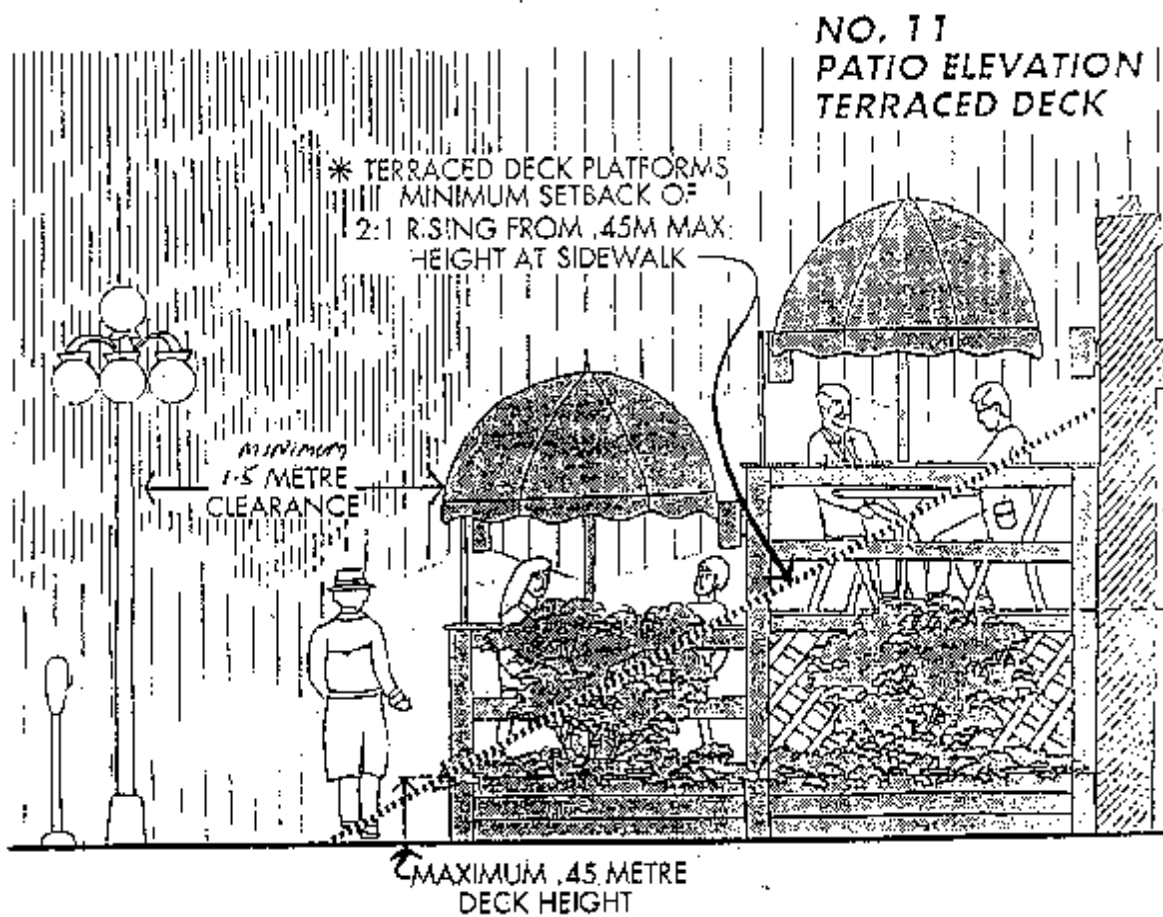


City of Kingston By-law Number 87-136 "Sidewalks"

Schedule "D" to By-Law No. 87-136

FIGURE 11

PATIO ELEVATION - TERRACED DECK



City of Kingston By-law Number 87-136 "Sidewalks"

11. Signage:

- Advertising is not permitted on City property.
- A menu card may be displayed at the entrance within the patio.
- A-Frame "sandwich board" signs are NOT permitted on the sidewalk, near the patio restaurant.

(By-Law No. 92-138 - 1992)

12. Closing Time:

- Patio restaurants facing onto a residential side street must be cleared and closed by 11:00 p.m.

(By-Law No. 92-138 - 1992)

13. Grading And Paving:

- Paving should be durable, skidproof and easily maintained in a clean and unobstructed condition.
- On private property the paving material should be similar to the adjacent public sidewalk but should be distinctive in colour and/or texture to demarcate the property boundary.
- Where applicable, paving material should match decorative sidewalk paving used in the area.
- The minimum slope of pavement should be 1% and the maximum slope 4% within the seating area.
- Any paving proposal must be approved by the Director of Engineering or the Commissioner of Municipal Operations, Public Works Department.

(By-Law No. 92-138 - 1992; 95-101 - 1995)

14. Curbing:

- The top of street curbing adjacent to the patio areas shall be painted yellow to provide improved visibility.

(By-Law No. 92-138 - 1992)

15. Refuse Receptacle:

- Garbage containers are not permitted within the patio area but portable service carts may be used for collection and transport to the interior restaurant.

(By-Law No. 92-138 - 1992)

City of Kingston By-law Number 87-136 "Sidewalks"

16. Maintenance:

- The licensee covenants to keep the premises free from dust, papers and rubbish of any kind, and without limiting the foregoing, hereby agrees to wash each day during the period that the premises are used as a sidewalk patio.

(By-Law No. 92-138 - 1992)

17. Insurance:

- The licensee shall at all times indemnify and save harmless the City of Kingston from all loss, costs and damages which the City may suffer, be at or be put to for or by reason or on account of any matter or thing which may occur, be done or arise by reason of the use of the premises, or of any other property of the City, to gain ingress to or egress from the premises or anything which may be done thereon or which may be neglected to be done thereon by the licensee, his agents, servants or others.
- The licensee shall provide and maintain at his/its sole expense, liability and property damage insurance in the minimum amount of **five million (\$5,000,000.00) dollars**, to protect the City as owner of the premises against all liability, and shall complete an insurance certificate, all to the satisfaction of the City Treasurer.

(By-Law No. 92-13; 2018-162)

18. Subletting:

- The licensee shall not assign or sublet without the consent in writing of the City Clerk.

(By-Law No. 92-138 - 1992)

19. Sources:

City of Ottawa Design Regulations.

City of Burlington.

City of London.

City of Toronto, Boulevard Cafe Regulations.

(By-Law No. 92-138 - 1992)

Schedule "E" to City of Kingston By-Law Number 87-136

Deleted see By-Law 2023-51

(By-Law No. 93-104 – 1993; 2014-14)



CORPORATION OF THE CITY OF KINGSTON

CERTIFICATE OF COMPLIANCE

SIDEWALK PATIO

Business Name:

Business Address:

Number of Persons:

This is to certify that the above premises have been inspected by a Representative of the Engineering Division of Kingston Municipal Operations and premises conform to the City By-law regulating sidewalk patios.

Dated at Kingston

This day of 1995

Director of Engineering
(Or Designate)