TITLE:	Use of Public Lands for Sidewalk Patio or Merchant Display Policy
POLICY NUMBER:	2026-002
EFFECTIVE DATE:	January 26, 2026

PURPOSE:

To permit and encourage the temporary use of public lands and road rights-of-way, including sidewalks, for sidewalk cafés, patios, and merchant displays associated with adjacent businesses, while providing a consistent and appropriate approval framework that ensures public safety, accessibility, and protection of municipal assets.

DEFINITIONS:

"Applicant(s)" means the individual, business or group formally requesting the use of Municipal Land for the purpose of Sidewalk Patio or Merchant Display;

"Authorization Holder" means an individual, business, or organization that has received an Authorization under this Policy.

"Merchant Display" means a temporary outdoor display or setup located adjacent to a commercial establishment and used as an extension of the business for the display or sale of goods.

"Sidewalk Patio" means tables, benches and other decorative items set up directly adjacent to a commercial business.

"Public Lands" mean collectively or individually a road, road right of way or Town Owned Parcel;

"Town" means the Corporation of the Town of Innisfail;

GENERAL REGULATIONS:

1) No permanent construction is permitted on public lands. All installations must be temporary and capable of being installed and removed without permanent alteration to municipal property.

2) Sidewalk Patios shall only be permitted between April 1st and October 31st.

3) Sidewalk Patios shall only operate during normal business hours and must cease operation by 11:00 pm daily.

4) At the end of each business day, the Authorization Holder must clean the sidewalk in and around the patio area and remove all debris and refuse. Waste generated by the operation must not be disposed of in Town garbage receptacles.

5) The Authorization Holder is solely responsible for the care and maintenance of the patio, including any chairs, tables or other equipment associated with the commercial establishment. The Town shall not be held responsible for any damage to any property associated with the patio placed on municipal lands.

6) The Town will maintain the right to maintain the municipal property in order to carry out repairs and maintenance. Where possible the Town shall endeavor to provide five (5) days written notice prior to any works that may impact the patio space.

7) A continuous unobstructed pedestrian clearway of at least 2.0 metres must be maintained at all times to ensure safe and accessible passage.

8) Authorization Holders are responsible for all costs associated with the application, construction, maintenance, storage and removal of the patio.

9) Any costs to repair damage to municipal property resulting from the patio are the responsibility of the Authorization Holder.

10) No part of a Sidewalk Patio or associated equipment shall:
    a) be attached to municipal sidewalks, light standards, or other municipal infrastructure;
    b) obstruct sightlines at an intersection, or cause any operational or safety issue on a public road right of way;
    c) obstruct underground access, electrical transformers vaults, utility boxes, hydrants, street furniture or other infrastructure;
    d) obstruct access to fire service connections or exits from adjacent buildings;
    e) impact access to, or visibility of, adjacent building frontages.

11) Where a Sidewalk Patio is associated with food service, the Authorization Holder must ensure that existing washroom facilities meet Alberta Building Code requirements for the total occupant load, including patio seating.

12) Sidewalk Patios must be constructed using durable, well-maintained materials that are suitable for outdoor use and compatible with the surrounding streetscape.

13) Structures such as decks may be permitted subject to review by the Town and may require a building permit or other approvals as determined by Administration.

14) The Town reserves the right to revoke the authorization or remove any patio or associated equipment from the property at any time.

15) The Authorization Holder must maintain Commercial General Liability insurance on an occurrence basis with limits of not less than two million dollars ($2,000,000) per occurrence for bodily injury and property damage. Coverage must include, as applicable, bodily injury (including death), property damage, contractual liability, tenants' legal liability, and liquor liability. The policy must name the Town of Innisfail as an additional insured, include cross-liability and severability of interest clauses, and provide a minimum of thirty (30) days' written notice of cancellation.

APPLICATION PROCESS:

16) A complete application must include:
   a) Proposed dates and hours of operation,
   b) Description of proposed use,
   c) Confirmation of valid Town business licence (where required),
   d) Confirmation of liquor licensing compliance (where required),
   e) Signed waiver/indemnity.
   f) Concept Plan showing:
      i) location and dimensions of the proposed area,
      ii) entrances/exits and adjacent building access,
      iii) proposed barriers/railings (if any),
      iv) furniture/layout and estimated occupant load (if applicable).

17) An insurance certificate must be submitted to the Town upon conditional approval, and prior to installation.

18) Administration may conduct inspections before and during operation to confirm compliance.

19) Once an authorization is approved under this Policy, the Authorization Holder is not required to reapply annually provided the use, location, and layout remain consistent with the original approval.

a) Updated proof of insurance must be submitted to the Town annually as a condition of the authorization remaining valid.

2019-002 Use of Public Lands for Sidewalk Café or Merchant Display Policy is hereby repealed upon adoption of this policy.

Mayor

Chief Administrative Officer