

Accessibility Addendum 2023 for TOP Program

Designing for Accessibility

Ensuring accessibility for the Temporary Outdoor Patio Program includes meeting requirements from the Accessibility for Ontarians with Disabilities Act (AODA), City of Hamilton accessibility requirements and accessibility criteria specific to the Temporary Outdoor Patio (TOP) program. All accessibility requirements are equally important and together they create a program that is accessible to all Hamiltonians.

Pedestrian Clearway

The pedestrian clearway is the most important area of the street for the safe, accessible and efficient movement of pedestrians. The sidewalk is how people and customers of all ages and abilities access local shops, restaurants, offices, transit stops and other services and pedestrians have the first priority for its use.

A minimum pedestrian clearway of 1.5m metres is required. The installation of sidewalk patios requires the operator to ensure the pedestrian clearway of 1.5 metres is protected.

AODA Compliance

It is the responsibility of the business owner to maintain compliance with the Accessibility for Ontarians with Disabilities Act (AODA) at all times. Please ensure your establishment adheres to the accessibility standards noted in the AODA, including:

- Do not allow your patio or customer queuing area to impede any existing barrier-free access or sidewalk clearance for people using mobility devices to your establishment or that of your neighbouring businesses; and,
- Ensure any barricades/boundaries (railings, planters, pylons, etc.) to identify the patio area are cane-detectable, to provide people with low or no vision a means of identifying boundaries.

Cane-detectable means that a person with low vision or no vision is finding their way on the sidewalk with a white-cane. Planters and/or fencing must have a solid base so a white-cane can be used to tap along the bottom of the element to determine where to safely walk.

If you do not maintain a minimum pedestrian clearway width of 1.5 metres, a City of Hamilton enforcement officer will require you to adjust your patio dimensions upon inspection. Patio operators that are the subject of AODA complaints may have a City of Hamilton enforcement officer investigate and follow up with the patio owner.

Patio Design Guidelines

Patio operators can make several choices that will increase accessibility for all Hamiltonians in their patio areas. Please consider the following when making decisions about your patio elements:

- Consider people using mobility devices when determining what type of furniture you will set out in your patio area. For example, picnic tables significantly limit the ability for a person using a mobility device to access a surface on which to dine and are often the entire width of the curb lane closure therefore impeding movement;
- When determining seating arrangements in your patio area, install some tables with room underneath to accommodate people using mobility devices. Ensure that there are clear routes and maneuvering space for people using mobility devices;
- Picnic tables can limit accessibility. If your primary seating arrangement is picnic tables, ensure you have another table type available to accommodate people using a mobility device;
- Protruding objects with a small base can be particularly harmful. Be cautious with service stands, tables, umbrella bases and other pieces of furniture with tops that extend into the pedestrian clearway; and,
- Advertise whether you have accessible washrooms on your website.

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<https://aoda.ca>