

Inspection Checklist: Sidewalk Café

Do you operate part of your restaurant on the public sidewalk?

Use this checklist to learn what our inspectors look for and help avoid violations. All businesses also must comply with the **General Retail Inspection Checklist**, which is included at the end for easy reference.

	Requirement	Do you meet this requirement?
	License	
1	<p>A valid DCA <u>Sidewalk Café license</u> is required to operate part of a restaurant on a public sidewalk (not on private property). There are three types of sidewalk cafés:</p> <ul style="list-style-type: none"> ■ Enclosed Café: An enclosed area on the public sidewalk in front of the restaurant that is constructed predominantly of light materials such as glass, plastic, or lightweight metal. ■ Unenclosed Café: An outdoor area on the public sidewalk in front of the restaurant that contains removable tables and chairs. ■ Small Unenclosed Café: An unenclosed sidewalk café containing no more than a single row of removable tables and chairs next to the building. The tables and chairs can occupy no more than 4 feet, 6 inches of the public sidewalk. 	<input type="checkbox"/> Yes
2	<p>DCA's new combined license and complaint sign must be posted where all customers can see it. Until you receive the new sign, which DCA is sending during the license renewal period, you must continue to post both your license and the complaint sign.</p> <p>Note: DCA combined the license and the complaint sign, previously separate documents, into one consolidated sign. New licensees and licensees that renew after October 15, 2013 will receive the new sign. Renewing licensees must remove the old license document and complaint sign that DCA previously provided and post the new combined sign. For more information about this new regulation, go to nyc.gov/consumers.</p>	<input type="checkbox"/> Yes
3	<p>It is illegal to have more tables or chairs than what is stated on the license or temporary operating letter.</p> <p>Tip: If two tables are pushed together but can be easily separated, they will be counted as two tables. If two tables are bolted together or held together in a way in which they cannot be easily separated, they will be counted as one table.</p>	<input type="checkbox"/> Yes
4	<p>At least 8 feet or 50 percent of the sidewalk next to the sidewalk café (whichever is larger) must be clear and unobstructed.</p> <p>Tip: Measure the entire width of the sidewalk from the building to the curb.</p>	<input type="checkbox"/> Yes

Inspection Checklist: Sidewalk Café

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5	<p>There must be at least 15 feet between the sidewalk café and large obstructions such as bus shelters and subway entrances (except closed end).</p> <p>Tip: A large object is anything larger than 15 feet in area.</p> <p>Tip: Area = width x length</p> <p>The sidewalk café must be certain distances from other objects that are not “large objects.” See list below:</p> <ul style="list-style-type: none"> ■ 10 feet from fire hydrants ■ 9 feet from traffic lights ■ 8 feet from telephone booths/kiosks, mailboxes, lampposts, street trees (with fencing and guards), bicycle racks (including all bicycles) ■ 5 feet from benches (only for enclosed cafés), subway entrance or bus stop (at closed end), all other street furniture (15 square feet or less) ■ 3 feet from a cellar door (unless closed, locked, and reinforced), transformer vaults, subway grates, Siamese connections ■ 9 feet from the corner if the sidewalk café is located on the corner <p>Tip: Measure from the outer edge of the sidewalk café to either the curb line or the nearest obstruction.</p>	<input type="checkbox"/> Yes
6	<p>Objects inside the sidewalk café such as tables, windows, or potted plants cannot swing or project beyond its perimeter with the exception of fire doors used exclusively as emergency exits.</p>	<input type="checkbox"/> Yes
7	<p>No object—other than lighting fixtures and Heating, Ventilation, and Air Conditioning (HVAC) installations—may be permanently affixed to any portion of the sidewalk café wall.</p>	<input type="checkbox"/> Yes
8	<p>There can be no advertisements on the sidewalk café other than the legal name of the business and type of establishment on any umbrella, valance, or partition. (A “valance” is the part of an awning that hangs parallel to the wall.)</p>	<input type="checkbox"/> Yes
9	<p>For enclosed sidewalk cafés, if the roof is glass or another material other than fabric, a sign may be placed on the glass wall as long as the sign does not cover more than 50 percent of the glass.</p>	<input type="checkbox"/> Yes
10	<p>If the name is on the sidewalk café, the letters cannot be greater than 8 inches on a 12-inch valance and the name cannot be more than one horizontal line.</p>	<input type="checkbox"/> Yes
11	<p>Garbage cannot be placed or stored on the public sidewalk.</p>	<input type="checkbox"/> Yes
12	<p>Musical instruments and speakers cannot be used in a sidewalk café.</p> <p>Tip: It is not a violation if music is being played inside the restaurant.</p>	<input type="checkbox"/> Yes
13	<p>All sidewalk cafés must provide easy access to persons with physical disabilities by having at least one door to enter that is 3 feet or wider.</p>	<input type="checkbox"/> Yes

Inspection Checklist: Sidewalk Café

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14	<p>A non-skid ramp may be required if there is a change in grade.</p> <p>Tip: A non-skid surface is usually textured to prevent water buildup and includes concrete or a rubber mat.</p>	<input type="checkbox"/> Yes
	<p>The following only apply to small unenclosed sidewalk cafés (designated as “small” on the license):</p>	
15	<p>A small sidewalk café can only have a single row of tables and chairs set next to the building line.</p>	<input type="checkbox"/> Yes
16	<p>There cannot be any furniture other than a single row of tables and chairs adjacent to the building.</p>	<input type="checkbox"/> Yes
17	<p>There cannot be a railing, structure, or other form of a barrier between the café and the sidewalk.</p>	<input type="checkbox"/> Yes
18	<p>There cannot be any overhead coverage other than a retractable awning that is affixed to the building.</p> <p>Tip: The retractable awning cannot extend more than 4 feet, 6 inches.</p>	<input type="checkbox"/> Yes
	<p>The following tips are for unenclosed sidewalk cafés (this includes “regular” and “small” sidewalk cafés) only:</p>	
19	<p>All sidewalk café furnishings must be moveable. Tables, chairs, decorative accessories, and approved heating units cannot be affixed to the ground or the café.</p>	<input type="checkbox"/> Yes
20	<p>Service to customers can only be within the designated sidewalk café area.</p>	<input type="checkbox"/> Yes
21	<p>There must be a 36-inch service aisle for the entire length of the tables that is separate from the 8-foot pedestrian path.</p> <p>Tip: For regular unenclosed, this aisle may be between rows of tables, but for small unenclosed it must be on the outside of a single row.</p> <p>Tip: The service aisles cannot overlap with the pedestrian pathway. Therefore, for small cafés, there must be an 8-foot pedestrian path and a 3-foot service aisle for 11 feet total clearance.</p>	<input type="checkbox"/> Yes
22	<p>For regular unenclosed cafés, the base wall, railing, planter, or fence being used must be self-supporting and removable.</p> <p>Tip: The barrier is not removable if it appears to be permanently affixed to the sidewalk, and it is not self-supporting if it is supported by the café’s tables or hung from the café’s awning.</p>	<input type="checkbox"/> Yes
23	<p>A regular unenclosed café cannot use a railing planter, base wall, or fence higher than 30 inches to separate the sidewalk café.</p> <p>Tip: To make sure you’re complying with the law, measure to the top of any plants.</p>	<input type="checkbox"/> Yes

Inspection Checklist: Sidewalk Café

	Requirement	Do you meet this requirement?
24	The café floor cannot be uneven with the adjoining sidewalk.	<input type="checkbox"/> Yes
25	The café floor cannot be covered by carpet, paint, grass, artificial turf, or any other surface cover.	<input type="checkbox"/> Yes
26	The height of the awning must be at least 7 feet above the floor, measured from the lowest part of the awning or valance.	<input type="checkbox"/> Yes
27	<p>If a heating unit is being used, the following valid documents all must be on the premises and available for inspection at all times:</p> <ul style="list-style-type: none"> ■ Fire Department open flame permit ■ Department of Buildings approval for the heating units ■ Fire Department approval for the installation ■ Certificate of Fitness from the Fire Department for the person directly supervising the operation of the heaters 	<input type="checkbox"/> Yes
28	Heating units cannot be placed outside of the sidewalk café.	<input type="checkbox"/> Yes
	The following tips are for all sidewalk cafés:	
29	<p>Sidewalk cafés can only be open for business during the following hours:</p> <p>Unenclosed Cafés: Sunday: 10 a.m. to midnight Monday-Thursday: 8 a.m. to midnight Friday: 8 a.m. to 1 a.m. Saturday Saturday: 8 a.m. to 1 a.m. Sunday</p> <p>Enclosed Cafés: Sunday: 10 a.m. to 4 a.m. Monday Monday-Saturday: 8 a.m. to 4 a.m. the following day</p>	<input type="checkbox"/> Yes
30	If alcohol is served at the sidewalk café, a waiter or waitress must serve it to the patrons at the café.	<input type="checkbox"/> Yes
31	Customers cannot be charged extra for sitting in the sidewalk café, and food and drink must cost the same in the sidewalk café as inside the restaurant.	<input type="checkbox"/> Yes
32	If a menu is displayed outside, it cannot be larger than 3 square feet.	<input type="checkbox"/> Yes
33	If there is a minimum charge for dining in the restaurant or sidewalk café, it must be prominently stated on the sample menu and on each table menu.	<input type="checkbox"/> Yes
34	Floodlights cannot be used to light the café, and all lighting must be directed to the interior of the café.	<input type="checkbox"/> Yes

Inspection Checklist: Sidewalk Café

	Requirement	Do you meet this requirement?
35	The café cannot block the building's exit.	<input type="checkbox"/> Yes
36	All of the items in the sidewalk café (chairs, tables, planters, etc.) must be placed as they were in the diagram submitted with the license application to DCA.	<input type="checkbox"/> Yes

Updated 10/09/2013



Bill de Blasio
Mayor

**Department of
Consumer Affairs**

Julie Menin
Commissioner

42 Broadway
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Visit nyc.gov and
search "Business
Toolbox"

Contact 311
(212) NEW-YORK
(Outside NYC)

New York City businesses must comply with all relevant federal, State, and City laws and rules, which are available in DCA's Business Toolbox. Businesses are responsible for knowing and complying with current regulations that affect their business.

Inspection Checklist: General Retail

Does your business sell goods or services?

Use this checklist to learn what our inspectors look for and help avoid violations:

	Requirement	Do you meet this requirement?
	Price Lists for Services	
1	A price list with the types of services and the prices of those services must be displayed.	<input type="checkbox"/> Yes
2	The price list must be clearly posted or clearly displayed near the cash register and/or at the place(s) where orders are placed.	<input type="checkbox"/> Yes
3	If the price list states a minimum charge (e.g., “from \$. . .”) or states a price “and up,” it must state the reason for the different prices and include the range of prices.	<input type="checkbox"/> Yes
4	If there is a sale or promotion, the pre-sale prices must also be posted for comparison.	<input type="checkbox"/> Yes
5	<p>Prices for services cannot be based on gender.</p> <p>Tip: Words like “men’s,” “women’s,” and “ladies” cannot be used to describe the price; the difference must be described in a gender neutral way. (Example: Above the shoulder hair = \$15; Below the shoulder hair = \$30)</p> <p>Tip: Instead of listing prices for shirts and blouses, the price must be described based on physical differences between the shirts. (Example: sequins, ruffles, fancy buttons)</p>	<input type="checkbox"/> Yes
	Pricing for Goods	
6	All items offered for sale must have a clearly visible price.	<input type="checkbox"/> Yes
7	For most items, the price must be attached to the item or on a sign where the item is displayed.	<input type="checkbox"/> Yes
8	If your store’s annual revenue is more than \$2 million or you are a chain store, you must individually price most food products, as well as paper products, detergents, soaps, nonprescription drugs, and health and beauty aids.	<input type="checkbox"/> Yes
9	Milk; eggs; fresh produce; snack foods that are less than 5 ounces; frozen foods; jars of baby food; and items that are less than 3 cubic inches, under 3 ounces and under \$1 do not have to be individually priced, but must have shelf prices.	<input type="checkbox"/> Yes

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	Requirement	Do you meet this requirement?
	Signs	
10	<p>Sale signs that advertise a percent discount—example: 20-50% off—must state the minimum percent discount.</p> <p>Tip: Both the minimum and maximum numbers must be of equal size.</p> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="border: 2px solid green; padding: 10px; text-align: center;"> <p>20-50% ✓ OFF</p> </div> <div style="border: 2px solid red; padding: 10px; text-align: center;"> <p>20-50% OFF</p> </div> </div>	<input type="checkbox"/> Yes
11	<p>Sale signs cannot contain any of the following phrases:</p> <ul style="list-style-type: none"> ■ “Our list price” ■ Below “manufacturer’s wholesale cost” ■ “Manufacturer’s cost” 	<input type="checkbox"/> Yes
12	<p>Businesses that sell goods and services must post a refund policy.</p> <p>Tip: A refund policy must be posted at each register, point of sale, or at each entrance.</p> <p>Tip: Even if the policy is not to give refunds, a sign must be posted stating “No Refunds.”</p>	<input type="checkbox"/> Yes
13	<p>The refund policy must state any and all conditions or limitations to getting a refund. For example:</p> <ul style="list-style-type: none"> ■ Businesses must disclose any fees charged for refunds, such as “restocking fees.” ■ If a business will not provide refunds for “as is” items, it must disclose that. ■ Businesses must also disclose whether the refund will be in cash, credit, or store credit only. ■ If proof of purchase is required for a refund, the sign must say so. ■ A business that chooses not to offer refunds must post a sign that states, “No Refund,” or words to that effect. ■ The sign must state that a written copy of the store’s refund policy is available on request. 	<input type="checkbox"/> Yes

Inspection Checklist: General Retail

	Requirement	Do you meet this requirement?
14	If there are limitations on using credit cards, such as minimum purchase amounts, the policy must be clearly posted near the register and the entrance.	<input type="checkbox"/> Yes
	Receipts	
15	Receipts must be given to customers for purchases over \$20 and upon request for purchases between \$5 and \$20. Tip: This does not apply to food and drink that is meant to be consumed on the premises.	<input type="checkbox"/> Yes
16	The receipt must include each of the following: <ul style="list-style-type: none"> ■ Date of purchase ■ Amount paid for each item ■ Total amount paid ■ Separate statement of tax ■ Name and address of store 	<input type="checkbox"/> Yes
17	Receipts for electronics that cost more than \$100 must also include the make and model number of the item.	<input type="checkbox"/> Yes
	Price Accuracy	
18	When items are scanned, the price must match the lowest item price, shelf price, sale price, or advertised price.	<input type="checkbox"/> Yes
19	If no scanners are used, the price at checkout must still match the lowest item price, shelf price, sale price, or advertised price.	<input type="checkbox"/> Yes
20	Tax cannot be charged on tax-exempt items. Tip: Check with the New York State Department of Taxation and Finance for a complete list of which items are exempt.	<input type="checkbox"/> Yes

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	Requirement	Do you meet this requirement?
	Layaway Plans	
21	<p>If layaway is offered, each of the following written disclosures must be provided to consumers prior to accepting any payments over \$50 in 4 installments or more:</p> <ul style="list-style-type: none"> ■ Description of the item, including name, brand, color, and model number ■ Total cost of the item including tax ■ Charge to use layaway and any cancellation fee ■ Duration of the layaway plan ■ Payment schedule and any consequences of missed payments ■ Refund policy ■ Notice of whether or not the item won't be removed from inventory until a certain number of payments have been made <p><i>Example 1:</i> NOTICE: NO MERCHANDISE WILL BE REMOVED FROM INVENTORY UNTIL X% OF THE PURCHASE PRICE HAS BEEN PAID.</p> <p><i>Example 2:</i> ATTENTION: YOUR SELECTION OF MERCHANDISE WILL NOT BE ORDERED UNTIL YOU HAVE MADE YOUR NEXT TO FINAL PAYMENT.</p>	<input type="checkbox"/> Yes
	Expired Over-the-counter Medication	
22	It is illegal to sell over-the-counter medication after the expiration date on the label.	<input type="checkbox"/> Yes