

# 2021 APPLICATION

## Temporary Use of City Owned Land for Sidewalk Patio

***Please return the completed application form and attachments to Realty Services by email to [lisa.zawadzki@thunderbay.ca](mailto:lisa.zawadzki@thunderbay.ca) or by fax to (807) 623-9344 – questions regarding completion of the application can be directed to (807) 625-2527 or (807) 625-2991***

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(PLEASE PRINT CLEARLY)

APPLICANT: \_\_\_\_\_ DATE: \_\_\_\_\_ 2021.

TELEPHONE # \_\_\_\_\_ FAX# \_\_\_\_\_ EMAIL: \_\_\_\_\_

BUSINESS NAME: \_\_\_\_\_  
(If different from Applicant)

ADDRESS OF BUSINESS: \_\_\_\_\_

MAILING ADDRESS (If different from above): \_\_\_\_\_

CITY: \_\_\_\_\_ POSTAL CODE: \_\_\_\_\_

EATING EST. LICENCE NUMBER: \_\_\_\_\_ Expiry Date: \_\_\_\_\_

BRIEF DESCRIPTION OF REQUESTED CITY OWNED LAND: \_\_\_\_\_

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This completed Application, together with the following, **must** be submitted to Realty Services prior to approving the preparation of the requested Licence Agreement for an Outdoor Patio:

- Site plan of the proposed Sidewalk Patio. The plan must indicate the dimensions of the sidewalk, business width, location of the entrance(s), distance to hydrants, any boulevard trees, parking meters, and any other pertinent features (see Criteria Guidelines & Checklist attached).
- Insurance Certificate in accordance with the City's standard form attached.
- A valid and current Certificate issued by the Workplace Safety and Insurance Board.
- 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.

Note: The City has a limited supply of picnic tables 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 agrees to complete the City's credit application form and to be responsible for any damage or loss to the equipment.

- Yes, I am interested in borrowing picnic tables and request an application form. (for 2021 only)

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.

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**Signature of Applicant**

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**Signature of Property Owner**

# SIDEWALK OR HARD SURFACE LAND PATIO / BISTRO (NO STRUCTURE) GUIDELINES 2021

## Eligibility

This program is available to owners of licensed food establishments/restaurants (and retailers in 2021).

Applications are to be submitted by the business owner (with the consent of the owner of the building if not the same).

## Patio Details

- The Patio size may extend the length of the Restaurant and beyond with permission of the abutting business owners.
- The Patio must be delineated from the publicly travelled portion of the 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.
- Per COVID-19 regs, 2m is required between backs of chairs
- Any Patio end railings must include reflectors for night safety.
- No railing may be anchored to the parking space or sidewalk (accessibility ramps excepted).
- The Patio must be removed on or before October 15, 2021.
- 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.
- 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; and
- 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 when not in use. Solid-gel or liquid-fuel fire features are not permitted.

## Location

- Patios cannot obstruct fire hydrants, fire connections, or Fire Rescue access to the building.
- Patios generally cannot obstruct Transit stops. However, the City may consider moving transit stops.

## 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 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 less 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

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

## Checklist for Sidewalk Patio

- SITE PLAN** to show & dimension the following:
  - Location of the Patio area (show business and access to business with measurements)
  - Width of sidewalk
  - Number of Tables and Chairs and proposed seating layout including other furniture/fixtures
  - Ends of length of Patio must contain some sort of visual warning for people with low vision or blindness.
  - Description of delineation method used (ie. Posts and rope, posts and rail, tape, etc.)
  - Unobstructed sidewalk walkway (Minimum 1.5 m wide)
  - Boulevard trees, guards and shrubs, light posts, poles, parking meters, hydrants, etc.
  
- ADDITIONAL INFORMATION:**
  - Completed Certificate Insurance (Form on next page)
  - Written confirmation that occupant load will not be increased by added patio seating
  - WSIB Certificate
  - Eating Establishment Licence Number
  - If the Applicant is a tenant, permission from the Landlord is required



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) <small>(Must cover all vehicles owned by or operated by or on behalf of the Insured(s))</small> 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)