

By-law 2016-5

A By-law of the City of Greater Sudbury to Amend By-law 2011-218, being a By-law to Regulate Road Occupancy including Road Cuts, Temporary Closures and Sidewalk Cafes

Whereas the Council for the City of Greater Sudbury wishes to amend By-law 2011-218 being a By-law of the City of Greater Sudbury to Regulate Road Occupancy including Road Cuts, Temporary Closures and Sidewalk Cafes to reflect changes approved to the fees applicable to the City's Sidewalk Café program;

Now therefore the Council of the City of Greater Sudbury hereby enacts as follows:

Replace 6(1)(h) – Application for Permit for Sidewalk Cafe

1. By-law 2011-218 being a By-law of the City of Greater Sudbury to Regulate Road Occupancy including Road Cuts, Temporary Closures and Sidewalk Cafes, as amended, is hereby further amended by repealing paragraph 6(1)(h) and enacting the following paragraph 6(1)(h) in its place and stead:

“6(1)(h) in the case of an application for a Road Occupancy Permit to authorize a sidewalk café also:

- (i) file evidence satisfactory to the General Manager that such person operates a restaurant or other food service establishment adjacent to the proposed location of the sidewalk cafe at the time of the application;
- (ii) file one or more sketches as may be necessary, drawn to scale, showing the:
 - (A) proposed location of the Sidewalk Café;
 - (B) location of the restaurant or other food service establishment operated by the applicant;
 - (C) distance from the proposed location of the sidewalk café to the nearest intersection or lane;
 - (D) width of the sidewalk in the proposed location;
 - (E) any unoccupied portion of the sidewalk which will remain if the application is approved;

- (F) proposed location and dimensions of a pedestrian walkway if the proposed location of the sidewalk café will leave less than a 1.5 metre wide strip of the sidewalk parallel to the occupied portion of the road open for pedestrian movement;
 - (G) particulars of the proposed temporary fence to be erected around the proposed sidewalk café location; and
 - (H) clearance between the sidewalk and any existing or proposed awning;
- (iii) file evidence satisfactory to the General Manager that any awning used or proposed to be used in conjunction with the sidewalk café is retractable;
- (iv) in the case of an application for a sidewalk café:
- (A) that will not occupy any part of the road allowance, pay a fee for the occupation of the sidewalk calculated in accordance with the Miscellaneous User Fee By-law, in addition to the application fee provided for in Paragraph 6(1)(e); and
 - (B) that will occupy part of the road allowance in addition to the sidewalk:
 1. pay an administration fee calculated in accordance with the Miscellaneous User Fee By-law, instead of the application fee provided for in Paragraph 6(1)(e) and despite the requirement in Paragraph 6(1)(e);
 2. pay a fee for the occupation of the sidewalk calculated in accordance with the Miscellaneous User Fee By-law; and
 3. pay a fee for the use and occupation of the road allowance, calculated in accordance with the Miscellaneous User Fee By-law;
- (v) where the location of the sidewalk café will leave less than a 1.5 metre wide strip of the sidewalk parallel to the occupied portion of the road open for pedestrian movement, drawings for the design of a proposed

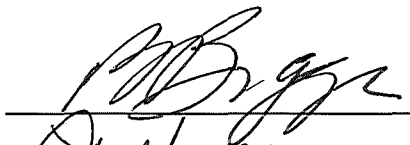
pedestrian walkway, to be located in whole or in part on the occupied portion of the road allowance, which drawings:

- (A) are prepared, signed and sealed by a professional structural engineer licenced to practice in Ontario and otherwise satisfactory to the General Manager;
 - (B) show a 2.4 metre wide pedestrian walkway; and
 - (C) are otherwise satisfactory to the General Manager and
- (vi) where the location of the sidewalk café will leave less than a 1.5 metre wide strip of the sidewalk parallel to the occupied portion of the road open for pedestrian movement, a Road Occupancy Permit, where required by the General Manager; and
- (vii) provide such other information, documentation, fees as may be provided for in this By-law or as required by the General Manager to assess the application.”


Effective Date

2. This By-law shall come into full force and effect upon passage.

Read and Passed in Open Council this 12th day of January, 2016



Mayor



Clerk