



## City of Hamilton Report for Consideration

**To:** Chair and Members  
General Issues Committee

**Date:** March 19, 2025

**Report No:** PW25014

**Subject/Title:** Temporary On-Street Patio Traffic Control and Safety Devices

**Ward(s) Affected:** City Wide

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### Recommendations

- (a) That staff **BE AUTHORIZED** and **DIRECTED** to retain a third-party contractor for the supply, installation and removal of safety devices and barriers for on-street patios per the Ontario Traffic Council guidelines, for the 2025 season, to be funded from Project ID 4042549220 as a one-year pilot project;
- (b) That Staff **BE DIRECTED** to report back to the General Issues Committee with results of the pilot project by Q4 2025; and,
- (c) That the General Manager, Public Works and City Clerk **BE AUTHORIZED** and **DIRECTED** to execute any required agreement(s) and ancillary documents, with content acceptable to the General Manager, Public Works with such terms and conditions in a form satisfactory to the City Solicitor.

### Key Facts

- The purpose of this report is to respond to a December 2024 motion directing staff to investigate the feasibility of internal facilitation of safety devices/barriers for restaurant patios within the right-of-way per the Ontario Traffic Council (OTC) Guidelines.
- This report is referring to on-street patios and pedestrian by-passes on the municipal right-of-way in parking spaces or curb lanes.
- Staff are recommending the City retain a third-party contractor for the supply, installation and removal of safety devices and barriers per the Ontario Traffic

Council (OTC) guidelines for safety around on-street patios; staff will report back to Council with results of the 2025 patio season pilot project and recommendations for future years.

- It is estimated that the number of patios for the 2025 season will be 15 – 18 which would equate to a budget of \$75,000 - \$99,000.
- This initiative assists with revitalization and re-envisioning throughout the City of Hamilton.

## Financial Considerations

As an interim solution for 2025, the recommendation is for the City to retain a third-party contractor to supply, install and remove safety devices/barriers at all on-street patios and pedestrian by-passes on the municipal right-of-way. This applies City-wide to on-street patios within Business Improvement Areas (BIA's) and Community Improvement Plan Areas (CIPA's).

It is estimated that the number of patios for the 2025 season will be 15 – 18 which would equate to a budget of \$75,000 - \$99,000 to be funded from the Transportation Division budget Project ID 4042549220.

Communications to patio businesses regarding any change in process will be done proactively through the Program Administrator, Planning and Economic Development Department as well as on the city website portal for the patio program:

<https://www.hamilton.ca/build-invest-grow/starting-small-business/permits-inspections/temporary-outdoor-patio-program>.

There are no FTE impacts associated with this recommendation.

## Background

The initial On-Street Patio Pilot Program began in 2016 and was approved as a permanent program in 2017. This program focused on temporary patios located on-street, primarily in on-street parking spaces.

In May 2020, in response to the COVID-19 pandemic, an expanded Outdoor Dining Districts Program was approved by Council. It expanded the On-Street Patio Program by providing for temporary patios on public property (including sidewalks, boulevards and off-street parking areas), occupying metered parking spaces where allowed in accordance with City By-laws and on private property such as the parking areas of malls and strip malls.

On February 23, 2022, Council approved Report PED22051 to permanently adopt the Temporary Outdoor Patio Program, which combined the On-Street Patio Program and the Outdoor Dining Districts Program, and to establish applicable annual user fees. It is important to note that the Temporary Outdoor Patio Program applies only to

temporary, seasonal patios (April 1 - October 31 each year). Any proposals for permanent patios that would permanently occupy public or private property would be reviewed on a case-by-case basis in accordance with the City's existing Planning, Real Estate and Leasing/Licensing.

In June 2022, [Communication Update - On-Street Patio Modifications](#) informed Council of some modifications that were to be made to existing on-street patios across the City. The modifications included the installation of additional barriers and other improvements for pedestrian and patron safety. The changes were made in response to a new "Restaurant Patio Guidelines within the Right of Way" document that was recently released by the provincial Ontario Traffic Council.

Staff have utilized the new provincial guidelines for the type and placement of physical barriers with the exact set-up varying by location depending on site and surrounding conditions. For the 2022 patio season, these safety enhancements were implemented by the City at no cost to the business owner, in accordance with Council's direction to offset the costs of the temporary patio program as part of our post-COVID economic recovery.

In February 2023 [Communication Update - Temporary Outdoor Patio Program 2023](#) advised Council of the roll-out of the Temporary Outdoor Patio Program. This report indicated that in 2023, applicants would be required to pay all applicable fees for the program. Different ward offices and business since then have come forward with general concerns about the overall costs to implement a patio, in particular the installation of safety devices and crash barriers.

In addition, from an economics perspective, we would like Hamilton to be an employer of choice, a destination for residents and visitors. The City's success and image are vital to how Hamiltonians identify their city and how the city is viewed as a place to live, work, play, and invest in. As the majority of on-street patios are in the downtown core, this is an opportunity to help with the revitalization and re-envisioning while still maintaining safety elements set out in the Ontario Traffic Manual guidelines. This also applies City-wide to other Business Improvement Areas (BIA's), Community Improvement Plan Areas (CIPA's). This led to a motion being made at the December 4, 2024, General Issues Committee, which is attached as Appendix "A" to Report PW25014.

As part of the 2025 pilot project evaluation, staff will also assess the feasibility of aesthetic enhancements and report back to the General Issues Committee with recommendations for future years. Input from businesses, BIA's, and other stakeholders will help identify solutions that prioritize both safety and visual appeal. While the primary objective of the proposed safety devices and barriers is to enhance public safety and ensure compliance with Ontario Traffic Council guidelines, their visual impact is also an important consideration. Well-designed streetscapes contribute to vibrant business districts, pedestrian-friendly environments, and an inviting urban experience.

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## Temporary Outdoor Patio Program and Current Process

This program allows eligible local businesses to establish temporary seasonal patios and seating areas on municipal or private property (if current zoning is compliant). Temporary Outdoor Patios are permitted in Business Improvement Areas (BIA's), Community Improvement Plan Areas (CIPA's) and Private Property (zoning compliant) (see link for map of [Business Improvement Areas \(BIA's\), Community Improvement Plan Areas \(CIPA's\)](#)).

The Temporary Outdoor Patio Program is administered by Commercial Districts and Small Business, Planning and Economic Development Department with consultation from various internal stakeholders.

Businesses must complete an online application (refer to link [Temporary Outdoor Patio Application - Municipal Property | City of Hamilton](#)). Applications for patios can be submitted starting March 1, 2024 and must be received prior to June 1, 2024.

For the purpose of this report, we are focusing on on-street patios (patios on the curb lane, parking lane, or with pedestrian by-pass/sidewalk). Please refer to Appendix "B" to Report PW25014 for examples.

### Fees/Costs to Businesses (2018 – 2024)

Application fees for patios were established in 2022; however, the fee has been waived from 2022–2024. In 2025 the fee is being phased in, beginning at \$351.77 (50%) for the 2025 season.

Any patio that occupies an on-street or off-street municipal parking space is also required to pay a Temporary Patio Occupation of Parking Space fee of \$950.71 per space as per the Tax Supported User Fee By-Law.

Businesses are also required to retain a third-party contractor to install a pop-up patio (patio platform) to raise to sidewalk/curb height. Each pop-up patio is built on a reinforced metal frame and includes accessible ramps, railings, cane detection strips and high contrast markings for safety. This is a cost of approximately \$3,500 - \$4,000 per patio.

More recently, for patios or pedestrian by-passes on-street the applicant is required to hire an Ontario Traffic Manual Book 7 certified contractor to install crash barriers. The cost is approximately \$5,000–\$5,500 per patio.

In summary, in 2025, the range in costs/fees for businesses could be \$9,800 - \$12,250 based on a number of factors such as type of patio (on-street parking lane or pedestrian by-pass), speed of road and number of parking spaces being occupied.

The following table identifies history of Fees/Costs to Businesses from 2018 to present.

Table 1: Number of Patios and Fees/Costs to Businesses

Fees/Costs to Businesses							
Year	# of Patios (on-street)	Application Fee	Fee Details	Metered Parking Space Fee	Fee Details	Crash Barriers as per OTC	Cost Details
2018	20	✗	No fee	✓	Fee	✗	No cost
2019	9	✗	No fee	✓	Fee	✗	No cost
2020	13	✗	No fee	✓	Fee waived	✗	No cost
2021	25	✗	No fee	✓	Fee waived	✗	No cost
2022	26	✓	Fee waived	✓	Fee waived	✓	Barriers were introduced -cost covered by City
2023	8	✓	Fee waived	✓	Fee	✓	Cost incurred by business
2024	11	✓	Fee waived	✓	Fee	✓	Cost incurred by business
2025	TBD	✓	Fee to be phased in –50% of approved fee	✓	Fee	✓	TBD

### Safety Devices/Barriers and Ontario Traffic Manual Guidelines

In 2022, new guidelines for safety devices were established under the Ontario Traffic Council “Restaurant Patio Guidelines within the Right of Way” ([B001463 OTC Restaurant Patio Guidelines e02.pdf](#)). The Ontario Traffic Council is a provincial member-based organization that provides diverse expertise in traffic engineering, transportation planning, safety and traffic enforcement.

These guidelines were created for the benefit of those road authorities who have not developed their own guidelines and as a supplementary resource to those road authorities who have developed their guidelines but are seeking additional guidance on the topics outlined within the document.

The intention of applying these guidelines is to ensure that universal accessibility, public safety and the streetscape experience are enhanced and not negatively impacted by the introduction of a patio within the road authorities' right-of-way.

## **Analysis**

### **Feedback from Business Owners**

A customer satisfaction survey was issued to businesses in Q3 2024. There were a total of 101 surveys distributed and 30 responses.

Overall, there was 80-100% satisfaction with customer service and turnaround times regarding the patio program.

All concerns identified in the survey were related to the applicant costs of the mandatory use of crash barriers; this being the major reason that the applicant may not participate in 2025.

### **Jurisdictional Scan**

Staff have consulted with internal stakeholders and completed a best practice review of the following municipalities: Toronto, Burlington, Oakville, and Kingston, details of which are attached as Appendix "C" of Report PW25014.

Most municipalities impose some degree of safety devices and barriers, however, do not fully mandate the Ontario Traffic Council guidelines. For Toronto, Oakville, Kingston and Burlington safety devices are supplied, installed and paid for by the municipality. Oakville and Kingston both retained consultants to prepare guidelines specific to their municipality that are less stringent than the OTC.

### **Recommendation for 2025 Season**

As a pilot project for the 2025 patio season, staff are recommending the Transportation Division retain a third-party contractor, following City of Hamilton's purchasing policies and guidelines. This contractor would supply the traffic lay-out per Ontario Traffic Council guidelines and install/remove all safety devices/barriers.

The contractor would be required to be Book 7 certified and follow the Ontario Traffic Council guidelines.

The cost is approximately \$5,000 - \$5,500 per patio and staff are estimating there will be 15 – 18 patios in 2025. The total cost would be approximately \$75,000 - \$99,000. Staff will evaluate the results of the pilot project and report back to Council with recommendations for future years by Q4 2025.

From a risk standpoint, this option would carry a low/medium risk as both the business and contractor would carry the required insurance and indemnify the City, should any claims arise.

## **Alternatives Considered**

A number of alternatives were considered for the 2025 patio season and future years.

Alternative 1 – Applicant to retain and pay for third-party Contractor (current state)  
Currently businesses are paying to retain a third-party contractor to install the safety devices/barriers as outlined in the Ontario Traffic Council guidelines; in addition to other patio related fees (refer to Background section). When these guidelines came into effect, the City paid for the installations at no cost to businesses in the 2022 patio season. Subsequent 2023/2024 patio seasons, businesses have incurred that cost, however the City has determined that there is a decrease in patios where the restaurants incur this additional cost on top of other fees and this negatively affects the City's initiatives on revitalization.

Alternative 2 – Retain Third Party Contractor to Provide Patio Layouts and Installation/Removal of Safety Devices/Barriers (City led initiative)  
This is the recommended option for the 2025 patio season. Refer to the Analysis section where this is outlined.

Alternative 3 – Internal Facilitation of Safety Devices through the Transportation Division (City led initiative)  
This alternative would be for the internal facilitation of safety devices/barriers following the Ontario Traffic Manual guidelines, led by the Transportation Division, Roadway Maintenance Section.

The overall cost is estimated at \$600,000 (capital in 2026) and \$241,800 (annual operating). The 2026 one-time capital cost of approximately \$600,000 is for the procurement of vehicles and materials for this program:

- Urban Safety Barriers
- Signage
- Knock Down Sticks (Flexible Delineators)
- New truck with crane arm (current fleet of vehicles does not have current capacity to move barriers)

This alternative would be using Transportation Division staffing during afterhours/night shift out of the Roadway Maintenance section with a new FTE staffing request of 2

operators to administer the program. It is anticipated that patios would require set up during the months of April and disassembly during the month of November. For the purpose of cost estimates, staff are approximating there will be 25 on-street patios in the year 2026. Operating costs would be \$168,800 for 2 new FTE's and an annual staff/vehicle usage cost of \$73,000; totalling an annual operating cost of \$241,800. This alternative will be further explored in the Q4 2025 report.

Alternative 4 – Provide grants to eligible applicants.(initiative)

This alternative was require the assessment and potential development of a grant program.

Alternative 5 – Retain Consultant to Create Hamilton Specific Guidelines (City-led initiative)

This alternative was reviewed and not recommended from a safety and risk perspective. The recommendation is to adhere to the Ontario Traffic Council guidelines.

## **Relationship to Council Strategic Priorities**

The recommendation in this report is in direct alignment with the following Council Priorities:

1. Sustainable Economic & Ecological Development
  - 1.2. Facilitate the growth of key sectors
2. Safe & Thriving Neighbourhoods
  - 2.2. Make sure people can safely and efficiently move around by foot, bike, transit or car

## **Previous Reports Submitted**

[Communication Update - On-Street Patio Modifications](#)  
[Communication Update - Temporary Outdoor Patio Program 2023](#)

## **Consultation**

- Cristina Geissler, Judy Lam, Norm Schleeahn Commercial Districts and Small Business, Planning and Economic Development Department
- John Searles, Bob Marques and Peter Sniulis, Transportation Division, Public Works Department
- Robyn Pollard and Lorne McArthur, Environmental Services Division, Public Works Department
- Joanne Starr, Transportation Planning and Parking, Planning and Economic Development Department.
- Stefanie Navascues and Gavin Chamberlain, Legal and Risk Management Division, Corporate Services Department



## **Appendices and Schedules Attached**

Appendix A: General Issues Committee Motion, dated December 4, 2024

Appendix B: Examples of On-Street Patios and Ontario Traffic Council Layouts

Appendix C: Jurisdictional Scan

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**Submitted and  
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