

SIDEWALK PATIO APPLICATION

Temporary Use of City Owned Land for Sidewalk Patio

In cases where the following criteria are met, tables may be placed directly on the sidewalk surface:

- a) able to allow an unobstructed pedestrian path around the sidewalk patio of 1.5m;
- b) occupant load will not be surpassed; and
- c) 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.

****Please refer to the "Fee" section on the Patio website www.thunderbay.ca/patio for current application/administration fees.**

Please return the completed application form and attachments to Realty Services by: email to buildthunderbay@thunderbay.ca, in person to 2nd Floor, Victoriaville Civic Centre, 111 Syndicate Avenue South, mail to PO Box 800, Thunder Bay, ON P7E 5V3 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) 622-8453.

(PLEASE PRINT CLEARLY)

APPLICANT: _____ DATE: _____

TELEPHONE # _____ CEL# _____ EMAIL: _____

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 SIDEWALK PATIO /BISTRO: _____

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: by checking the boxes below you confirm that you have or will meet the prerequisites

- ☐ A site plan of the proposed temporary parking lane patio must illustrate the dimensions of the sidewalk, size and number of parking spaces, height of the curb (any curb cuts), business width, location of the entrance to the business, distance to hydrants, boulevard trees, parking meters, location of nearest intersections, and any other pertinent features (see Criteria Guidelines & Checklist attached).
- ☐ By checking this box, you confirm that the occupant load (establishment and patio) will not exceed the posted occupancy at any time during the applicable term of the patio licence agreement.
- ☐ By checking this box, you confirm that you have consulted with and received approval from the appropriate BIA or BA confirming its support of this application.
- ☐ By checking this box, you confirm that you have consulted with Fire on the patio design and confirmed with Fire if a final inspection will be required prior to opening.
- ☐ Insurance Certificate is to be provided with liability insurance of not less than 5 million. City is to be named as a third party insured.
- ☐ A Certificate issued by the Workplace Safety and Insurance Board is to be provided and will be valid during the entire term of the patio licence agreement.
- ☐ I acknowledge that the patio is not to open for business until the licence agreement has been signed, all prerequisites have been met, and Realty Services has provided its consent.

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

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

Eligibility

This program is available to owners of licensed food establishments/restaurants and retailers.

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.

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Patio Details

- The Patio size may extend the length of the Restaurant and beyond – ONLY 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.
- Any Patio end railings must include reflectors for night safety.
- No railing or fence may be anchored to the parking space or sidewalk.
- The Patio must be removed on or before September 30th.
- 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 establishment.
- 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 and or building awnings per the manufacturer's directions and not stored on the City's road right-of-way or sidewalk when not in use. Solid-gel or liquid-fuel fire features are not permitted.
- Patio may not be used for cooking or preparing food. Alcohol service must be controlled from the main establishment.

Location

- Patios cannot obstruct fire hydrants, fire connections, or Fire Rescue access to the building.

Application for Sidewalk or Bistro Patio

- Patios generally cannot obstruct Transit stops. However, the City may consider moving transit stops during the Patio season.
- Patios must not obstruct sightlines for traffic entering the street.

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 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.
- 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.
- 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 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***

Checklist for Sidewalk Patio

☐ **SITE PLAN** to show & dimension the following:

- *Location of the Patio area (show business and access to business with measurements)
- *Sidewalk measurements including unobstructed sidewalk walkway (Minimum 1.5 m wide)
- *Number of tables and chairs and proposed seating layout including other furniture/fixtures
- *Patio must contain some sort of visual warning for oncoming people with low vision or blindness.
- *Description of delineation method used (ie. posts and rope, portable fence and rail, etc.)
- *Location of transit stops, boulevard trees, planters, guards/bollards, light posts, poles, parking meters, hydrants, etc.

☐ **ADDITIONAL INFORMATION:**

- *Insurance Certificate of not less than \$5m in general commercial liability insurance naming the City of Thunder Bay as an additional insured.
- *Written confirmation that occupant load will not be increased by added patio seating.
- *WSIB Certificate
- *If the Applicant is a tenant, permission from the Landlord is required.