

CITY OF NIAGARA FALLS SIDEWALK CAFÉ GUIDELINES



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SIDEWALK CAFÉ GUIDELINES: 2025 UPDATE

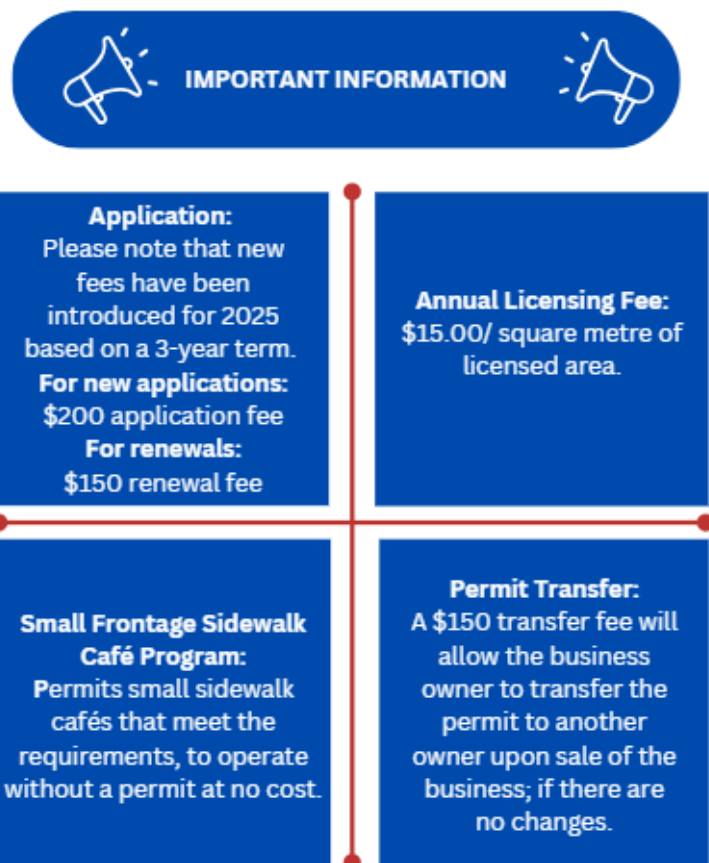
1.0 INTRODUCTION:

During the COVID-19 pandemic, small business owners were faced with restrictions on indoor restaurant capacity, which challenged profitability. To support local businesses, the City of Niagara Falls developed the Sidewalk Café program to permit licensed restaurants to operate temporary patios (which will henceforth be referred to as Sidewalk Cafés) on City owned property for outdoor seating. Due to its popularity, this program has continued after the pandemic regulations were lifted. Hence, the City has developed this document, which is intended to serve as a general guide to those wishing to establish a Sidewalk Café on municipal property and to assist staff in the review of applications for a Sidewalk Café license. The Guidelines establish general provisions which are to be considered to ensure safety, aesthetics, and compatibility with adjacent land uses. The Guidelines do not replace any requirements of other agencies, including the [Alcohol & Gaming Commission of Ontario \(AGCO\)](#).

Each application will be reviewed on its individual merit, based on particular conditions and consideration of location and municipal needs. The Council of the Corporation of the City of Niagara Falls, its officers and employees are not bound by the information contained in the Guidelines, nor are they liable for any reliance placed upon the contents of the Guidelines by any person. The Sidewalk Café shall conform to any applicable provisions of the Zoning By-law, the Ontario Building Code, the Fire Code, Site Plan Control and any other applicable regulations and policies.

Your application will be considered a 'New Application' if you have never applied to the Sidewalk Café Program or applied prior to 2023.

Your application will be considered a 'Renewal' if you applied and successfully obtained a permit for operation in 2024 or 2023 and your Sidewalk Café design has not changed.



Whether your application is a new application or a renewal, you will enter into a 3-year agreement with the City if your application is approved and a subsequent permit issued. New applications will be subject to a \$200 application fee in addition to an annual licensing fee of \$15.00/ square metre of licensed café area. Renewal applications will be subject to a \$150 renewal fee in addition to an annual licensing fee of \$15.00/ square metre of licensed café area. While on the 3-year term, the applicant or their agent will be required to fill out the 'Sidewalk Café Annual Permit Form' each year of agreement, pay the licensing fee, submit a valid insurance certificate to the City, and submit a copy of the Alcohol and Gaming Commission of Ontario (AGCO) license if your restaurant is licensed to serve liquor. The application fee is only required every 3 years, while the licensing fee is an annual charge.

For application processing to begin, the application must be deemed complete. A complete application includes a completed application form, a valid insurance certificate, three (3) copies of the proposed patio plan prepared by a qualified professional* [if submitted digitally one (1) PDF of the plan is required], a license from the Alcohol and Gaming Commission of Ontario (if applicable), and all applicable fees. A qualified professional includes: an Ontario Land Surveyor, an Ontario Landscape Architect, or a Certified Planning, Engineering, Architectural Technologist or Technician. See 'Required Information' section of the application form for full details.

2.0 DEFINITIONS:



Private Outdoor Café means an outdoor area located entirely within the limits of private property used on a seasonal basis only for tables and /or seating where meals and/or refreshments are served and consumed in conjunction with a restaurant on the same property. A private outdoor café does not require a permit through the Sidewalk Café Program.



Sidewalk Café means that portion of municipal property between the property line and the travelled portion of a road used on a seasonal basis for tables and/or seating where meals and/or refreshments are served and consumed in conjunction with a licensed eating or drinking establishment.



Seasonal means the seven-month period from April 1 to October 31.



Small Frontage Sidewalk Café means a Sidewalk Café with maximum dimensions of 0.8m deep x 5.5m wide, **of one or two tables** (maximum of 2 chairs per table), and with no fencing. Small Frontage Sidewalk Cafés are only permitted where the minimum pedestrian clearway is provided, and all chairs and tables must be removed from the sidewalk at the end of each business day.

3.0 WHO CAN APPLY:

All restaurants with a valid business license, in good standing with the City of Niagara Falls, and with valid liability insurance may apply.

4.0 APPLICATION FEES:




Fee Description	Fee	Total
Application for Sidewalk Café (3-year term)	\$200	\$200
Sidewalk Café Licensing Fee per annum (to a maximum of \$2500)	\$15.00/ sq.m. of licensed area	\$15.00/ sq.m. of licensed area
Sidewalk Café Renewal Fee (at expiry of each 3-year agreement)	\$150	\$150
<p><i>*For a renewal application, at the end of the 3-year term, the licensing fee and renewal fee are to be paid together with the submission of a complete application; provided the Sidewalk Café layout and location have not changed.</i></p> <p><i>* For new applications, the application fee is to be paid together with the submission of a complete application. The licensing fee is to be paid if the application is approved. The City will contact the applicant/agent to advise when to pay the licensing fee.</i></p> <p><i>* By entering into the 3-year agreement with the City (after a permit is obtained), the application fee or renewal fee is waived for the next 2 years.</i></p>		

See example on the next page for sample fees calculation based on a new application.

Application & Licensing Fees Calculation Example

(based on a 40 sq. m patio)

YEAR 1

<u>STEP 1</u>	\$200 application fee	
		
<u>STEP 2</u>	40 square metre patio	
		\$15.00 / square metre licensing fee
		= \$600
<u>STEP 3</u>		\$800 TOTAL *(Add Steps 1 & 2 together)

YEAR 2 \$15.00/ square metre x 40 square metres = \$600

YEAR 3 \$15.00/ square metre x 40 square metres = \$600

YEAR 4 **RENEWAL**

* Example above is based on a new application, for renewals Step 1 is the \$150 renewal fee.

*Payment will be accepted in person via cheque or debit card (credit card payment is not available). The cheque should be made payable to the City of Niagara Falls. Applications mailed in to the City must include cheque payment with the application package. The mailing address is:

City of Niagara Falls Planning, Building, and Development Department

City Hall

4310 Queen Street L2E 6X5

Niagara Falls, ON

5.0 SMALL FRONTAGE SIDEWALK CAFÉS:

The City offers a Small Frontage Sidewalk Café program, which allows **Small Frontage Sidewalk Cafés** to operate without a permit, at no cost provided an application (including a valid Certificate of Insurance) is submitted and approved. Small Frontage Sidewalk Cafés are a new category of Sidewalk Cafés introduced in 2025.

There are no associated fees for Small Frontage Sidewalk Café applications, however the following requirements must be met:

- Maximum dimensions: 0.8m deep x 5.5m wide
- A maximum of one or two tables, with up to 2 chairs per table
- Only permitted where the minimum pedestrian clearway is provided
- No fencing is permitted
- The chairs and tables must be removed from the sidewalk at the end of each business day

Please note that while no fees or other licensing is required, the business owner must proceed with the application process. In so doing, a plan of the proposed location must be submitted, allowing the City to ensure there is adequate room on the sidewalk for the safe passage of pedestrians.

6.0 ZONING:



A Sidewalk Café must be located in a commercial zone where a restaurant is a permitted use. A Sidewalk Café must be part of a restaurant use established in an existing building as defined in the Zoning By-law and have a restaurant licence issued by the Corporation of the City of Niagara Falls. Occupancy and parking requirements for the Sidewalk Café will be calculated based on the requirements of the Ontario Building Code, fire regulations and Zoning By-laws where applicable.

The City's Zoning Bylaws can be found here: [Zoning - Planning | City of Niagara Falls, Canada](#).

7.0 CRITERIA:

Pedestrian Movement – Safe pedestrian access is the City’s top priority with all Sidewalk Cafés. An unobstructed sidewalk width of 3.0 metres shall be maintained for the clear movement of pedestrians. Sidewalk Cafés shall not normally be considered where the total sidewalk width is 3.9 metres or less with the exception of Small Frontage Sidewalk Cafes. See example in Figure 1 below.



Figure 1: Pedestrian Movement

Placement – The placement of a Sidewalk Café may abut the property line where the related restaurant use is located, or alternatively, it may be placed within 0.9 metres of the curb face parallel to the restaurant with which it is associated; in either case, the Sidewalk Café must satisfy the City’s pedestrian movement criteria. The Sidewalk Café may be located at the front or exterior side of a restaurant use (for a corner lot). See Figure 2 below for ideas on placement/ layout options.

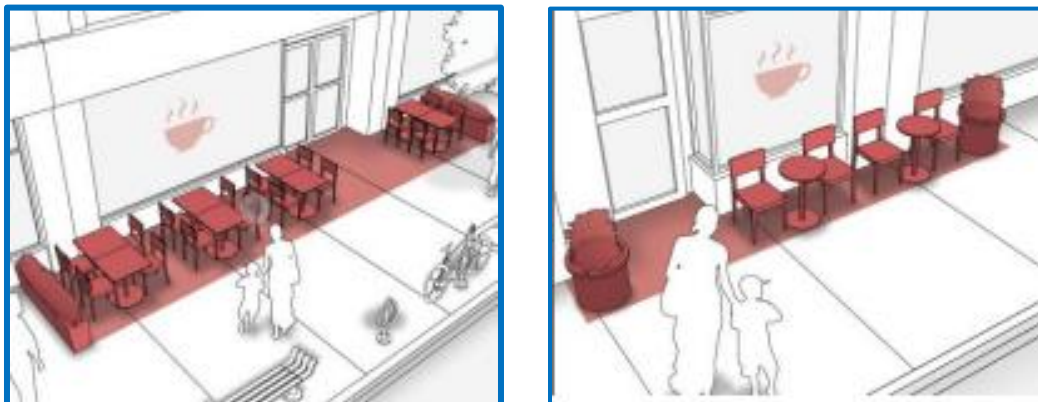
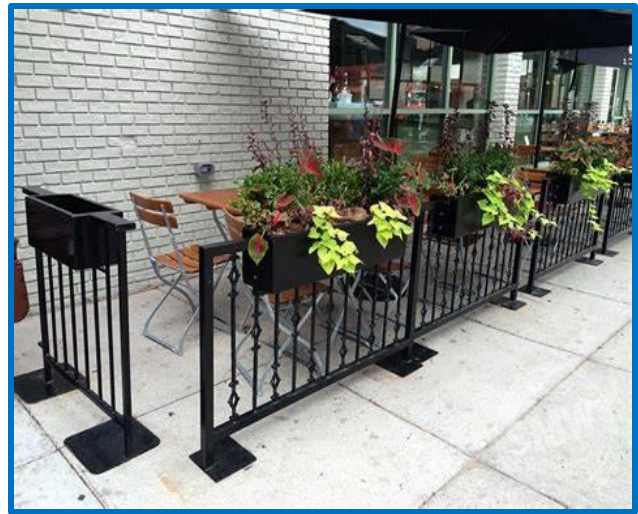


Figure 2: Sidewalk Café Design Ideas

8.0 DESIGN:

Enclosure – If the café is licensed to serve alcohol, it shall be separated from the municipal sidewalk reserved for pedestrian movement through use of barriers approved by the Alcohol and Gaming Commission of Ontario (AGCO). Such barriers should be free standing, structurally sound, and well fabricated. The height and placement of the barriers should ensure that sight lines are not impeded so that safety is ensured. See examples in Figures 3&4 below for ideas on enclosures that may be approved by the AGCO. Please contact the AGCO directly for their specific guidelines.



Figures 3&4: Design Examples

Access – The Sidewalk Café shall be designed to ensure a minimum emergency evacuation route (in accordance with standards of the Ontario Building Code and/or fire regulations) is available at all times to and from the restaurant. In no case shall this route be less than 1.0 metre. The Sidewalk Café shall not impede any existing barrier-free access to the restaurant. The design and placement of a Sidewalk Café should not obstruct public access, access to another use in the same building, or adversely impact on an adjacent building.

Seating Capacity – a minimum of 1.1 square metres per person shall be used to determine the maximum seating capacity of the Sidewalk Café.

Service Areas – Busing stations, service bars, electrical service, illuminated signs, lighting fixtures, and other restaurant equipment are not permitted on the public portion of the Sidewalk Café. Decorative garbage containers may be strategically provided within the limits of the Sidewalk Café. Umbrellas, fixed awnings and enclosures, together with any support mechanisms, shall not extend beyond the Sidewalk Café area or encroach into the pedestrian movement area. Fixed or retractable awnings shall be permitted only where an encroachment agreement with the City has been obtained. All permitted restaurant equipment and fixtures shall be appropriately maintained at all times by the Sidewalk Café licensee.

9.0 GENERAL LIABILITY INSURANCE:

Please note that the City requires \$5 Million Dollars in Commercial General Liability (CGL) insurance per incident, for Sidewalk Cafés occupying City Property. Along with your application (whether a new or a renewal), you will need to submit a Standard Certificate of Insurance for \$5 million per incident, to indemnify the City of Niagara Falls. The City of Niagara Falls must be listed as an 'ADDITIONAL INSURED' on the certificate.

Visit our [Certificates of Insurance](#) page to get the current form. The correct form is entitled 'Certificate of Insurance- Standard Liability Form'. The start and end dates on the insurance certificate must cover the Sidewalk Café operation period (April 1st to October 31st of the applicable year). An updated Certificate of Insurance must be submitted annually.

An updated certificate of insurance must be provided annually to maintain a Sidewalk Café permit.

10.0 APPLICATION & APPROVAL PROCESS:

Application – An application to permit a Sidewalk Café on any portion of municipal property shall be submitted, together with the necessary fees, certificate of insurance on which the city must be named as additional insured, the proposed patio plan*, drawings, and supporting materials, to the City of Niagara Falls Planning, Building, and Development Department. The completed application will be circulated to City Staff including the Planning, Zoning, Transportation, Building, and Engineering Departments for review and comment. **The application must be approved, and the permit issued prior to using any municipal lands.**

*The plan must be completed by a qualified professional (see who is considered a qualified professional in section 1.0 of this document) and drawn to scale in metric. See 'Required Information' section on Sidewalk Café application form for full details on what must be shown on the plan.

Agreement – Where an application for a Sidewalk Café is approved, the owner and/or operator shall enter into an agreement with the Corporation of the City of Niagara Falls concerning, among other things, the lands involved, period of operation, liability insurance, maintenance and restoration and payment of fees for use of space. The Sidewalk Café owner/operator shall agree to save harmless the City for any matter arising as a result of the Sidewalk Café and its operation by way of an original certificate of insurance in a form acceptable to the City Solicitor. The operator shall be responsible for securing all furniture, fixtures etc. at all times.

Fees – Application fees and licensing fees must be paid in accordance with the City of Niagara Falls Schedule of Fees which is updated from time to time. For more information on fees please visit [Fees | City of Niagara Falls, Canada](#).

See Process Flow Diagram below for the application process for new applications.

NEW APPLICATIONS

**have never applied before or have applied
prior to 2023*

1. APPLICANT OR THEIR AGENT TO
SUBMIT A COMPLETE
APPLICATION .



This includes a completed application form, a valid insurance certificate, license from AGCO (if applicable), three (3) copies of the proposed patio plan [if submitted digitally one (1) PDF of the plan is required], & the \$200 application fee.

2. City to review application
and verify completeness,
applicant will be notified of
any missing information within
one week of receipt of
application.



TOTAL TURN AROUND TIME FOR
PERMIT ISSUANCE IS ~ 3 WEEKS
FROM THE DATE THE DEPARTMENT
RECEIVES A COMPLETE
APPLICATION (if all requirements
are met).

3. The application will be
circulated to all relevant
departments and/or agencies
for comments.

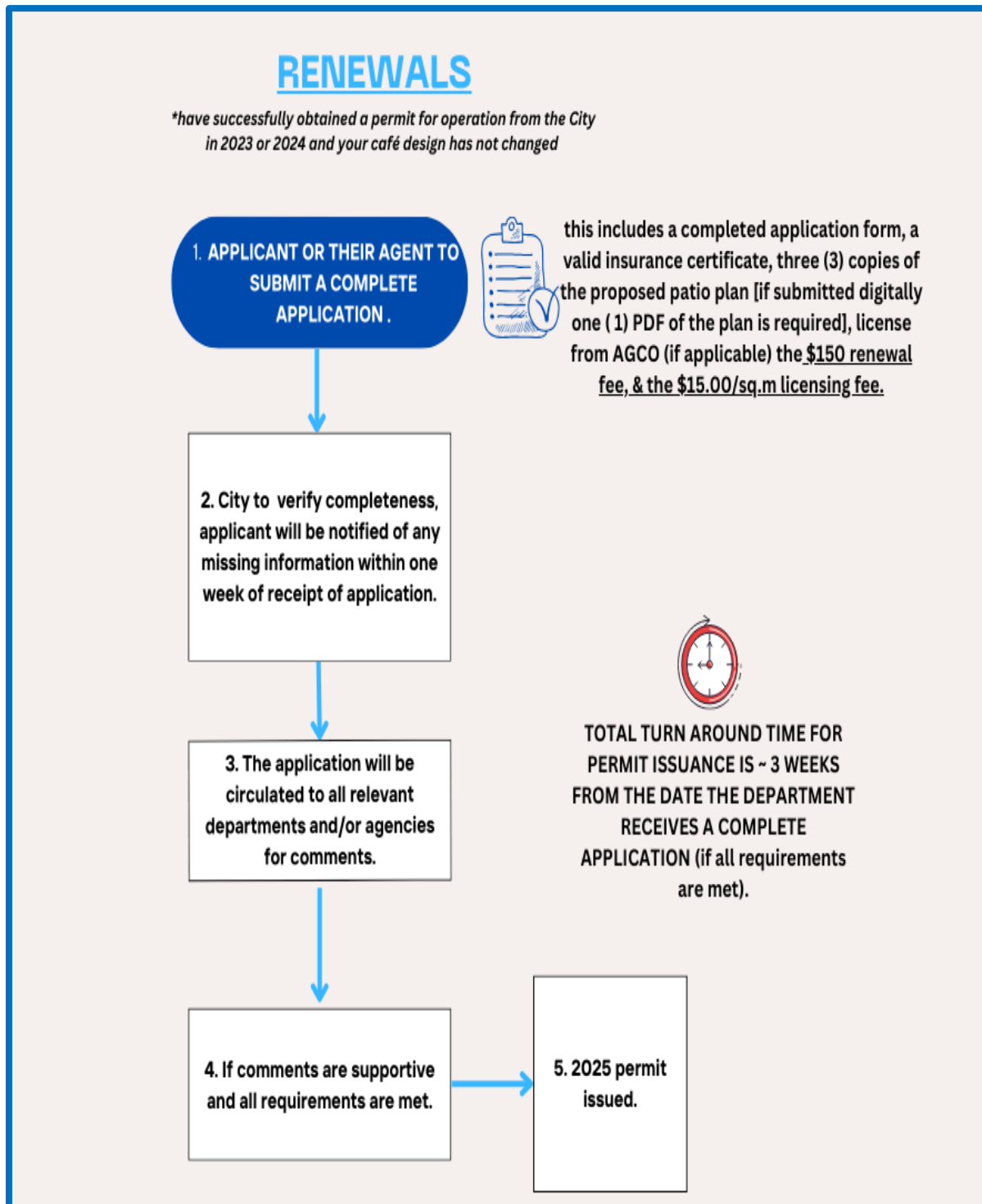
4. If all requirements are met,
the City will calculate the
licensing fee & advise
applicant.

5. APPLICANT OR
AGENT TO PAY FULL
LICENSING FEE.

\$15/ sq.m of licensed area (2025)

6. 2025 permit
issued.

See Process Flow Diagram Below for the application process for renewal applications.



For both new and renewal applications, Sidewalk Café design/layout must remain unchanged to continue 3-year licensing term. Applicants will be required to verify this on 'Sidewalk Cafe Annual Permit Form'.

11.0 GENERAL TERMS & CONDITIONS:

Damage – No damage to City property or infrastructure is permitted. Any damage will be made good by the owner to the satisfaction of the City.

Utilities – It will be responsibility of the operator to secure any necessary approvals and payment fees as may be required by the gas, telephone, hydro, cable companies or similar utility prior to establishing or operating a Sidewalk Café.

Maintenance – The operator will be responsible for all the maintenance of the Sidewalk Café including, but not limited to, the cleaning of tables and café surface and the pick-up and removal of litter. The operator of the Sidewalk Café shall maintain the sidewalk in a like condition to that at the time of entering into an agreement with the municipality.

Seasonal Closure – All furniture, fixtures and fittings shall be removed from City property at the end of the season in accordance with the terms of the agreement with the City. Any hooks, bolts, brackets, etc., installed in the sidewalk shall be removed when the table and fixtures are not in place or by October 31st, (whichever is first) in order to ensure pedestrian movement or snow cleaning operations are not impeded.

Hours – The Sidewalk Café's hours of operation shall be in agreement with any municipal, provincial, or federal policies, regulations, acts or any other applicable restrictions.

Taxes – The operator shall be responsible for payment of all realty and business taxes assessed against the Sidewalk Café.

Other Regulations – The operator of a Sidewalk Café shall meet the regulations and by-laws of the City of Niagara Falls, Niagara Falls Fire Department, Regional Municipality of Niagara, Regional Health Department and the Niagara Regional Police Service at all times.