

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.

For your convenience, each Requirement includes the relevant section of law and/or rule, so you can refer to it for more information. The KEY below describes the legal citations and symbols used in this checklist.

KEY
NYC Code: NYC Administrative Code
RCNY: Rules of the City of New York
NYC Zoning Resolution
§: Section

Requirement	Do you meet this requirement?
License	
<p>1 A valid DCA Sidewalk Café license 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. <p>NYC Code §20-224(a)</p>	<input type="checkbox"/> Yes
<p>2 DCA's combined license and complaint sign must be posted where all customers can see it.</p> <p>6 RCNY §1-03(b)</p>	<input type="checkbox"/> Yes
<p>3 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> <p>NYC Code §20-226(g)(2), NYC Code §20-225(i)(2)</p>	<input type="checkbox"/> Yes
<p>4 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> <p>6 RCNY §2-52(a)</p>	<input type="checkbox"/> Yes

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Requirement		Do you meet this requirement?
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> <p>6 RCNY §2-52(d), §2-46(c)</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> <p>6 RCNY §2-53(a)</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> <p>6 RCNY §2-53(c)</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> <p>6 RCNY §2-53(d)</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> <p>6 RCNY §2-53(d)</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> <p>6 RCNY §2-57(f)</p>	<input type="checkbox"/> Yes
11	<p>Garbage cannot be placed or stored on the public sidewalk.</p> <p>6 RCNY §2-53(e)</p>	<input type="checkbox"/> Yes

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Requirement		Do you meet this requirement?
12	Musical instruments and speakers cannot be used in a sidewalk café. Tip: It is not a violation if music is being played inside the restaurant.	<input type="checkbox"/> Yes
	6 RCNY §2-53(f)	
13	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.	<input type="checkbox"/> Yes
	6 RCNY §2-53(b)(1)	
14	A non-skid ramp may be required if there is a change in grade. Tip: A non-skid surface is usually textured to prevent water buildup and includes concrete or a rubber mat.	<input type="checkbox"/> Yes
	6 RCNY §2-53(b)(2)	
The following only apply to small unenclosed sidewalk cafés (designated as “small” on the license):		
15	A small sidewalk café can only have a single row of tables and chairs set next to the building line.	<input type="checkbox"/> Yes
	NYC Zoning Resolution §14-30(a)	
16	There cannot be any furniture other than a single row of tables and chairs adjacent to the building.	<input type="checkbox"/> Yes
	NYC Zoning Resolution §14-30(a)	
17	There cannot be a railing, structure, or other form of a barrier between the café and the sidewalk.	<input type="checkbox"/> Yes
	NYC Zoning Resolution §14-30(b)	
18	There cannot be any overhead coverage other than a retractable awning that is affixed to the building. Tip: The retractable awning cannot extend more than 4 feet, 6 inches.	<input type="checkbox"/> Yes
	NYC Zoning Resolution §14-30(c)	
The following tips are for unenclosed sidewalk cafés (this includes “regular” and “small” sidewalk cafés) only:		
19	All sidewalk café furnishings must be moveable. Tables, chairs, decorative accessories, and approved heating units cannot be affixed to the ground or the café.	<input type="checkbox"/> Yes
	6 RCNY §2-55(a)	
20	Service to customers can only be within the designated sidewalk café area.	<input type="checkbox"/> Yes
	6 RCNY §2-55(a)	
21	There must be a 36-inch service aisle for the entire length of the tables that is separate from the 8-foot pedestrian path. 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. 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.	<input type="checkbox"/> Yes
	6 RCNY §2-55(a)	

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Requirement	Do you meet this requirement?
<p>22 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> <p>6 RCNY §2-55(a)</p>	<input type="checkbox"/> Yes
<p>23 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> <p>6 RCNY §2-55(a)</p>	<input type="checkbox"/> Yes
<p>24 The café floor cannot be uneven with the adjoining sidewalk.</p> <p>6 RCNY §2-55(b)</p>	<input type="checkbox"/> Yes
<p>25 The café floor cannot be covered by carpet, paint, grass, artificial turf, or any other surface cover.</p> <p>6 RCNY §2-55(b)</p>	<input type="checkbox"/> Yes
<p>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.</p> <p>6 RCNY §2-55(c)</p>	<input type="checkbox"/> Yes
<p>27 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 <p>6 RCNY §2-55(e)</p>	<input type="checkbox"/> Yes
<p>28 Heating units cannot be placed outside of the sidewalk café.</p> <p>6 RCNY §2-55(e)</p>	<input type="checkbox"/> Yes
<p>The following tips are for all sidewalk cafés:</p>	
<p>29 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> <p>6 RCNY §2-57(a)</p>	<input type="checkbox"/> Yes

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Requirement		Do you meet this requirement?
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
	NYC Code §20-224(e)	
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
	6 RCNY §2-57(g)	
32	If a menu is displayed outside, it cannot be larger than 3 square feet.	<input type="checkbox"/> Yes
	6 RCNY §2-57(g)	
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
	6 RCNY §2-57(g)	
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
	6 RCNY §2-57(h)	
35	The café cannot block the building's exit.	<input type="checkbox"/> Yes
	NYC Code §20-224(c)	
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
	NYC Code §20-226(g)(2), NYC Code §20-225(i)(2)	

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. For your convenience, each Requirement includes the relevant section of law and/or rule, so you can refer to it for more information. The KEY below describes the legal citations and symbols used in this checklist.

KEY
<p>NYC Code: NYC Administrative Code RCNY: Rules of the City of New York NY GBL: NY General Business Law §: Section</p>

Requirement	Do you meet this requirement?
Price Lists for Services	
<p>1 A price list must be displayed and include the following:</p> <ul style="list-style-type: none"> List of the type of services Minimum price for each service Conditions or variations of service that change the minimum price Range of additional charges caused by conditions or variations (e.g., \$10 pants, \$15 pants with pleats) (if the price is based on an hourly labor rate) Rate as dollars per hour <p>Tip: If the price list states a price “and up” or “from” — e.g., “\$5 and up” or “from \$5” — it must also state the reason(s) for the different prices and include the range of prices.</p> <p>6 RCNY §5-70(a)</p>	<input type="checkbox"/> Yes
<p>2 The price list must be clearly posted or clearly displayed at the place(s) where payment is made (e.g., near the cash register) and/or where orders are placed.</p> <p>6 RCNY §5-70(a)</p>	<input type="checkbox"/> Yes
<p>3 If there is a sale or promotion, the pre-sale prices must also be posted.</p> <p>NYC Code §20-750(b)</p>	<input type="checkbox"/> Yes
<p>4 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.</p> <p>NYC Code §20-750(c)</p>	<input type="checkbox"/> Yes
Pricing for Goods	
<p>5 All items offered for sale must show a price, exclusive of tax, as follows:</p> <ul style="list-style-type: none"> The price must be attached to the item by a stamp, tag, or label. OR The price must be stated on a sign that is plainly visible where the item is displayed. <p>NYC Code §20-708, NYC Code §20-708.1</p>	<input type="checkbox"/> Yes

Inspection Checklist: General Retail

Requirement	Do you meet this requirement?
<p>6 If your store’s annual revenue is more than \$2 million or you are a chain store, you must individually price each item, including food products, paper products, detergents, soaps, nonprescription drugs, and health and beauty aids.</p> <p><i>Exceptions:</i> The following items must be individually priced unless shelf prices and a price look-up function are provided:</p> <ul style="list-style-type: none"> • Milk • Items that are under 3 cubic inches in size, weigh less than 3 ounces, and cost under 1 dollar • Eggs • Fresh produce not packaged for retail sale • Products sold through a vending machine • Food sold for consumption on the premises • Snack foods offered for sale in single packages that weigh 5 ounces or less, e.g., cakes, gum, candies, chips, and nuts • Cigarettes, cigars, tobacco, and tobacco products • Food offered for sale in bulk • Frozen juice • Ice cream • Frozen foods packaged for final retail sale in plastic bags • Items on sale for 1 week or less, but only if they are located in a segregated display at the end of the aisle and the sale period, name of the product, and the advertised price are clearly posted on a sign at the point of display • Jars of baby food <p>NYC Code §20-708.1(b), NYC Code §20-708.1(c)</p>	<input type="checkbox"/> Yes
Signs	
<p>7 Sale signs that advertise a price range or percent discount—example: “Savings of 20 to 50%” or “20% to 50% off”—must state the minimum and maximum percentages in equal size.</p> <div style="text-align: center;">  </div> <p>6 RCNY §5-94(a)(1)</p>	<input type="checkbox"/> Yes

Inspection Checklist: General Retail

Requirement	Do you meet this requirement?
<p>8 Advertising, including 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” <p>6 RCNY §5-101</p>	<input type="checkbox"/> Yes
<p>9 Businesses that sell goods and services must post a refund policy sign.</p> <p>Tip: A refund policy sign must be posted at each register, point of sale, or entrance, or attached to each item.</p> <p>Tip: Even if the policy is not to give refunds, a sign must be posted stating “No Refunds.”</p> <p>Tip: The sign must state that a written copy of the store’s refund policy is available on request.</p> <p>6 RCNY §5-37; NY GBL §218-a</p>	
<p>10 The refund policy sign must state any and all conditions or limitations to getting a refund. For example, it must state:</p> <ul style="list-style-type: none"> • Any fees charged for refunds, such as “restocking fees” • If a refund will not be provided for “as is” or “sale” items • Whether the refund will be in cash, credit, or store credit only • If proof of purchase is required for a refund • If a refund will be provided at any time or within a specific period of time <p>6 RCNY §5-37; NY GBL §218-a</p>	<input type="checkbox"/> Yes
<p>11 If there are limitations on using credit cards, such as minimum purchase amounts, the policy must be clearly posted at or near each entrance and in all advertising that indicates credit cards are accepted.</p> <p>6 RCNY §5-24(b)</p>	
Receipts	
<p>12 Receipts must be given to customers for purchases over \$20 and upon request for purchases between \$5 and \$20.</p> <p>Tip: This does not apply to food and drink that is meant to be consumed on the premises.</p> <p>6 RCNY §5-32</p>	<input type="checkbox"/> Yes
<p>13 The receipt must include each of the following:</p> <ul style="list-style-type: none"> • Date of purchase • Amount paid for each item • Total amount paid • Separate statement of tax • Business name and address <p>6 RCNY §5-32(c)</p>	

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Requirement		Do you meet this requirement?
14	Receipts for audio, photographic, and video equipment that cost more than \$100 must also include the make and model number of the item.	<input type="checkbox"/> Yes
	6 RCNY §5-32(c)(5)	
Price Accuracy		
15	The price charged for an item at checkout, including scanned items, must not exceed the item's tagged, stamped, or marked price, shelf price, sale price, or advertised price.	<input type="checkbox"/> Yes
	NYC Code §20-708.1(d), NYC Code §20-708.1(e)	
16	Tax cannot be charged on tax-exempt items. Tip: Examples of tax-exempt items include but are not limited to: feminine hygiene products, canned vegetables, baby food, clothing under \$110, diapers, nonprescription or over-the-counter drugs, contraceptives. 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
	6 RCNY §5-41	
Layaway Plans		
17	A "layaway plan" means a purchase over \$50 where consumers agree to pay for the purchase in 4 or more installments before getting the merchandise. If a layaway plan is offered, each of the following written disclosures must be provided to consumers prior to accepting any payments: <ul style="list-style-type: none"> • Description of the item, including name of manufacturer, brand name, color, size, style, or model number • Total cost of the item, including tax, installation, delivery, or freight charges • Any charge to use layaway, including any service charge, carrying charge, or cancellation fee • Duration of the layaway plan • Payment schedule and any consequences of missed payments • Refund policy regarding the payments • Notice of where the item is being stored, if other than the place of purchase, or if the item will not be removed from inventory until additional payments are 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
	6 RCNY §5-23; NY GBL §396-t	

Inspection Checklist: General Retail

Requirement	Do you meet this requirement?
Expired Over-the-counter Medication	
18 It is illegal to sell over-the-counter medication after the expiration date on the label. NYC Code §20-822(a)	<input type="checkbox"/> Yes
Cash Payments	
19 Your store cannot refuse to accept cash payments from consumers. <i>Exceptions:</i> <ul style="list-style-type: none"> • Your store may refuse bills above \$20. • Your store may refuse cash payments for telephone, mail, or internet-based transactions, unless the transaction takes place in the store. • Your store may accept prepaid cards from an on-site device that converts cash into prepaid cards, but only if: <ul style="list-style-type: none"> – The device does not charge a fee for the prepaid card or require a minimum deposit above \$1. – Upon request, the device provides the consumer with a receipt stating the amount of cash the consumer deposited onto the prepaid card. – Cash deposits onto the prepaid card do not expire. – There is no limit on the number of transactions a consumer can complete with the prepaid card. <p>You must clearly post a sign on or immediately next to the device when it is not working that states your store is required to accept cash payments and consumers may report violations by calling 311.</p> NYC Code §20-840	<input type="checkbox"/> Yes
20 Your store cannot charge a consumer who pays in cash a higher price for the same “consumer commodity” than a consumer who pays by credit card or other cashless transaction. <p style="text-align: center;">Tip: “Consumer commodity” means any article, good, merchandise, product, or commodity of any kind that is produced, distributed, or offered for retail sale.</p> NYC Code §20-840(c)	<input type="checkbox"/> Yes