



## BY-LAW

NO. 2025 - 119

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### Being a By-law to Regulate Seasonal Patios within the Municipality of Kincardine

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**Whereas** Sections 8 (1) and 9 of the Municipal Act, 2001 S.O. Chapter 25 (the Act), provide that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues and a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act; and

**Whereas** Section 11(2) of the Act authorizes a lower-tier municipality to pass by-laws respecting health, safety and well-being of persons and 11(3) authorizes by-laws respecting highways, including parking and traffic on highways; and

**Whereas** Section 151 of the Act provides that a municipality may provide for a system of licenses with respect to a business; and

**Whereas** the Council of The Corporation of the Municipality of Kincardine deems it advisable to license, regulate and govern Seasonal Patios within the Municipality of Kincardine; now therefore be it

**Resolved** that the Council of The Corporation of the Municipality of Kincardine **Enacts** as follows:

#### 1.0 Definitions

The following definitions shall apply for the purposes of this by-law:

- 1.1 "Accessibility Advisory Committee" shall mean the Accessibility Advisory Committee appointed by the Council of The Corporation of the Municipality of Kincardine.
- 1.2 "Boulevard" shall mean all parts of the highway between any sidewalk and the curb including the utility corridor area.
- 1.3 "By-law Enforcement Officer" shall mean a Municipal By-law Officer, Police Services including Ontario Provincial Police (OPP), or Person(s) appointed by the Municipality to carry out the provisions of this By-law.
- 1.4 "Clearway" shall mean an area free of any items, objects, structures, chattels, furniture, fixtures, or obstructions of any type;
- 1.5 "Council" shall mean the Council of The Corporation of the Municipality of Kincardine.
- 1.6 "Director" shall mean the Director of Infrastructure & Development or their designate.
- 1.7 "MASH" shall mean the Manual for Assessing Safety Hardware. The Manual presents uniform guidelines for crash-testing permanent and temporary road safety features.

- 1.8 "Medical Officer of Health" shall mean the Medical Officer of Health for the Grey Bruce Health Unit or their duly authorized delegate.
- 1.9 "Municipality" shall mean The Corporation of the Municipality of Kincardine.
- 1.10 "Permit" shall mean a Permit under the provisions of this by-law.
- 1.11 "Operate" shall mean the act of selling, offering for sale, or otherwise dispensing of refreshments.
- 1.12 "Operations Division" shall mean the Municipality of Kincardine division responsible for the operation and maintenance of the municipality's hard service infrastructure.
- 1.13 "Operator" shall mean the person to whom the Permit has been issued and who assumes the primary responsibility for complying with this by-law.
- 1.14 "Special Event" shall mean a one time, annual or infrequently occurring event being held on Municipality of Kincardine property that is exclusively reserved for the occasion. It must have predetermined opening and closing dates/times and be open to public participation/attendance.
- 1.15 "Seasonal Patio" shall mean the temporary constructed patio through the on-street parking area and the portion of the Boulevard used for a passive seating area for the public or patrons of a food and beverage service business;

## **2.0 Procedure for Application**

- 2.1 Every application for a Seasonal Patio Permit shall:
  - 2.1.1 Be submitted annually in the form prescribed by the Operations Division at least 30 days prior to the intended installation date.

Where an Operator is returning from the prior patio season with no requested changes, the Operator will be eligible for an annual extension of the existing Permit for up to two operating seasons. Should an Operator default within an operating season, they will be required to submit a full application package for review.
  - 2.1.2 Be accompanied by the required administration fee as per the current Municipality of Kincardine Rates and Fees By-law;
  - 2.1.3 Be accompanied by a photograph of the intended site location;
  - 2.1.4 Be accompanied by proof of insurance as described in Section 9 hereof;
  - 2.1.5 Be accompanied by a Seasonal Patio Site Plan in accordance with the provisions of Schedule "A" attached hereto and forming part of this by-law;
  - 2.1.6 Be accompanied by a completed Accessibility Checklist, Schedule "B" attached hereto and forming part of this by-law;
  - 2.1.7 Be signed by the Operator who shall certify as to the truth of the contents of the application;
  - 2.1.8 Be accompanied by other agency approvals where required. e.g. MTO, SVCA;
  - 2.1.9 Be accompanied by any documentation required in section 4.1.
- 2.2 The Director shall receive, investigate, and consider all requests for Seasonal Patio Permits, and refuse approval, approve, or approve a request with such changes and conditions as the Director deems necessary in the circumstances to ensure compliance with this by-law and that are in the public interest.

- 2.3 The Operations Division shall circulate all applications to the Business Improvement Area (BIA) and the Accessibility Advisory Committee (AAC) for awareness.
- 2.4 Issuance of a Seasonal Patio Permit is conditional upon the Director's approval of its dimensions and proposed location within the highway and such approval shall be subject to the following considerations:
  - 2.4.1 Ensuring a minimum Clearway over the existing sidewalk of 1.5m at all times;
  - 2.4.2 Ensuring compliance with the location of the Seasonal Patio and consideration of other circumstances tending to restrict the free movement of pedestrians;
  - 2.4.3 Not obstructing or interfering with public travel, any public service or maintenance operations;
  - 2.4.4 Not creating any public safety hazard, including sight obstructions;
  - 2.4.5 Compliance with the requirements of the Accessibility Design Standards attached hereto as Schedule "C";
- 2.5 Any decision of the Operations Division to approve with conditions, refuse, suspend or revoke a Permit may be appealed to Council by filing, in writing, an appeal with the Clerk within ten (10) days of the Notice of Decision being provided. All decisions made by Council on these matters are final.
- 2.6 Incomplete Application submission

Where all the required material is not provided, the application will be determined to be 'incomplete' which will result in delays in the processing of the application. Incomplete applications will be returned to the Operator for completion. Once resubmitted and deemed a fully complete application, the review period shall re-commence as if an application had not previously been submitted.
- 2.7 Submission review

Staff shall be given 10 business days to provide any concerns/comments regarding the application. Following the receipt of comments, the Director shall review the application, and staff comments to determine whether to approve the request for a Seasonal patio.
- 2.8 Eligibility
  - 2.8.1 Seasonal patio licenses are granted based on various factors, including parking restrictions, site conditions, and concentration of existing patios. It's important to note that obtaining a license is not guaranteed.
  - 2.8.2 Businesses may be eligible for a Seasonal patio on public property and/or temporary extension of liquor licence to an outdoor patio, if the extension does not:
    - encroach onto a pedestrian Clearway, or
    - block accessible parking spaces, fire hydrants, emergency routes, other municipal infrastructure, or
    - obstruct traffic sight lines.
- 2.9 Key Dates
  - 2.9.1 **March 1st** - Applications open (on a case-by-case basis staff will review applications prior to the opening period providing approvals are required to support funding applications)

2.9.2 **May 1st** - Approved patios may be installed

2.9.3 **October 15** - Patios must be removed (Note: In the event of forecasted inclement weather, patios may be required to be removed sooner)

**2.10 Site Meeting**

New Operators to the Seasonal Patio program, or Operators that are proposing changes to their design, are required to have a site meeting with staff prior to submitting an application.

**2.11 Inspection**

An inspection by the Operations Division may be required prior to opening the outdoor patio for use.

**3.0 General Provisions**

3.1 No person shall construct, erect or alter a Seasonal Patio, or permit a Seasonal Patio to be constructed, erected or altered, without first obtaining a Permit in accordance with the provisions of this By-law.

3.2 Any barriers or other materials used for the Seasonal Patio must be constructed to be completely removed within 24 hours, if required. The Municipality retains the right of access to the Seasonal Patio area for the installation, maintenance and repair of pipes, cables, wires, poles hydrants, etc. as necessary and for emergency vehicle access. In case of an emergency, no notice will be given.

3.3 No person shall permit or allow any sound contrary to the provisions of the Noise Control By-law for the Municipality.

3.4 No person shall run any amusement device or game within any Seasonal Patio area.

3.5 The Seasonal Patio may be established only after the execution of a Seasonal Patio Agreement between the Operator and the Municipality. Authority for the Municipality to enter the Seasonal Patio Agreement shall be delegated by Council to the Chief Administrative Officer, and the Director.

**4.0 Operating Criteria**

4.1 Where the Operator proposes to sell or offer for sale alcoholic beverages from the Seasonal Patio Area, the Operator shall adhere to the regulations prescribed by the Alcohol and Gaming Commission of Ontario (AGCO), unless a higher standard is stipulated by the Municipality. Proof of authorization by the AGCO to licence the Seasonal Patio area for the consumption and service of alcoholic beverages shall be supplied by the Operator, to the Operations Division prior to commencing the service.

4.2 The Operator of a Seasonal Patio shall be exempt from the requirements of the Municipality's current Municipal Alcohol Policy, provided all other requirements of this By-law are met.

4.3 No person shall Operate a Seasonal Patio area without affixing a Seasonal Patio Permit issued under the provisions of this By-law in a conspicuous place on the patio for which it is issued.

4.4 No person shall Operate a Seasonal Patio in a location other than those areas specified below:

- 4.4.1 On streets with existing on-street parking
- 4.4.2 Within an existing parking space.

- 4.5 Notwithstanding Section 4.4, On-Street Patio shall not be permitted to locate:
  - 4.5.1 Where it would cover a water shut off or cleanout, impacting maintenance or emergency operations;
  - 4.5.2 Within 5 meters of a hydrant;
  - 4.5.3 In designated accessible parking spots, without a recommended exemption from the Accessibility Advisory Committee;
  - 4.5.4 In a way that impedes the use of accessible parking or accessible paths of travel;
  - 4.5.5 within 15 meters of an intersection; or within 30 meters of a signalized intersection without a field review and a recommended exemption from municipal staff;
  - 4.5.6 A minimum Clearway of 3m must be provided from the corner of an intersection or a driveway.
  - 4.5.7 A 6m x 6m sight triangle should be maintained where there is sufficient space.
  - 4.5.8 Between the boundary of the Seasonal Patio area and the curb, a minimum buffer of 0.5m must be provided.
  - 4.5.9 Adjustment may be considered on a site-by-site basis based on sight lines, road geometry, road design, and other considerations to the satisfaction of the Municipality.
  - 4.5.10 Patio furniture, including umbrellas, shall not obstruct vehicular or pedestrian sightlines, visibility or movement. At intersections and driveways, fencing must not obstruct vehicular or pedestrian sightlines or fire routes.
- 4.6 No person shall transfer a Permit except with consent in writing of the Municipality and the Municipality shall not be bound to give such consent.
- 4.7 No person shall Operate a Seasonal Patio Area between the hours of 11:15 p.m. and 8:00 a.m. of the following day.
- 4.8 No person shall use a generator in conjunction with a Seasonal Patio.
- 4.9 No Operator shall permit advertising, banners or signage, on a Seasonal Patio, except traffic related signage and those signs expressly permitted in this by-law.
- 4.10 All tables and chairs shall be removed and stored inside each night, if practicable. If indoor storage is not practicable all tables and chairs shall be stacked and secured in such a way that they cannot be moved. Failure by the business to comply could mean suspension of the Permit.
- 4.11 No Operator of a Seasonal Patio shall conduct business from areas not designated as Seasonal Patio unless permission has been granted by the Municipality.
- 4.12 No person shall Permit electrical power cords or any device that crosses the travelled portion of the Sidewalk.
- 4.13 Every Operator shall ensure that all refuse generated by the operation of a Seasonal Patio shall be disposed of in accordance with the Municipality's Waste Management By-laws. The placing of refuse in a sidewalk refuse container provided by the Municipality is not sufficient to constitute removal, nor is permitting litter to be blown from the patio area.
- 4.14 Every Operator shall ensure the Seasonal Patio, any and all accessories and equipment, and the immediate vicinity shall be kept within the Seasonal Patio Area, in good repair and a clean and sanitary condition at all times.

4.15 Every Operator shall ensure that:

- 4.15.1 all employees are familiar with the contents of this By-law, and
- 4.15.2 any Operator or employee under his control, management or supervision does not breach any of the provision of this by-law.

4.16 Every Operator shall ensure that all conditions expressed by the Municipality of Kincardine Fire Department, the Medical Officer of Health, or the Clerk, forming part of any approval, shall be adhered to at all times.

4.17 Every Operator shall comply with all applicable Municipal, Federal and Provincial provisions and regulations.

4.18 The term of each Permit shall be no earlier than the first day of May and no later than the fifteenth day of October in each year, and no Permit shall be issued except on payment of the fee per the Rates and Fees By-law.

4.19 Every Seasonal Patio Operator shall ensure that the Seasonal Patio is constructed and erected as approved by the Director and as set out in the Seasonal Patio Permit application, and any proposed changes are subject to the approval of the Director.

4.20 Smoking/Vaping - There shall be no smoking or vaping permitted on Seasonal Patios due to their proximity to open entrances to the adjacent sidewalk, building and to other patrons of the establishment. All patios are required to comply with all Provincial and local public health guidelines, and Smoke-Free Ontario Act, 2017 related to smoke and vape free areas. The Operator should consult with Public Health and applicable legislation.

**5.0 Patio Area Criteria**

5.1 No Patio Area shall extend beyond the frontage of the business to which it belongs. The Patio Area shall be confined within the parking stall(s) in front of the business and where the majority of the parking stall extends across a business frontage, such parking stall(s) shall be devoted to the benefiting commercial tenant, unless an extension is agreed upon by both parties whom the Patio has frontage across.

5.2 No person shall Operate a Seasonal Patio Area in a location where the operation of the patio would conflict with an existing agreement of Council or any of its committees or local boards unless written permission is granted by the lessee.

5.3 The Operator shall ensure that the perimeter of the Seasonal Patio area is delineated with fencing to form a fully enclosed perimeter that is cane detectable at the leading edge, trailing edge and every 3m.

5.4 Access to the Seasonal Patio area shall have a minimum unobstructed width of 1.5 meters.

5.5 No part of the outdoor patio area (including plants and awnings or umbrellas) may extend into the sidewalk.

5.6 Lighting may be used to add safety and character to the patio space. Exterior lighting shall not spill into abutting private property or interfere with the public thoroughfare. Lighting should be demountable with no exposed cables.

5.7 Outdoor patio furniture shall not be secured to sidewalks, lampposts, streets lights, trees, or other public street furniture.

5.8 No Operator shall locate a Seasonal Patio so as to obstruct underground utility access, electrical transformer vaults, utility boxes, loading zones and other infrastructure.

5.9 No Operator shall locate an On-Street Patio so as to obstruct stormwater flows or block stormwater drains. The Operator shall be responsible for clearing of any debris and overall maintenance to ensure free flow.

5.10 Fencing

5.10.1 Patio Operators must install temporary fencing, planter boxes or other items that provide a barrier between the patio area and the Clearway for patios. A vertical barrier shall be between 0.9 and 1.2 metres in height must be in place at all times.

5.10.2 Any fencing installed must be free-standing and self-supporting with appropriate weights. Any delineation items, including their supports, must not project into the path of travel of cyclists, pedestrians or motor vehicles.

5.10.2 The fencing must not be designed to penetrate the surface of the sidewalks/curb lane (i.e., no bolts/brackets) and are secured without endangering any underground utilities.

5.11 Occupancy

5.11.1 The combined indoor and outdoor dining capacity of all patios must not exceed the capacity permitted for the establishment's washrooms as determined by the Ontario Building Code.

5.11.2 The patio process does not require further approvals for occupancy if the total occupancy of the restaurant and the patio does not exceed the total seating capacity of your building permit/liquor license.

5.11.3 Seating currently provided inside the restaurant may be removed and replaced with equivalent seating on the patio, or where the current indoor seating capacity is less than the occupant load, the additional seating capacity may be assigned to the patio.

5.11.4 If you propose to expand your patio seating capacity beyond your total occupancy limit, a review by Development Services staff must be conducted, to ensure safety requirements can be met with increased capacity and compliance with the Ontario Building Code.

**6.0 Seasonal Patio Criteria**

6.1 The deck must be constructed of a slip resistant surface.

6.2 The deck (floor structure) must have a flush transition at the Boulevard and curb to permit accessible easy access and avoid tripping hazards.

6.3 Guardrails shall be installed to prevent pedestrians from accessing the Seasonal Patio while travelling the sidewalk.

6.4 No sign or advertising device may be displayed, except in accordance with the Sign By-law.

6.5 Every Operator shall be responsible for supplying and installing MASH tested barriers for the protection of pedestrians. For all patios occupying either a parking lane or a curb lane on a roadway or where a pedestrian pathway has been diverted onto the roadway, a roadside barrier must be installed to mitigate the risk of an errant vehicle striking either a pedestrian, restaurant patrons seated at tables or restaurant staff serving patrons. The roadside barrier must be compliant with MASH standards. Further information on products that are MASH compliant are presented in Schedule "D".

## 6.6 Accessible Seating

A minimum of one table or 20% of tables (whichever is greater) must be easily accessible to persons using mobility aids. If more than one accessible table is installed, they should be dispersed through the seating area. An option for a variety of chair styles will be available (i.e. Some with arms, some without).

## 6.7 Maintenance

- 6.7.1 Seasonal Patios must not attach patio elements to (or incorporate) light standards, street furnishings, panels, grates, utility boxes, parking pay stations, EV stations, or trees and must maintain proper clearances as outlined in local Municipal Guidelines.
- 6.7.2 Patio Operators must keep the sidewalk, curb lane, and any other street areas around the patio in a clean and sanitary condition and clear from debris and trip or slip hazards (e.g., cigarette butts, spilled food, furniture, guard rails or liquids).
- 6.7.3 At the termination of the Seasonal Patio Permit, the patio Operator must return the temporary patio area to its pre-approved condition. Any remediation work undertaken by the road authority to return the patio area to its pre-approved condition may be billed to the patio Operator and may add the fees to the tax roll of the property.

## 6.8 Special Event Provisions

- 6.8.1 Seasonal Patios shall be permitted to Operate during Special Events.
- 6.8.2 Operators shall not be permitted to use any portion of the sidewalk, including when the roadway is closed for a Special Event or other reason.

## 7.0 Installation Guidelines

- 7.1 No Operator shall install a Seasonal Patio without an approved Permit for the time period of the installation.
- 7.2 During installation of the Seasonal Patio, the Operator shall:
  - 7.2.1 Ensure that all barricades, signs, signals, traffic control person, traffic control devices, detour design and signing shall meet Book 7 of the Ontario Traffic Manual – Temporary Conditions requirements and shall be the sole responsibility of the Operator.
  - 7.2.2 shall maintain access to all public and private properties for the duration of the work.
  - 7.2.3 request marking or other location information to determine the location and provide safeguards for all utilities, both public and private, in accordance with current regulations
- 7.3 Installation must be inspected by the Operations Division and meet the requirements of the Municipality prior to being occupied.

## 8.0 Fees

- 8.1 An application fee shall be charged in accordance with the current Municipality of Kincardine Rates and Fees By-law.
- 8.2 A lease fee shall be charged on a monthly basis in accordance with the current Municipality of Kincardine Rates and Fees By-law. Failure to pay the required lease fee will result in a suspension or revocation of the Permit.

8.3 No Permit shall be issued unless the required application fee has been paid in full.

## **9.0 Insurance & Indemnification**

9.1 The Operator must provide the Municipality with a valid insurance certificate:

9.1.1 If no alcohol is served in the Patio area: of a minimum of two million dollars (\$2,000,000.00) liability insurance and name the Municipality as an additional insured.

9.1.2 If alcohol is permitted to be served in the Patio Area: of a minimum of five million dollars (\$5,000,000.00) liability insurance and name the Municipality as an additional insured.

9.2 The Operator must provide proof of insurance prior to Permit being issued. Should proof of insurance lapse within the operating season, the Operator will be responsible for providing an updated copy of their policy.

9.3 The Operator shall indemnify and hold harmless the Municipality of Kincardine, its officers, members of municipal Council and employees from and against any liabilities, claims, expenses, demands, loss, costs, damages, actions, suits or other proceedings by whomsoever made, directly or indirectly arising out of the agreement attributable to bodily injury, sickness, disease or death or to damage to or destruction of tangible property including loss of revenue or incurred expense resulting from disruption of service and caused by any acts of omissions of the Operator, its officers, agents, servants, employees, customers, invitees or Operators, or occurring in or on the premises or any part thereof and, as a result of activities under this agreement.

9.4 Indemnification - It is the responsibility of the Operator to secure and store their patio furniture when not in use. The Municipality will not be responsible for lost, stolen or vandalized items.

## **10.0 Penalties**

10.1 Every person who contravenes any of the provision of this by-law is guilty of an offence and is subject to the penalties as prescribed in the *Provincial Offences Act*, R.S.O. 1990 Ch. P.33, as amended or by suspension or revocation of any Permit issued under this by-law.

10.2 All provisions of this By-law may be enforced by the Director, the Operations Division or the Municipal By-law Enforcement Officer.

10.3 No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this By-law.

10.4 Termination - The Municipality reserves the right, in its sole and absolute discretion, to refuse, suspend or revoke an approved Seasonal Patio application at any time due to non-compliance with the Seasonal Patio By-law, agreements, other Municipal By-laws or other legislation, upon 24 hours' notice.

10.5 Removal of Unauthorized Patios

10.5.1 Where a Seasonal Patio is unauthorized under this By-law or does not comply with the requirements of the Seasonal Patio Permit issued under this By-law, the Director may give notice in writing to the Operator of the patio and the property owner of which the patio relates, to forthwith remove the unauthorized or non-compliant patio and to reinstate the road allowance to its former condition at the property owner or Operators expense.

10.5.2 If the notice is not complied with within ten (10) days from the date the notice is sent, the Municipality may remove the patio and reinstate the road allowance at the owner's cost. The Municipality may add the fees to the tax roll of the property owner in default and collect them in the same manner as taxes.

## 11.0 Miscellaneous

- 11.1 That Schedules A, B, C, and D are attached hereto and form part of this By-law.
- 11.2 That this By-law shall come into full force and effect upon its final passage.
- 11.3 This By-law shall supersede and rescind any By-law or Policy inconsistent with this By-law.
- 11.4 This By-law may be cited as the "Seasonal Patio By-law".

**Passed by Council** this 10<sup>th</sup> day of September, 2025.

**Kenneth Craig**   
Signed with ConsignO Cloud (2025/09/18)  
Verify with verifio.com or Adobe Reader.

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Mayor

**Jennifer Lawrie**   
Signed with ConsignO Cloud (2025/09/22)  
Verify with verifio.com or Adobe Reader.

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Clerk

## **Schedule A**

### **Seasonal Patio Site Plan – Required Information**

To assist with the Seasonal Patio Site Plan design, the applicant is required to provide a site plan, preferably on 11 by 17 ledger size paper to scale and properly labelled with the following minimum information:

1. Seasonal Patio design, locations and dimensions, and construction materials;
2. Number of on-street parking spaced required;
3. The location and dimension of the building establishment, the entrances, exits and washrooms (locations and numbers);
4. The location and use of the adjacent buildings, the entrances and exits;
5. The location and dimension of the Seasonal Patio, the entrances and exits;
6. The area of the Seasonal Patio (in square meters);
7. Location and dimension of any enclosures, umbrellas, tents, awnings, etc.;
8. The location, height and construction material used for the boundary fence, gate location and width of gates;
9. Location of tables, chairs, fire extinguishers, bars, stages, etc.;
10. Expected occupant load;
11. Location of jersey barriers or other barriers required for the protection of pedestrians;
12. Location of ALL municipal services and assets within the Seasonal Patio (examples, location of curbs, municipal parking spaces to be utilized, hydro poles, fire hydrants, storm sewer grates, manholes, trees and all below grade and above grade utilities including chambers/vaults, water lines, sewer lines and other underground utilities. Also identify whether any public street fixtures and furniture, banners or flower baskets are required to be removed or relocated to accommodate the design. Additional fees may apply for removal or relocation; and
13. Applicants will be required to demonstrate that no municipal fixture, utility or drainage flow is being impacted. In the event that a fixture or utility appears to be impacted, written approval is required from the agency or department responsible for the fixture.

**Schedule "B"**

**Accessibility Checklist**



Std. Ref. #	Requirements	Compliance
	<b>PROVISION:</b> does the proposal comply with the requirements for barrier-free Exterior Paths of Travel?	Yes <input type="radio"/> No <input type="radio"/> N/A <input type="radio"/>
O Reg 191-11 80.23-1	<b>CLEAR WIDTH:</b> 1500 mm (minimum) (may be reduced to 1200 mm as turning space for curb ramp)	<input type="radio"/> <input type="radio"/> <input type="radio"/>
O Reg 191-11 80.23-2	<b>HEAD ROOM CLEARANCE:</b> 2100 mm (minimum) (may be reduced if railing, barrier, or cane detectable leading edge is provided around object)	<input type="radio"/> <input type="radio"/> <input type="radio"/>
O Reg 191-11 80.23-3	<b>SURFACE:</b> firm, stable	<input type="radio"/> <input type="radio"/> <input type="radio"/>
O Reg 191-11 80.23-4	<b>SURFACE:</b> slip-resistant	<input type="radio"/> <input type="radio"/> <input type="radio"/>
O Reg 191-11 80.23-5	<b>GRATINGS AND OPENINGS:</b> 20 mm (maximum diameter), perpendicular to direction of travel	<input type="radio"/> <input type="radio"/> <input type="radio"/>
O Reg 191-11 80.23-6	<b>RUNNING SLOPE:</b> 1:20 (5%) (maximum) Note: sidewalks can be greater, but not steeper than adjacent roadway	<input type="radio"/> <input type="radio"/> <input type="radio"/>
O Reg 191-11 80.23-7	<b>CROSS SLOPE:</b> 1:20 (5%) (maximum) Note: only where surface is asphalt or concrete, no more than 1:10 (10%) in all other cases	<input type="radio"/> <input type="radio"/> <input type="radio"/>
O Reg 191-11 80.23-8	<b>CHANGES IN LEVEL:</b> i) maximum 1:2 bevel at changes between 6 mm and 13 mm ii) maximum running slope 1:8 or curb ramp at changes between 13 mm and 75 mm iii) maximum running slope 1:10 or curb ramp at changes between 75 mm and 200 mm iv) must have ramp at changes in level greater than 200 mm	<input type="radio"/> <input type="radio"/> <input type="radio"/>
O Reg 191-11 80.23-9	<b>ENTRANCE OPENINGS:</b> 850 mm clear (minimum)	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Comments		

**BEST PRACTICE**

The above noted dimensions are minimum/maximuns only, exceeding published requirements are encouraged

### 3. Exterior Paths of Travel



Std. Ref. #	Requirements	Compliance
	<b>PROVISION:</b> does the proposal comply with the requirements for barrier-free Exterior Paths of Travel?	Yes <input type="radio"/> No <input type="radio"/> N/A <input type="radio"/>
O Reg 191-11 80.23-1	<b>CLEAR WIDTH:</b> 1500 mm (minimum) (may be reduced to 1200 mm as turning space for curb ramp)	<input type="radio"/> <input type="radio"/> <input type="radio"/>
O Reg 191-11 80.23-2	<b>HEAD ROOM CLEARANCE:</b> 2100 mm (minimum) (may be reduced if railing, barrier, or cane detectable leading edge is provided around object)	<input type="radio"/> <input type="radio"/> <input type="radio"/>
O Reg 191-11 80.23-3	<b>SURFACE:</b> firm, stable	<input type="radio"/> <input type="radio"/> <input type="radio"/>
O Reg 191-11 80.23-4	<b>SURFACE:</b> slip-resistant	<input type="radio"/> <input type="radio"/> <input type="radio"/>
O Reg 191-11 80.23-5	<b>GRATINGS AND OPENINGS:</b> 20 mm (maximum diameter), perpendicular to direction of travel	<input type="radio"/> <input type="radio"/> <input type="radio"/>
O Reg 191-11 80.23-6	<b>RUNNING SLOPE:</b> 1:20 (5%) (maximum) Note: sidewalks can be greater, but not steeper than adjacent roadway	<input type="radio"/> <input type="radio"/> <input type="radio"/>
O Reg 191-11 80.23-7	<b>CROSS SLOPE:</b> 1:20 (5%) (maximum) Note: only where surface is asphalt or concrete, no more than 1:10 (10%) in all other cases	<input type="radio"/> <input type="radio"/> <input type="radio"/>
O Reg 191-11 80.23-8	<b>CHANGES IN LEVEL:</b> i) maximum 1:2 bevel at changes between 6 mm and 13 mm ii) maximum running slope 1:8 or curb ramp at changes between 13 mm and 75 mm iii) maximum running slope 1:10 or curb ramp at changes between 75 mm and 200 mm iv) must have ramp at changes in level greater than 200 mm	<input type="radio"/> <input type="radio"/> <input type="radio"/>
O Reg 191-11 80.23-9	<b>ENTRANCE OPENINGS:</b> 850 mm clear (minimum)	<input type="radio"/> <input type="radio"/> <input type="radio"/>
Comments		

**BEST PRACTICE**

The above noted dimensions are minimum/maximuns only, exceeding published requirements are encouraged

## SCHEDULE “C”

### ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT, 2005 Ontario Regulation 191/11 Integrated Accessibility Standard

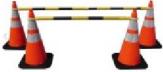
#### Section 80.23

When constructing new or redeveloping existing exterior paths of travel that they intend to maintain, obligated organizations, other than small organizations, shall ensure that new and redeveloped exterior paths of travel meet the following requirements:

1. The exterior path must have a minimum clear width of 1,500 mm, but this clear width can be reduced to 1,200 mm to serve as a turning space where the exterior path connects with a curb ramp.
2. Where the head room clearance is less than 2,100 mm over a portion of the exterior path, a rail or other barrier with a leading edge that is cane detectable must be provided around the object that is obstructing the head room clearance.
3. The surface must be firm and stable.
4. The surface must be slip resistant.
5. Where an exterior path has openings in its surface,
  - i. the openings must not allow passage of an object that has a diameter of more than 20 mm, and
  - ii. any elongated openings must be oriented approximately perpendicular to the direction of travel.
6. The maximum running slope of the exterior path must be no more than 1:20, but where the exterior path is a sidewalk, it can have a slope of greater than 1:20, but it cannot be steeper than the slope of the adjacent roadway.
7. The maximum cross slope of the exterior path must be no more than 1:20, where the surface is asphalt, concrete or some other hard surface, or no more than 1:10 in all other cases.
8. The exterior path must meet the following requirements:
  - i. It must have a 1:2 bevel at changes in level between 6 mm and 13 mm.
  - ii. It must have a maximum running slope of 1:8 or a curb ramp that meets the requirement of section 80.26 at changes in level of greater than 13 mm and less than 75 mm.
  - iii. It must have a maximum running slope of 1:10 or a curb ramp that meets the requirement of section 80.26 at changes in level of 75 mm or greater and 200 mm or less.
  - iv. It must have a ramp that meets the requirements of section 80.24 at changes in level of greater than 200 mm.
9. The entrance to the exterior path of travel must provide a minimum clear opening of 850 mm, whether the entrance includes a gate, bollard or other entrance design. Ontario Regulation 413/12, section 6.

## Schedule "D"

### Delinators No Mash Testing

	The retractable bar is made of durable ABS plastic and wrapped in reflective sheeting for night-time visibility. Each end of the retractable bar has a rugged 3.25" loop that easily drops over any traffic cones or delineator posts. The bar comes in 2 telescoping lengths: 4' to 6 1/2' and 5' to 10 1/2'.
	The stem of the Grabber-Tubes are made of flexible yet durable fluorescent low density polyethylene material, with UV inhibitors to minimize fading. The recessed areas on the stem protect the reflective bands, minimizing rips and scratches. The extra large flange at the bottom of the stem allows the rubber base to hold it firmly in place.
	Commercial duty, sturdy rolling planter cafe Barrier. Nicely finished to both sight and touch. Planter are lined for durability and many, many-years of plant growth. The product comes with original wood grain. It is ready for customizing color with spray paint or stain. Wood has been treated for outdoor use.
	TC-54 Premium Traffic Barrel with Handle Used in conjunction with standard Tire Base and 25 lb Rubber Octagon Base
	The Crowdcade Barricade is a 6' long multi-functional barricade system that is easy to set up and store. This device features heavy-duty rubber feet that rotate and lock for stacking purposes. The Crowdcade Barricade comes with holes on one side for mounting signs 24"W x 18"H and can be used wherever crowd control, pathways, and blockades are needed.

### Water filled sled/ Sand attenuators (TL3 Mash Tested)

	The Big Sandy Attenuator/Crash Cushion Sand Barrel is MASH Tested, Passed and Eligible, and meet the crash worthy requirements of NCHRP 350. Big Sandy Sand Barrels go above and beyond these requirement to provide the best in highway safety.
	The Delta Crash Cushion consists of a series of steel three-beam fender panels supported by steel diaphragms. It attenuates energy evenly for all vehicle types with shear bolts tearing through cut-outs of various sizes and shapes. Quick and easy installation reduces exposure to traffic. Multi-directional object marker comes in Chevron, Left or Right angles, and can be quickly changed in the field.
	The Sentry Longitudinal Energy Dissipater (SLED) is a narrow, water-filled non-redirective gating crash cushion that is a MASH Tested, Passed, and Eligible.TL1 / TL2 / TL3

### Mash Containment Level TL2 products

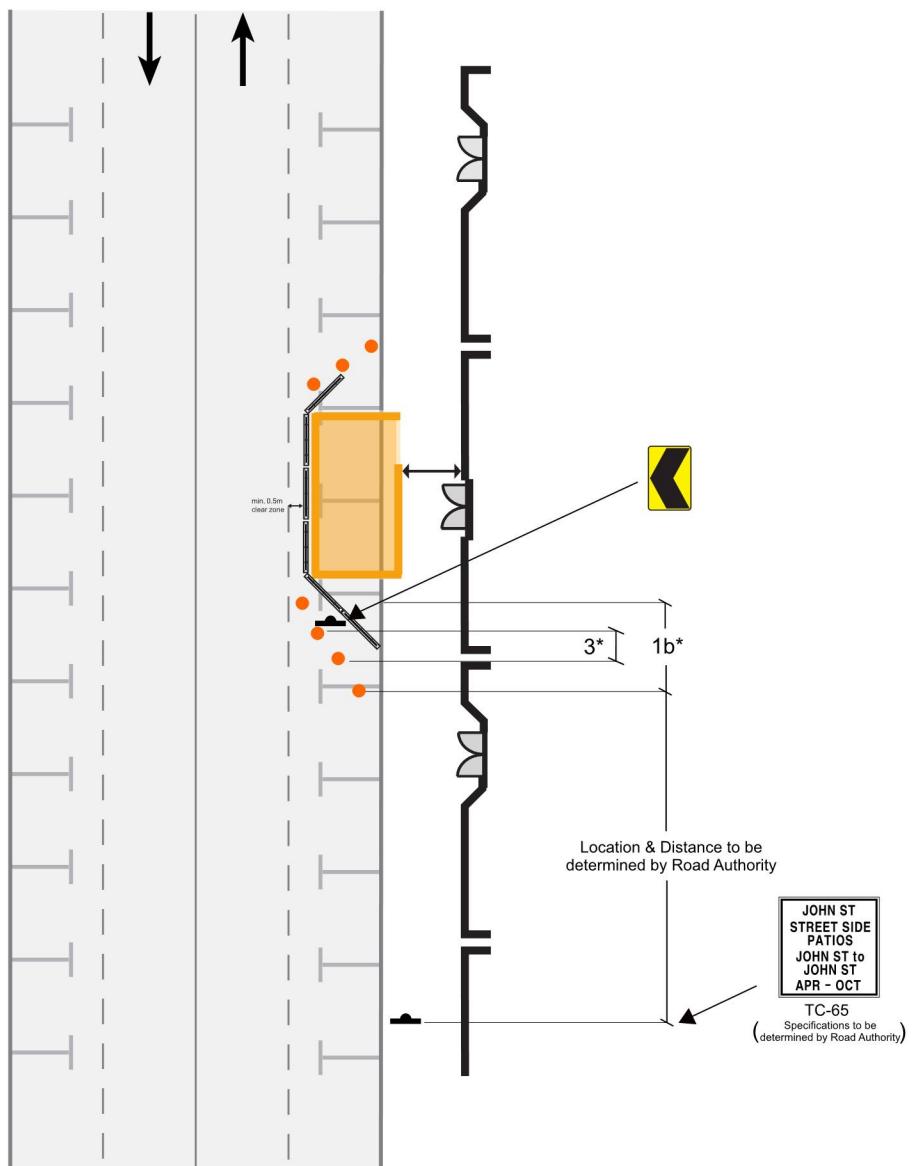
	The SLED Mini is MASH Tested and Passed for Uni- and Bi-Directional applications as well as TL-2 End Treatment for the Traffix Water-Cable Barrier™ or Concrete Median Barrier
	The Lo-Ro Water-Cable Barrier is intended for applications where low deflection of barrier walls is desired. The durable design of the Lo-Ro Water-Cable Barrier's interlocking knuckles minimize rotation between modules to ensure maximum stability, while also having the lowest deflection of any MASH TL-2 Water-Filled Barrier at 11' 9 1/2" (3.6m). Each Lo-Ro module has three galvanized steel cables that minimize vehicle penetration into the work zone, has a low profile height of only 36" to provide increased visibility for motorists in urban areas, and molded-in stacking lugs for
	The Water-Wall Barrier is an economic and easy to install crash barrier system. The Water-Wall Barrier is a durable side protective temporary crash barrier system that can be used in many situations; from protecting the public surrounding a construction site, to work-zone safety on roads and highways.

### Mash Containment Level TL1 products

	The Urban Barrier is a unique product that provides a straightforward, robust interlinking of barrier units with the help of its coupling arrangement – reducing the working width when compared to traditional construction barriers. This in turn provides more space for pedestrians and cyclists to pass the work site. The Urban Barrier is an ideal solution for work zones, bike lines, restaurant patios, and more!
	The Water-Cable Barrier is designed with three (3) molded in galvanized steel cables that strengthen the water-cable barrier to resist vehicle penetration during an impact. The hinges are designed to allow a 30° pivot between sections and each hinge features a double wall knuckle design that greatly minimizes breakage. Each wall includes one (1) galvanized steel T-pin to securely link Water-Cable Barrier sections together.

## Legend of Symbols used in the Typical Layouts

Legend	
Symbol	Description
●	Traffic Control Devices - TC-54, TC51C or Flexible Delineator Posts
■	Sign
—	Barrier - MASH Test TL-1
—	Barrier - MASH Test TL-2
—	Barrier - Not Tested
■■■	Attenuator/Crash Cushion
—	Business Front
■	Patio Area

**Option 1A****Parking Lane Closed** Parking-Lane Thru-Lane Sidewalk Diversion No Sidewalk Diversion Single Lane - One Way Single Lane - 2 Direction Multi-Lane High Risk

\* Refer to OTM Book 7, Table B

**NOTES**

- i) Barriers to be placed between 25-45 degrees upstream of patio to protect from lateral impact
- ii) Barriers installed to have minimum requirement of MASH test level TL-1 (or equivalent)