



**Development & Emergency
Services Department**

Realty Services

2nd Floor, Victoriaville Civic Centre
111 Syndicate Avenue S., P.O. Box 800
THUNDER BAY, ON P7C 5K4

Tel: (807) 625-2527 Fax: (807) 623-9344

2023 PATIO APPLICATION

Street (Parking Lane) Patio (No Structure)

For 2023, in cases where the following criteria are met, tables may be placed directly on the street surface:

- a) the curb height is 150mm (from street surface to sidewalk surface);
- b) the speed limit is 50kph or less;
- c) there is one driving lane in the applicable direction; and
- d) an accessible ramp is provided by the applicant (see ramp detail on website)
- e) occupant load will not be surpassed; and
- f) able to provide liability insurance (in accordance with the attached certificate of insurance)

If your situation meets these criteria, please complete this application as instructed.

Application Administration Fee \$340.00 plus HST = \$384.20

Please return the completed application form and attachments to Realty Services by email to lisa.zawadzki@thunderbay.ca or by fax to (807) 623-9344 – Please include the business address with your cheque and mail it to above address. Questions regarding completion of the application can be directed to (807) 625-2527.

(PLEASE PRINT CLEARLY)

APPLICANT: _____ DATE: _____ 2023

TELEPHONE # _____ FAX# _____ EMAIL: _____

NAME OF PROPERTY OWNER: _____
(If different from Applicant)

BUSINESS NAME: _____

ADDRESS OF BUSINESS: _____

MAILING ADDRESS *(If different from above)*: _____

CITY: _____ POSTAL CODE: _____

EATING EST. LICENCE NUMBER: _____ Expiry Date: _____

LIQUOR LICENCE NUMBER: _____ Expiry Date: _____

BRIEF DESCRIPTION OF STREET SURFACE/PARKING LANE PATIO: _____

This Application and all prerequisites **must** be submitted to Realty Services for approval. Upon the application and submissions being approved, the applicant will be required to enter into a licence agreement.

PREREQUISITES:

- Site plan of the proposed temporary parking lane patio must indicate the dimensions of the sidewalk, parking spaces, height of the curb (any curb cuts), business width, location of the entrance to the business, distance to hydrants, any boulevard trees, parking meters, nearest intersections, and any other pertinent features (see Criteria Guidelines & Checklist attached).
- Written confirmation that occupant load (establishment and patio) will not be increased over the posted occupancy at any time during the applicable term of this agreement. Note: Occupancy requirements may change in accordance with public health and workplace safety measures under the colour-coded response framework.
- If applicable, Endorsement signed by the appropriate BIA or BA confirming its support of the application, which includes a copy of either the Minutes of the Board Meeting or Resolution passed by the Board.
- Applicants will need to arrange for final inspection with both Fire and Realty Services prior to opening for business.
- Insurance Certificate in accordance with the City's standard form attached.
- A valid and current Certificate issued by the Workplace Safety and Insurance Board.

Patio Delineation - Perimeter Protection: Traffic Barriers

The applicant is responsible for delineating the patio and providing proper perimeter protection including traffic barriers as set out in the 2023 guidelines.

The City has a limited supply of traffic barriers, curb stops, available to loan and may agree to provide a certain number to the Applicant depending on availability and projected demand at the time of request. The applicant will be responsible to reimburse the City for the cost of delivery and pick up.

If approved, a Licence Agreement will be prepared and forwarded to the Applicant for execution. Upon receipt of the executed Agreement and a completed Certificate of Insurance, the Agreement will then be executed by the General Manager, Development and Emergency Services Department, and a fully executed copy will be forwarded to the Applicant.

Signature of Applicant

Signature of Property Owner

STREET SURFACE/PARKING LANE PATIO GUIDELINES 2023

Eligibility

This program is available to owners of licensed food establishments/restaurants (and retailers in 2023).

Applications are to be submitted by the business owner (with the consent of the owner of the building if not the same). Patios within BIA and BA areas must have the written support of the BIA or BA. Patios located outside those areas will require the written support of abutting property owners abutting the proposed patio location.

Patio Details

- The Patio size may extend the length of the Restaurant and width of the ****parking space****. Permission may be granted for the Patio to project beyond the parking lane where a 3.2 m minimum width driving lane can be maintained.
- A maximum of 4 (full or partial) parking spots are to be impacted.
- The patio must be delineated from the publicly travelled street and sidewalk. Line of demarcation can be by a self-supported railing, posts with rope, temporary pavement marking or other vertical barrier system. Details are to be provided by Applicant.
- A minimum 1.1 m path of egress must be maintained within the patio.
- Any patio end railings must include reflectors for night safety.
- No railing may be anchored to the parking space or sidewalk.
- The patio must be removed on or before September 30, 2023.
- Patio furniture must be movable, but sturdy and heavy enough to withstand expected winds without becoming a hazard.
- The patio shall have no permanent electrical power.
- Patios may not be used to increase the maximum occupant load of the relevant building.
- Concrete jersey or water-filled jersey barriers are to be provided on either side of the Patio facing oncoming traffic. Perimeter protection including barriers, concrete curb stops, heavy planters (no less than 300lb) must be placed along its length at a max 1m spacing. Barriers are encouraged to be screened by incorporated planters or similar. (No advertising is permitted on the barriers.) The City has a limited supply of barriers available and may agree to provide a certain number of barriers to the Applicant depending on availability and projected demand at the time of request (at full cost recovery to the City). Traffic barriers will require night reflectors.
- Any umbrellas must stand at least 2.1m (7ft) above the walking surface;
- A fire extinguisher (minimum 2A-10BC) must be available within 15.2 m (50ft) of any part of the patio;

- CSA-certified electric or propane patio heaters (with max 20lb tank) are permitted where located at least 3m (10ft) away from tree branches, operated per the manufacturer's directions and not stored on the road right-of-way/sidewalk when not in use. Solid-, gel- or liquid-fuel fire features are not permitted; and
- The Chief Building Official is authorized to inspect all temporary patios and require adjustments to the patio in order to address compliance with these Guidelines.
- Final inspections (Engineering and Fire) will be required prior to the opening and operation of the patio.

Location

- Patios cannot obstruct fire hydrants, fire connections, or Fire Rescue access to the building. Patios cannot obstruct drainage, specifically gutter and catch basins must remain unobstructed.
- Patios generally cannot obstruct Transit stops. However, the City may consider moving transit stops.
- Patios cannot be located at the end of a merge lane.
- Patios may not be located in accessible parking spaces or loading zones or where access to those spaces may be impacted without an exemption from the City.
- Patios must be a minimum of 9 m from an intersection and 15 m from a signalized intersection unless within an existing metered parking space.
- Patios must not obstruct sightlines for traffic entering the street.
- Generally, Patios must not obstruct bike lanes. Where there is sufficient width, the City may consider permitting patios to obstruct a portion of the bike lanes.

General

- The Applicant must enter into an agreement with the City and provide the necessary insurance.
- Any public complaints will be logged and forwarded to the Applicant to rectify. Responsibility for the Patio shall be wholly with the Applicant and at the Applicants expense.
- The City will not be required to pay for any work or supply any equipment to make public lands more suitable for the proposed Patio.
- The Applicant shall be responsible for maintaining the appearance of the Patio and any furniture or fixtures. Applicant shall ensure that no litter, garbage or similar accumulates on or around the Patio.
- The City of Thunder Bay shall maintain the right to enter the licensed lands in order to carry out repairs or maintenance to municipal infrastructure and for the purposes of inspection. The Licencee shall be responsible for removing its improvements to allow for such repairs and maintenance.
- In order to be considered eligible, no outstanding taxes and fines shall remain unpaid at the application due date.
- The Applicant shall meet all requirements of the Thunder Bay District Health Unit, Alcohol and Gaming Commission of Ontario, and other regulatory agencies as applicable.

- The Applicant shall obtain and maintain all licences, permits and certificates that may be required for or in connection with the business including but not limited to the Alcohol and Gaming Commission of Ontario, if applicable.
- The Applicant shall provide their liquor license and/or landlord consent, if requested by the City.
- The Applicant shall comply with the requirements of every applicable statute, law, and ordinance, and with every applicable lawful regulation and order including the requirements of the City's Noise By-law, the Smoke-Free Ontario Act and Municipal Smoking Prohibition By-law.
- The Applicant shall comply with and shall ensure its staff, volunteers and invitees comply, with all applicable federal, provincial, municipal and Thunder Bay District Health Unit laws, regulations, policies, directions and recommendations.

Accessibility

- A minimum of 20 per cent of the tables that are provided must be accessible to persons using mobility aids by having knee and toe clearance underneath the table and in no case shall there be fewer than one table in an outdoor public use eating area that meets this requirement.
- The ground surface leading to and under tables that are accessible to persons using mobility aids must be level, firm and stable.
- Tables that are accessible to persons using mobility aids must have clear ground space around them that allows for a forward approach to the tables. O. Reg. 413/12, s. 6

Checklist for Site Plan Parking Lane Patio 2023

Please Check all that apply.

- SITE PLAN** to show & dimension the following:
 - The patio area, delineation detail, signage and night reflectors
 - Table and seating layout and any other furniture/fixtures including separation distances
 - Width of existing sidewalk and parking lanes
 - Number and location of barriers (end barriers must include reflectors for night safety)
 - Ramp per provided detail (available on City's website)
 - Unobstructed sidewalk walkway (Minimum 1.5 m wide)
 - Path of patio egress (Minimum 1.1 m)
 - Accessibility details
 - Boulevard trees, guards and shrubs
 - Parking meters
 - Distance to closest intersections
 - Parking spots impacted by patio (max 4)
 - Any barrier free parking stalls within proposed patio area
 - Bike lanes
 - Identify any nearby transit stops
 - Any loading spaces
 - Fire connections & hydrants
 - Drainage facilities (i.e., gutters, manholes & catch basins)
 - Curb height at gutter and height difference between the top of the curb and asphalt at the end of the ramp



Development & Emergency Services Department
 Realty Service Division
 2nd Floor, Victoriaville Civic Centre
 111 Syndicate Avenue S., P.O. Box 800
 THUNDER BAY, ON P7C 5K4

Tel: (807) 625-3199 Fax: (807) 625-2977
 Website: www.thunderbay.ca/realty

PROOF OF LIABILITY INSURANCE WILL BE ACCEPTED ON THIS FORM ONLY

CERTIFICATE OF INSURANCE

COMMERCIAL

Contract/Agreement/Permit No.: _____ Municipal Address: _____

Legal Description: _____

As per the description of property on the Agreement

FULL NAME OF INSURED(S) AND FULL MAILING ADDRESS(ES): _____
(Purchaser, Lessee, Licensee or Owner)

and THE CORPORATION OF THE CITY OF THUNDER BAY AS AN ADDITIONAL INSURED ONLY WITH RESPECT TO COMMERCIAL GENERAL LIABILITY.

POLICY	COMPANY & POLICY NO.	DATE		LIMITS OF LIABILITY
		EFFECTIVE	EXPIRATION	
GENERAL LIABILITY BODILY INJURY PROPERTY DAMAGE				Minimum Requirement: \$5,000,000.00 <i>Inclusive Per Occurrence</i>
AUTO LIABILITY (if applicable) (Must cover all vehicles owned by or operated by or on behalf of the Insured(s)) BODILY INJURY PROPERTY DAMAGE				Minimum Requirement: <i>Inclusive Per Occurrence</i>
OTHER (Describe):				
DEDUCTIBLE:				

IMPORTANT: This Certificate confirms that the Policies listed above are in full force and effect and that these Policies will not be amended to restrict coverage or cancelled without thirty (30) days prior written notice being given to The Corporation of the City of Thunder Bay, and further that the General Liability Policy listed above includes all coverages outlined under (1) and (2) below, and includes coverage under (3) as follows:

GENERAL LIABILITY COVERAGE INCLUDES: (Check all that apply that are included in Commercial General Liability Policy)

- Cross Liability Clause
- Broad Form Property Damage
- Completed Operations
- Non-owned Automobile Liability
- Blanket Contractual Liability
- Host Liquor Liability
- Personal Injury Liability

**OTHER:
(Please explain)**

Date

Name of Insurance Company (Not Brokers)

Address of Insurance Company OR
Address of Broker

By _____
AUTHORIZED REPRESENTATIVE OR
OFFICIAL (Sign)

AUTHORIZED REPRESENTATIVE OR
OFFICIAL (Print)