



**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 APPLICATION

Pop-Up Patio with Structure

For 2023, in cases where the following criteria are met, a wooden structure may be placed directly on the City’s sidewalk and or street surface:

- a) able to design and construct an approved structure to be flush with the sidewalk, in accordance with the guidelines provided
- b) the speed limit is 50kph or less;
- c) there is one driving lane in the applicable direction;
- d) able to remove the wooden structure from the City land by September 30, 2023;
- e) confirm that 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 – 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 REQUESTED CITY OWNED LAND: _____

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 and an elevation plan, both to scale, of the proposed Pop-up Patio. The plan must indicate the construction materials to be used, structural details, 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) and shall include a description of the type furniture.
- 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.
- Construction/Assembly details must be provided to the City including name of contractor assembling/disassembling the patio, dates of construction/disassembly, confirmation that contractor has WSIB coverage, and liability insurance. (City's Certificate of Insurance is attached)
- Applicants will need to arrange for final inspections with both Fire and Engineering 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.

Barriers/Curb Stops/Traffic Cones

The City has a limited supply of traffic barriers, blocks, curb-stops & traffic cones 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 would be responsible 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

POP-UP-PATIO (WITH STRUCTURE) GUIDELINES 2023

Eligibility

A Pop-Up Patio is a seasonal patio utilizing either wooden structure as the seating area or as a boardwalk to move pedestrians around the patio area.

The Pop-Up Patios may be located on a sidewalk, within the parking lane on an open and travelled street (or a combination thereof).

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

Applications are to be submitted by the Restaurant 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 pop-up 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.
- Patios must be flush with the sidewalk and curb with a smooth transition so as not to provide a trip hazard, and flooring must be made of a non-slip surface.
- Patios must be enclosed with a self-supported, railing or other vertical barrier system, with a minimum height of 1.06 m.
- A minimum 1.1 m path of egress must be maintained within the patio.
- Patios must be designed to maintain an unobstructed sidewalk walkway of a minimum of 1.5 m wide (minor encroachments may be permitted in special circumstances).
- Patio end railings must include reflectors for night safety.
- No patio or railing may be anchored to the parking space or sidewalk.
- The Pop-up 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.
- Patios must be temporary in nature.
- The Patio shall have no permanent electrical power.
- Patios may not be used to increase the maximum occupant load of the relevant building without a professional review (see checklist) and obtaining clearance from the Building Services Division. A review is not required if total occupant load remains unchanged once the patio seating is added.

- Concrete jersey or water-filled jersey barriers are to be provided on either side of the Patio as a vehicle barrier (max of 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).
- Drawings for the Patio structure are to be certified by a Structural Engineer for safety and load bearing else, pre-approved drawing(s) which may be used are available on the website.
- A stamped Engineer's Confirmation Letter for safety and load bearing prior to the opening and operation of the patio.
- Final inspections (Engineering and Fire) will be required prior to the opening and operation of the patio.
- 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 or sidewalk when not in use. Solid-, gel- or liquid-fuel fire features are not permitted.
- 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.

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.
- Patios must be a minimum 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 must 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 and will abide by the Ontario Guidelines for restaurant and food services health and safety during COVID-19;
- 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, including, but not limited to, ensuring observance of social/physical distancing, with respect to the Covid-19 pandemic and generally which includes the arranging of tables and chairs so that a minimum distance of 2m (6ft) is maintained between groups or patrons.

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 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

The above referenced Guidelines, as well as additional information, resources and links are available on the City's website at: www.thunderbay.ca/patio



Checklist for Site Plan and Elevation Plan Pop-Up Patio 2023

- SITE PLAN** to show & dimension the following:
 - The patio area, delineation detail (for sidewalk portion), signage and night reflectors
 - Existing and expected occupant load for the business
 - Table and seating layout and any other furniture/fixtures including separation distances
 - Width of existing sidewalk and parking lanes
 - Proposed Patio, construction materials, structural details, transition detail, colors
 - Number and location of barriers (end barriers must include reflectors for night safety)
 - Construction materials and structural details for railings, platforms and any ramps
 - Engineer's Certificate for safety and load bearing of the Patio (**if not using the supplied design**)
 - Unobstructed sidewalk walkway (Minimum 1.5 m wide)
 - Number and location of barriers (end barriers must include reflectors for night safety)
 - 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)
 - Barrier free parking stalls affected by Patio
 - Bike lanes
 - Identify any nearby transit stops
 - Any loading spaces
 - Fire connections & hydrants
 - Drainage facilities (i.e., gutters, manholes & catch basins)

- ELEVATION PLAN** to show & dimension the following:
 - Curb height at gutter
 - Existing building, including entrances, windows, etc.
 - Entrances to and exists from patio
 - Patio railings (Minimum 1.06 m)
 - Elevation of Patio and existing sidewalk.
 - Skirting around the Patio must allow for drainage
 - Any catch basins

OWNER/APPLICANT INSURANCE:



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)

CONTRACTOR INSURANCE

CERTIFICATE OF INSURANCE

PROOF OF LIABILITY INSURANCE WILL BE ACCEPTED ON THIS FORM ONLY

Contract Number _____ Description of Contract: _____

Address: _____

NAME & ADDRESS OF INSURED: (Contractor) _____

AND THE CORPORATION OF THE CITY OF THUNDER BAY AND All Sub-Contractors of either employed directly or in the work to be performed.

POLICY	COMPANY & POLICY NO.	DATE		LIMITS OF LIABILITY
		EFFECTIVE	EXPIRATION	
GENERAL LIABILITY BODILY INJURY PROPERTY DAMAGE				Minimum Requirement \$5,000,000.00 Inclusive Per Occurrence
AUTOMOBILE LIABILITY Must cover all vehicles owned by or operated by or on behalf of (Contractor) BODILY INJURY PROPERTY DAMAGE				Minimum Requirement \$5,000,000.00 Inclusive Per Occurrence
OTHER: (Describe) ASBESTOS LIABILITY				Minimum Requirement \$2,000,000

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, as set out in this Certificate, 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 coverages under (3) as follows:

GENERAL LIABILITY COVERAGE INCLUDES:

- (1) Cross Liability Clause
- (2)
 - (i) Completed operations, which cover shall be maintained continuously in force for a period of not less than twenty-four months from the date of the Certificate of Total Performance of the Work
 - (ii) Blanket Contractual Liability
 - (iii) Contingent Employee Liability
 - (iv) Non-owned Automobile Liability
 - (v) Broad Form Property Damage
 - (vi) Excavation
- (3) Where Applicable, includes coverage for:
 - (i) Underpinning, Shoring
 - (ii) Demolition
 - (iii) Building Raising or Moving
 - (iv) Blasting or the Use of Explosive
 - (v) Tunneling
 - (vi) Pile Driving, Caisson Work
 - (vii) Use of Aircraft or Watercraft, Owned or Non-owned.

DATE _____ 20 _____

 NAME OF INSURANCE COMPANY (NOT BROKER)

 ADDRESS OF INSURANCE COMPANY OR NAME & ADDRESS OF BROKER

BY: _____
 AUTHORIZED REPRESENTATIVE OR OFFICIAL OF BROKER