

Patio and Sidewalk Café Permit Application

Schedule A of By-Law 69-2020 Being a By-law to suspend certain provisions of By-law 126 -2019 and By-law 136-2019 until November 15, 2020 outlines the policy and procedure in place for regulating Patios and Sidewalk Cafes. **All patios encroaching on municipal property require a Patio/Café Permit.**

It is the goal of the Municipality of Bluewater to support Bluewater restaurant businesses during the time of the Covid-19 pandemic and the requirement for physical distancing restrictions while acknowledging the culture of dining and drinking on patios in the open air during fair weather.

Patio/Café permits issued under By-Law 69-2020 expire November 15, 2020. The Patio must be installed and operated by the Applicant. A Patio/Café Permit shall not be transferred or assigned by the applicant in any manner whatsoever. Patio/Café Permits will be restricted to eating and drinking establishments located on the ground floor of the abutting building. Only food and beverages prepared and served from the abutting eating establishment are permitted. No outdoor food preparation or service facilities are permitted within the encroaching Patio area. Patios must ensure the Permitted area is in compliance with the Alcohol and Gaming Commission of Ontario (AGCO) requirements and all other applicable law. The Patio may be operated during the regular and usual times the business is open and smoking is not permitted as per the Huron County Smoke Free By-Law.

A Certificate of Insurance must be provided prior to receiving approval for any encroachment agreement. The amount of comprehensive general liability insurance required is \$2 million per occurrence and the policy MUST name the Corporation of the Municipality of Bluewater as an additional insured. The policy is to include non-owned automobile liability, personal injury, broad form property damage, contractual liability, owners and contractor's protective, completed operations, contingent employers' liability, cross liability and severability of interest clauses. The policy will not be cancelled or permitted to lapse unless the insurer notifies the Municipality in writing at least thirty (30) days prior to the date of cancellation or expiry.

The following documents are required as part of the application process:

- Patio and Sidewalk Café Permit Application
- Certificate of Insurance
- Site Plan detailing location and demonstrating proper setbacks and boundaries as described in the Conditions and Regulations of Schedule "A" to By-Law 69-2020 (available on the Municipal website)
- Copy of liquor licence if applicable
- Other documents as requested by the Municipality

Patio and Sidewalk Café Permission will be granted at the discretion of the Manager of Public Works or their designate and may be revoked at any time. Failure to submit a complete application package, including all supporting documents, may result in significant processing delays or the rejection of your permit request. It is the responsibility of the applicant to familiarize themselves with and abide by the Conditions and Regulations provided in By-Law 69-2020.

The approved permit must be kept onsite at all times and presented to Municipal officials on request.

Installation Summary

This summary is not a replacement for the full text of the by-law. Applicants are responsible for reviewing the full by-law to ensure their patio/café is in compliance.

Sidewalk Cafés

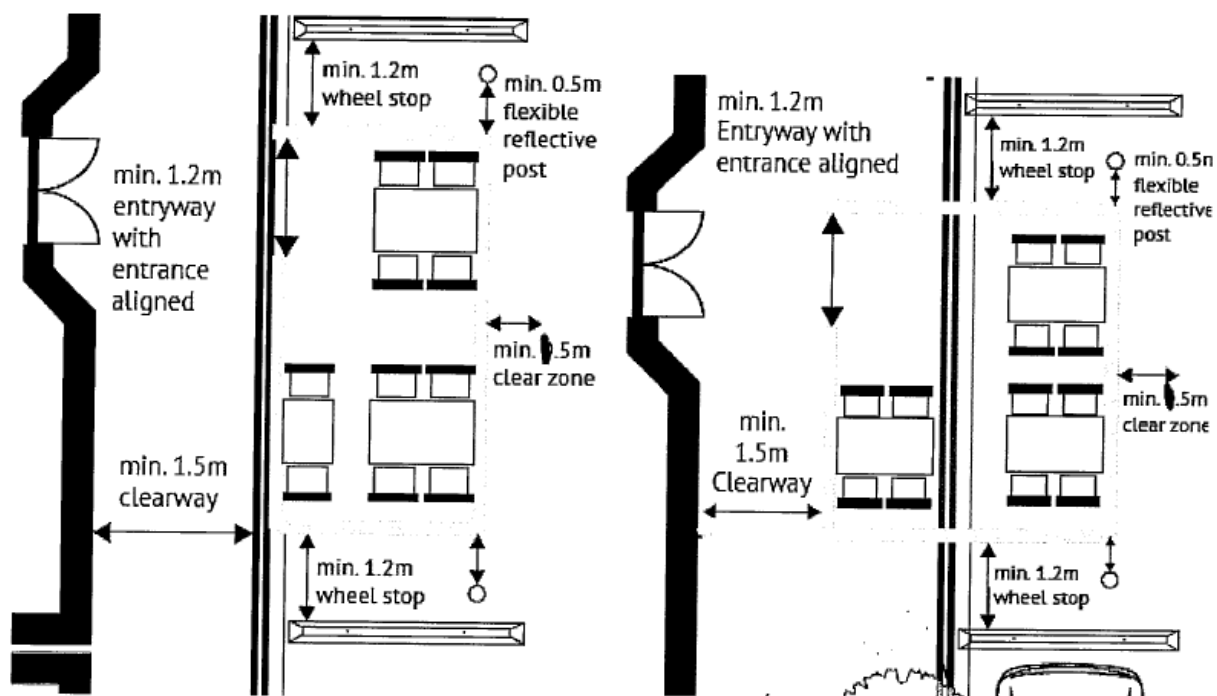
- Single row, tables and chairs up against the building face or other structure at the property line.
- Cafés cannot be enclosed by any railing or fencing.
- Alcohol shall not be served or taken into or onto the sidewalk café by guests for consumption.
- Tables, chairs, umbrellas and any moveable structures such as heaters placed in the café area must be able to be taken in at the end of each business day and stored within the building but must not block access to exits.

Patios Occupying Parking Spaces

- Seating capacity space to abide by social distancing recommendations and Provincial Legislation.
- The area of any patio may exceed the interior floor area of the abutting restaurant but may not extend onto the adjacent business frontage. A patio may take up more than one parking space as long as the spaces are directly in front of the business occupying the parking spaces and the patio is not extending into adjacent business frontages or blocking laneways.
- Patios/Cafes are not permitted near commercial loading zones or pedestrian crossing areas.
- The permitted area may not be used for any other use such as parking, advertising, signs etc.
- If a patio/café is to be located within 25 m (80 ft.) of a residence on a property zoned Residential, live or amplified music is not permitted. Live or amplified music is permitted according to the requirements of the Noise By-law as long as the Patio/Café is not within 25 m (80 ft.) of a residence on a property zoned Residential.
- Patios will not be permitted in locations where the Manager of Public Works feels sight lines at intersections are obstructed, operational issues are caused, or safety hazards to the public and/or patrons are created.
- 1.5 m (5 ft.) of sidewalk must be free for pedestrian access and a minimum of 1.5 m (5 ft.) clear path to the entrance of the restaurant must be maintained.
- The permitted area must be setback a minimum of 1.5 m (5 ft.) from a fire hydrant.
- The outside edge of the patio must be at least 1.5m from the travel lane, creating a 1.5m clear zone, or otherwise approved by the Manager of Public Works. If a bump line is used, at least 2m from the travel portion of the road must be recognized.
- At each end of the parking space, wheel stops must be placed 1.2 m from the edge of patio to provide a buffer from the next parking stall.
- Patios must have flexible reflective posts, at least 1.2m high, placed 0.5 m from both corners of the patio which are in the roadway. The reflective elements should be in line with the edge of the patio that is parallel to the travel lane.
- Boundary identifiers must be present and comply with AGCO and Provincial requirements
- Guardrails must be designed and attached in a manner to resist a concentrated load at any point of not less than 1 kN.
- Guardrail must be designed and attached in a manner to resist a uniformly distributed load of 0.75 kN/m.
- Open guardrails are encouraged to reduce the risk of high winds using the guardrail to move the patio structure. Openings through the guardrail shall be of a size that will prevent the passage of a spherical object having a diameter of 100mm.
- Umbrellas or awnings located within the permitted area must provide a minimum vertical clearance of 2.0 m (6 ft.) above grade.
- Use of planters, flower boxes or other landscaping features within the permitted area is encouraged.

- No items relating to a patio may be affixed to a tree.
- Lighting should be designed to contribute to the appearance and ambiance of the patio as well as provide safety. Overhead lighting must comply with darksky.org standards.
- Power cables should not extend on or over the pedestrian path to avoid creating tripping hazards.
- During the permit period, applicants must ensure that all patio furniture is neatly stacked and/or safely secured after business closing time each evening. The patio must be kept in a safe, tidy and clean condition at all times including the removal of any graffiti or posters. Trash must be removed. The condition of the patio items such as fencing, umbrellas, tables and chairs must be maintained or repaired as necessary.

Below is a sample illustration of a patio/café occupying a parking space:



PERMIT #:							
GENERAL INFORMATION <hr/> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Business Name</td> <td style="width: 50%;">Business Phone</td> </tr> <tr> <td>Number</td> <td>Street</td> </tr> <tr> <td>Town</td> <td>Roll Number</td> </tr> </table>	Business Name	Business Phone	Number	Street	Town	Roll Number	OWNER/APPLICANT <hr/> Name <hr/> Address <hr/> City/Town Prov. Postal Code <hr/> Daytime Phone After Hours/Emergency Phone <hr/> Email <hr/>
Business Name	Business Phone						
Number	Street						
Town	Roll Number						
OFFICE USE ONLY <p>Application Date: _____</p> <p>Application for: <input type="checkbox"/> Sidewalk Café <input type="checkbox"/> Patio</p> <p>Any property zoned residential within 25m (80ft)? <input type="checkbox"/> Y <input type="checkbox"/> N If yes, no live or amplified music permitted.</p> <p>Date Site Inspected: _____</p> <p>Inspected By: _____</p> <p style="text-align: center;"><input type="checkbox"/> Approved <input type="checkbox"/> Not Approved</p> <p>Signature: _____</p>	REQUIRED DOCUMENTS RECEIVED: <ul style="list-style-type: none"> <input type="checkbox"/> Application Request <input type="checkbox"/> Site Plan of proposed patio/sidewalk café including all elements to be included as part of the patio (sample available in by-law) <input type="checkbox"/> Certificate of Insurance in the amount of \$2 million naming the Municipality of Bluewater as an additional insured. (See by-law) <input type="checkbox"/> Copy of liquor license if applicable <input type="checkbox"/> Other <p>-----</p> <p>-----</p>						
Site Plan: To be Completed by Applicant (attach separate page if needed)							
<p>Note: The outside edge of the patio must be at least 1.5 m from the travel lane creating a 1.5 m clear zone.</p>	<ul style="list-style-type: none"> • Indicate location of existing buildings, driveways, commercial loading zones, fire hydrants, sidewalks and roads. • Indicate measurement of building frontage. • Indicate measurement of space to be occupied by patio/sidewalk café. • Indicate 911 numbers on adjacent lots. • Indicate distance from travel lane, location of wheel stops, location of reflective posts, guardrails, etc. • Indicate extent of fencing/barricades. 						

Describe type of barricades, lighting, etc.

The undersigned hereby applies for a permit to operate a sidewalk café or patio in accordance with the conditions and regulations outlined in By-Law 69-2020. The undersigned acknowledges that should the Applicant fail to comply with the terms, conditions, and regulations of a permit or the policy as outlined in By-Law 69-2020, the Manager of Public Works or their designate may require the Applicant to remove the Patio or Sidewalk Café and cease the encroachment. If the Applicant fails to comply with a request within 24 hours of notification, the Encroachment Removal policy applies. The undersigned agrees that the issuance of a permit does not relieve the owner/applicant of the responsibility to comply with all relevant municipal and provincial standards, by-laws, codes, and applicable legislation. It is understood that all installations will be constructed, altered, maintained, or operated at the expense of the undersigned and/or the owner, and that work shall not begin before a permit has been issued by the Municipality.

I /we the applicant(s), our heirs, executors, administrators, successors and assigns hereby agree to observe, keep and perform and be subject to the regulations and conditions of the said permit and to indemnify and save harmless the Municipality and its employees, from and against all loss, cost, charges, damages, expenses, claims and demands whatsoever to which we may be put to or which the Municipality of Bluewater may be liable by reason of anything done or omitted to be done in the construction, maintenance, alteration or operation of the works authorized.

This permit expires November 15, 2020 unless otherwise indicated by the Municipality of Bluewater.

OWNER or AUTHORIZED APPLICANT _____ **DATE** _____
(MM/DD/YYYY)

ALL CONDITIONS ARE SUBJECT TO REVISION AS NECESSARY. ANY REQUIRED REPAIRS TO MUNICIPAL PROPERTY SHALL BE EQUAL OR SUPERIOR TO THE ORIGINAL CONDITION.