

Application for Temporary Patio During COVID-19

Application for Approval for a Temporary Patio

This application requests a temporary outdoor patio permitted to operate up to and including January 1 of the year following submission. The temporary status is in response to the need for Covid-19 recovery initiatives to enable restaurants, bars and similar food and beverage businesses to serve patrons outdoors while indoor capacity is reduced due to public health measures required for Covid-19.

Conditions of Approval and Inspection

Should this application be approved, occupancy is permitted on the date of the approval subject to the conditions of approval (e.g. compliance with the approved patio plan and any conditions that may apply). Inspection will follow after approval and, should the temporary outdoor patio not pass the inspection, the approval may be suspended, and occupancy may be prohibited until such time as compliance is achieved to the satisfaction of the City.

Term of Approval

Should this application be approved, the approval will automatically lapse on January 1 of next year at 3 a.m.

Conversion of a Temporary Outdoor Patio to a Permanent Patio

Should the applicant want to convert an approved Temporary Outdoor Patio to a permanent patio after January 1 of next year, a separate application is required and the standards, terms and conditions may vary from those applicable to a Temporary Outdoor Patio.

1. Legal Name of Business

2. Name of the Contact Person for the Business and relationship (i.e. Owner, Manager etc.). Must have legal authority to represent the business.

3. Address

4. Email

5. Phone

6. Is the Address in 3 above the location of the proposed temporary outdoor patio?

a) Yes No

b) If No, please provide the address for the proposed temporary outdoor patio.

7. Is the proposed temporary outdoor patio located **on private property**

a) Yes No

b) If Yes, are you the owner of the property where the temporary outdoor patio is proposed?

Yes No

c) If No to 7. b) above, please provide a letter from the Owner of the property authorizing you to apply for a temporary outdoor patio (see attached as Appendix 2).

8. Is the proposed temporary outdoor patio located **on public property** (City sidewalk, public parking space etc.)

a) Yes No

b) If Yes, you are required to submit a Certificate of Insurance including all matters outlined in Appendix 4.

c) If Yes, does the patio extend in front of an adjacent property or business?

Yes No

d) If Yes to 8. c) above, please provide a letter from the Owner of the property/business authorizing the patio extension (see attached as Appendix 3).

9. Do you have a valid business license from the City?

a) Yes No

b) Business License Number: _____

If No, your application for a temporary outdoor patio will be delayed pending the issuance of a valid business license from the City. Please refer to the [City's website](#) for further information on obtaining a business license.

10. Do you have a valid Liquor License from the Alcohol and Gaming Commission (AGCO)?

a) Yes No

b) If you are licensed by AGCO:

i. Include a copy of your current license

ii. Is the proposed temporary outdoor patio a reallocation of some or all of your licensed seats from inside to outside (no increase in total seating capacity licensed by AGCO)?

Yes No

iii. If No, please advise how many more seats are proposed within the temporary outdoor patio, that exceed the existing licenced seating capacity from AGCO

iv. Identify the number of licensed seats

Proposed Inside _____

Proposed Outside _____

TOTAL _____

v. AGCO requires a minimum of 1.1 sq. metres per person for occupancy within a licensed temporary outdoor patio. Do you comply with this requirement?

Yes No

If No, you will have to redesign the proposed temporary outdoor patio to comply with this requirement.

c) If you are not licensed by AGCO:

i. Identify the number of seats

Proposed Inside _____

Proposed Outside _____

TOTAL _____

ii. Do you intend to serve alcoholic beverages on your proposed patio?

Yes

No

ii. If Yes, your application for a temporary outdoor patio will be delayed pending the issuance of a valid liquor license from the AGCO. Please refer to the [AGCO's website](#) for further information on obtaining a liquor license.

11. Include a plan **to scale and in metric**, outlining the layout of the proposed temporary outdoor patio. Please refer to the City's Guidelines for Temporary Patios During COVID-19, the Site Plan Checklist, and Example Plan.

The plan needs to be dated and signed by the person who prepared the plan.

12. Review, and if accepted, sign the acknowledgements (Appendix 1).

This application is considered incomplete without the required plan and acknowledgments and will not be accepted, reviewed, or approved until such time as a plan acceptable to the City is submitted and the acknowledgments have been completed.

DECLARATION

I, _____ of the City of _____,
solemnly declare that:

I have legal authority to represent the Business and that all statements contained in this application are true, and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as it made under oath and by virtue of the Canada Evidence Act.

The personal information collected herein is collected under the authority of Municipal Act, 2001 and will be used by and disclosed to any person or public body for the purposes of processing this application, enforcing the conditions of this permit and all applicable laws referenced in the permit, and for all related administrative purposes. This collection of personal information is authorized by the Municipal Act, 2001. Any questions related to this collection of personal information may be directed to the City Clerk.

Name of Applicant

Position/Title

Signature

Date

Owners Authorization, if applicable

If you are not the owner of the lands, please provide a letter from the owner granting the applicant authorization to apply for a temporary outdoor patio (Appendix 2).

Questions regarding this application may be directed to the following:

temporarypatios@stcatharines.ca

Appendix 1 Acknowledgements

Appendix 2 Property Owner's Letter of Authorization

Appendix 3 Adjacent Business' Letter of Authorization

Appendix 4 Certificate of Insurance Requirements

Appendix 1: Acknowledgements

Noise

>30 m from Residential Zone

Amplified noise, including but not limited to the use of musical instruments, or other mechanical or electrical music equipment, and dancing, theatrical performances or audiovisual presentations, music concerts and shows, shall not be permitted in areas designated for a commercial patio between the hours of 11 p.m. and 7 a.m. (in accordance with the City of St. Catharines Noise By-law 95-198, as amended).

<30 m from Residential Zone

Amplified noise, including but not limited to the use of musical instruments, or other mechanical or electrical music equipment, and dancing, theatrical performances or audiovisual presentations, music concerts and shows, shall not be permitted in areas designated for a commercial patio.

Lighting

Lighting illuminating a commercial patio shall be arranged so as to deflect light away from all adjoining uses and streets

Use of candles is not permitted

Encroachments

At no time shall any part of the patio, including seating, planters, umbrellas, extend beyond the limits of the patio and into an active path of travel for either vehicles, pedestrians or cyclists.

Fire

No person shall obstruct or cause a fire hydrant to be obstructed

No person shall obstruct or cause a fire department connection to be obstructed

No person shall obstruct or cause an emergency exit to be obstructed

Building

A minimum 1.1. m access aisle shall be provided at all times from the open sidewalk to the building and all hydrants and fire department connections.

Municipal Right-of-Way

No person shall dig up, cut or otherwise damage a highway or sidewalk or remove any asphalt, concrete, gravel, grass, turf, sod, earth, shrub or plant from the highway or sidewalk.

No person shall damage, destroy or, without lawful authority, remove any utility pole, light standard, hydrant or other object or structure that is located on a highway or sidewalk.

No person shall block or obstruct a highway by any means, or obstruct or construct a drain, ditch, gutter or watercourse on a highway.

No person or group of persons shall obstruct a sidewalk or private entrance in such a manner as to impede the free movement of pedestrians on that sidewalk or private entrance or to pose a danger to the safety of other persons using the sidewalk, private entrance or other parts of the highway. It is the responsibility of the business to ensure that a minimum 2.4 metre wide clear path is maintained at all times for the sidewalk.

No person shall deposit any sand, gravel, earth, stone, wood, coal or other material, substance or object on a highway or sidewalk.

No person shall deposit any glass, nails, tacks, scrap metal, handbills, notices, advertisements, litter, debris, rubbish, refuse or waste on a highway or sidewalk, except in receptacles provided for this purpose or in accordance with the applicable by-law or by-laws regulating the collection, removal and disposal of waste.

No person shall, either directly or indirectly, discharge or cause or permit the discharge or deposit of any prohibited substance into a land drainage works located on a highway. The City may remove any material or object deposited by a person on a highway at the expense of that person.

Social Distancing

It is the responsibility of the Owner/Operator to ensure that social distancing, in accordance with Provincial guidelines, is maintained within the patio area.

Inspection

The subject patio can be inspected by Staff at any time and if the Commercial Patio is found to be operating contrary to any of the above, the City may require that operations cease until staff are satisfied that all requirements have been met.

Owner/Applicant _____ Date: _____

Appendix 2: Property Owner's Letter of Authorization

If the applicant is not the owner of the land that is subject of this application, the authorization set out below must be completed by the owner(s). All registered owners must complete the authorization form for it to be valid.

Please Note: If the owner is a Corporation, the application must be signed by an officer of the Corporation and the Corporation's SEAL (if any) should be affixed OR the words, "I have the authority to bind the Corporation" may be printed under the signing officer's name instead of affixing the Corporate seal.

I / We, the undersigned, being the registered owner(s) of the land that is subject to this application

Property Owner's Name(s)

(Legal description and/or municipal address)

Hereby authorize

First Name Last Name Company (if applicable)

To make this application on the property known municipally as

For which I am/we are the registered owner(s).

Signature _____ Date _____

Appendix 3: Adjacent Business' Letter of Authorization

If the applicant's proposed patio is shown to extend in front of an adjacent property or business, not owned by the applicant, the authorization set out below must be completed by the adjacent business owner(s). All registered owners must complete the authorization form for it to be valid.

Please Note: If the owner is a Corporation, the application must be signed by an officer of the Corporation and the Corporation's SEAL (if any) should be affixed OR the words, "I have the authority to bind the Corporation" may be printed under the signing officer's name instead of affixing the Corporate seal.

I / We, the undersigned, being the registered owner(s) of the following

Company Name (if applicable)

Owner's Name(s)

(Legal description and/or municipal address)

Hereby acknowledge that the adjacent business has proposed a patio within the public right of way, which will extend in front of my business, and offer no objections to this proposal.

First Name

Last Name

Company (if applicable)

Signature _____ Date _____

Appendix 4: Certificate of Insurance Requirements

A valid Certificate of Insurance must be written on the comprehensive basis and contain the following:

- Name of Insurer (the insurance company);
- Policy number and Term of Policy;
- Type of Policy: General Liability Policy containing public liability and property damage insurance including personal injury liability, blanket contractual liability, non-owned automobile liability, products-completed operations and employers liability, with respect to the Licensed Area and the Permit Holder's use of the Licensed Area, with coverage including the activities and operations conducted by the Permit Holder and those for whom the Permit Holder is in law responsible and containing a severability of interests clause and cross-liability clause;
- Limit of Policy: \$5 million per occurrence;
- Named Insured (must be the organization that is listed as the organizer and participating businesses in the Outdoor Patio Permit application);
- Description of Outdoor Patio and activities to be insured;
- Dates of Outdoor Patio operation (include set up and take down dates);
- Location of Outdoor Patio (i.e. road closure, list of all roads that are being used, alleyway, etc.);
- The Corporation of the City of St. Catharines is added as an 'Additional Insured';
- Outdoor Patio that include alcohol must reference a Host Liquor Liability endorsement;
- A provision requiring that at least thirty (30) days' written notice be given to the City in the event that such insurance coverage is terminated or changed in any manner; and
- Signature of insurance provider or broker.