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**Halifax Regional Council**  
**June 17, 2003**

**TO:** Mayor Kelly and Members of Halifax Regional Council

**SUBMITTED BY:**

A handwritten signature in black ink, appearing to read "Rick Paynter", written over a horizontal line.

Rick Paynter, P.Eng, Director, Public Works & Transportation

**DATE:** June 6, 2003

**SUBJECT:** Barrier Free Access - Sidewalk Cafés

### INFORMATION REPORT

#### ORIGIN

This report originates from staff and follows discussions that staff has had with representatives of persons with disabilities regarding accessibility to sidewalk cafés.

## BACKGROUND

Sidewalk cafés have been officially operating in HRM rights of way since 1998 under the HRM Sidewalk Café Policy which has been in place since that time. The issue of accessibility for disabled persons has been raised in the past and accessibility improvements have been made over the last couple of years. However some concerns remain.

## DISCUSSION

The concerns which have been raised are:

1. Potential health and safety hazards due to café design and construction.
2. Cafés potentially blocking or eliminating access for disabled persons where access previously existed.
3. Some cafés are not accessible to persons with disabilities.

Staff has met with disabled persons representatives to discuss these concerns.

With respect to potential health and safety hazards, staff explained that all sidewalk café approved designs are intended to address all safety aspects. If subsequent construction fails to meet safety requirements then café owners are required to correct the deficiency. It was agreed that further site visits will be made to confirm that there are no safety hazards.

Regarding item 2, staff advised that no sidewalk café is permitted to eliminate any barrier free access to an establishment where access previously existed. Again it was agreed that this will be confirmed by further site visits.

Finally, regarding item 3, staff advised that most of the approved or anticipated sidewalk cafés for this year are intended to be accessible to persons with disabilities. There are three which are known to be non-accessible. The reason for this is that the establishments to which the cafés are attached are not accessible and, under application of the current policy, the applicant cafés are not required to be made accessible.

It was agreed that, for 2004, staff would recommend to Council that the sidewalk café policy be revised to clearly indicate that all cafés will be required to be accessible to persons with disabilities, regardless of the situation with the existing establishment. The café owners will be so advised this summer so that there is plenty of time to prepare for 2004.

Another item of concern, not specifically related to sidewalk cafés, was raised at the meeting. Under older legislation of the previous municipalities, some establishments with direct access to sidewalks are permitted to vend from the sidewalk, provided that they only occupy the area directly against the building and a minimum of seven feet of clear sidewalk remains. It was noted that some of these operations create a hazard for persons with disabilities. Staff agreed to review the matter with a view to either amending or removing such provisions from existing by-laws.

Once again, it is noted that staff and representatives of persons with disabilities will conduct a tour of the sidewalk cafés later in June to identify and address immediate concerns and to review potential solutions to provide or improve accessibility.

In conclusion, based on the above, all were satisfied that the concerns of persons with disabilities regarding access to sidewalk cafés are being addressed.

### **BUDGET IMPLICATIONS**

There are no budget implications at this time.

### **FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**


This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

### **ALTERNATIVES**

There are no recommended alternatives.

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by:



Phil Francis, P.Eng, Right of Way Engineer

490-6219