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Alliston, Ontario L9R 1A1

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705-435-3900 or 905-729-0057

## Curbside Temporary Restaurant Patio Application Package

### PROGRAM OVERVIEW

The Town of New Tecumseth's Temporary Restaurant Patio Program (TRPP) provides restaurants with an opportunity to establish or expand patio spaces to take advantage of the summer weather and offer safe outdoor dining space to their customers.

The TRPP has two streams; one for curbside patios on the municipal sidewalk at restaurants that front onto municipal roadways and a second for patios on restaurants' private property.

Through the Curbside stream of the TRPP, patios can operate on the sidewalk immediately in front of the participating restaurant. Pedestrian traffic flow is maintained through the installation of temporary "bump-out" sidewalk structures located on some on-street parking spaces where required or by adjusting the pedestrian flow pathway where the permanent sidewalk is sufficiently wide enough to allow for both the patio and pedestrian movement. Participating restaurants are required to enter into an Encroachment Agreement with The Corporation of the Town of New Tecumseth in order to utilize the municipal sidewalk for a patio space. Vehicular traffic flow on the municipal roadway cannot be impeded or altered to accommodate the patio space's operation.

Specific operational requirements and eligibility considerations are outlined in detail in this application package.

To assist restaurant owners in their recovery from the economic impacts of the COVID-19 pandemic, no municipal fees are applicable in 2021. Participating restaurants are responsible for all costs associated with accommodating and operating the physical patio space such as barriers (including the bump-out sidewalk structures and accompanying traffic barriers), tables, chairs, and shade provision.

**This application form must be completed in its entirety and submitted to the Town for consideration at least three (3) weeks prior to the proposed installation date.**

Complete and accurate submissions are required to ensure that the file can be processed. **Incomplete or inaccurate applications will be returned to the applicant for re-submission.** Except for required signatures, answers must be typed or neatly printed in dark ink, suitable for reproduction. All sections must be completed or marked "N/A" (not applicable), as the case may be.

**If at any time you have questions or concerns regarding your application, please contact the Economic Development Office at [ecdev@newtecumseth.ca](mailto:ecdev@newtecumseth.ca) or 705-435-3900, Ext. 1230.**

## CURBSIDE TEMPORARY RESTAURANT PATIO APPLICATION CHECKLIST

The following documents are required for the review and/ approval of a Temporary Restaurant Patio at a curbside location in the Town of New Tecumseth. If all items listed below are not submitted, the processing of the application may be delayed or considered incomplete and returned to the applicant.

- [ ] Signed copy of the Application Form.
  - The Curbside Temporary Restaurant Patio Application Form is to be completed in full and signed by the applicant.
- [ ] Approval from the property owner.
  - The General Conditions (see pages 5-8) must be signed by both the applicant and the property owner.
- [ ] Site Specific Conceptual Site Plan Drawing.
  - See page 9 for information requirements.
  - See page 10 for site plan drawing template.
- [ ] Professional Engineers Certificate
  - A professional structural engineer must stamp and sign the design of:
    - the temporary “bump-out” sidewalk for safety and load-bearing design.
    - the physical traffic barrier/buffer.
- [ ] Copy of the establishment’s Certificate of Inspection from the Simcoe Muskoka District Health Unit.
- [ ] Copy of the Alcohol and Gaming Commission of Ontario (AGCO) liquor license for the principle establishment and temporary patio area (if applicable).
- [ ] Copy of a Certificate of Insurance indicating current Commercial General Liability insurance that includes:
  - General Liability Insurance from an insurer licensed in the Province of Ontario for a minimum of \$2,000,000 per occurrence with an aggregate limit of no less than \$5,000,000 to the Corporation of the Town of New Tecumseth against any liability for property damage or personal injury, negligence including death, which may arise from the applicants’ operation under this agreement;
  - Cross Liability and Severability Clauses and Products and Completed Operations coverage including a standard contractual liability endorsement; and
  - The Corporation of the Town of New Tecumseth named as an “additional named insured”.
- [ ] Execution of an Encroachment Agreement with The Corporation of the Town of New Tecumseth.
  - To be addressed following the successful completion of the items shown above.

## FEE SCHEDULE

To support the local business community in response to the COVID-19 pandemic, no municipal fees will be charged for the 2021 season.

## CURBSIDE TEMPORARY RESTAURANT PATIO APPLICATION FORM

*Please print if completing by hand.*

Application Date:	Town Representative: <b>Economic Development Office</b>
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### APPLICANT (BUSINESS) INFORMATION

Operating Name of Business:	Registered Name of Business:
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Municipal Address:
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Business Phone Number:	Business Email Address:
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Applicant Name:	
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#### 24-Hour Contact 1:

#### 24-Hour Contact 2:

Name:	Name:
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Phone Number:	Phone Number:
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Email Address:	Email Address:
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### PROPERTY OWNER INFORMATION

Name:	Mailing Address:
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Phone Number:	
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Email Address:	
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### CONTRACTOR'S INFORMATION

Name:	Mailing Address:
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Phone Number:	
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Email Address:	
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*Application form continues on next page.*

ACTIVITY INFORMATION		
Occupancy Type:  <b>Curbside Temporary Restaurant Patio on Municipal Sidewalk</b> <input type="checkbox"/> with Temporary “Bump-Out” Sidewalk Structure <input type="checkbox"/> with adjusted 1.8m wide pedestrian pathway on permanent municipal sidewalk	Date of Installation:  <b>No earlier than April 15<sup>th</sup> and subject to approval from the Town of New Tecumseth pending anticipated completion of winter operations and annual spring maintenance activities.</b>	Date of Removal (Deadline):  <b>No later than November 15<sup>th</sup> or upon request from the Town of New Tecumseth to accommodate winter operations activities.</b>
Width of Sidewalk Occupied (in metres):	Length of Sidewalk Occupied (in metres):	Number of Parking Spaces Occupied (if applicable):
AGREEMENT		
I, THE UNDERSIGNED, HAVE READ AND UNDERSTOOD THE INFORMATION PROVIDED AND AGREE TO ABIDE BY ALL GENERAL CONDITIONS, SPECIAL PROVISIONS AND ALL CONDITIONS LISTED IN THIS PERMIT APPLICATION PACKAGE, AND PERMIT <i>IF</i> ISSUED.		
<b>Authorized Representative</b>		
	<i>Signature</i>	<i>Date</i>

## **CURBSIDE TEMPORARY RESTAURANT PATIO GENERAL CONDITIONS**

I/We hereby make application to The Town of New Tecumseth (The “Town”) for a Permit to occupy a portion of the Municipal Road Allowance (the “Road Allowance”) for the purpose described and hereby agree to abide by the terms and the conditions established on the permit. I/We agree to assume all liability and/or cost incurred by the Town as a result of the temporary restaurant patio and associated occupancy of the Road Allowance to maintain the identified Permit area and to indemnify and save harmless the Town until final completion of the Permit activity.

1. Any person or persons intending to occupy a portion of the Road Allowance for any purpose, including a portion of the sidewalk, boulevard, or on-street parking must first receive permission from the Town.
2. Applications must be submitted to the Town in advance of the patio’s installation and operation. Please ensure all information is included in the application. Incomplete applications will not be accepted.
3. Permission to install a Temporary Restaurant Patio for the 2021 season does not entitle a business/person to any right or expectation to be able to install a patio in subsequent seasons.
4. Temporary Restaurant Patios will not be installed before April 15<sup>th</sup> and will be removed no later than November 15<sup>th</sup> of each year.
5. The applicant acknowledges that the Town’s Winter Operation Period is in effect from November 1<sup>st</sup> through April 30<sup>th</sup> each year and that spring maintenance activities (e.g. street sweeping, sidewalk flushing, etc.) can extend until June. The applicant assumes responsibility for any maintenance activities (e.g. removal of snow, sand, debris, etc.) that are unable to be completed by the municipality due to the presence of a Temporary Restaurant Patio and “bump-out” sidewalk structure (if required) during these roads maintenance activity periods.
6. The applicant assumes all maintenance and liability for the Temporary Restaurant Patio structure and “bump-out” sidewalk structure (if required), and may be required to undertake alterations or repairs as required by the Town to maintain safety and accessibility.
7. The Town retains the right to access the Temporary Restaurant Patio and/or temporary “bump-out” sidewalk structure (if required) if needed for maintenance or necessary access to Town property.
8. Permission to operate the Temporary Restaurant Patio and occupy the Road Allowance becomes null and void if the applicant should fail to meet the requirements set out in this application and other applicable documents, in which case, the Town will have the right to take any action it deems necessary to repair the patio structure or to reinstate the site to its original condition for public protection at the expense of the applicant. In all cases the decision of the Town is final.
9. No business will be eligible to operate a Temporary Restaurant Patio unless the business is in compliance with all Town by-laws and requirements (e.g. Noise By-law, Sign By-law).
10. Applications must be accompanied with a conceptual site plan that describes and depicts all underground and above grade utilities, drainage flows and municipal fixtures such as fire hydrants, parking meters, trees and grates, catch basins, manholes, etc. Certain proposed patios may not be

permitted due to required access to utilities or their proximity. Applicants will be required to demonstrate that no municipal fixture or utility is being impacted and how the drainage flow is maintained. In the event that a fixture or utility appears to be impacted, written approval is required from the agency or department responsible for the fixture or utility.

11. The Temporary Restaurant Patio shall be constructed and maintained by the applicant as per the construction guidelines and must be compliant with the [Accessibility for Ontarians with Disabilities Act \(AODA\)](#).
12. Electrical power cords or any devices that cross any travelled portion of the property are not permitted.
13. Temporary Restaurant Patio furnishings, fences, and other Temporary Restaurant Patio improvements must be removable and not permanently fixed in place. All objects must be contained within the approved patio area and removed during the off-season or after the patio ceases operation.
14. All municipal property, including the sidewalk, roadway, lighting, or other features will be returned to their initial condition and any damages repaired to the satisfaction of the Town. Damages not repaired by the applicant will be repaired or replaced by the Town at the applicant's cost. Any costs, expenses or liabilities incurred by the Town as set out above may be collected by the Town from the Applicant in the same manner as municipal taxes.
15. Proposed Temporary Restaurant Patios at-grade or those that are not structurally supported are not subject to the *Building Code Act 1992*. However, proposed Temporary Restaurant Patios that are elevated and require structural support are subject to the Building and Zoning Department review and applicable fees.
16. Any proposed Temporary Restaurant Patio at a corner lot where sight lines may be impacted must be accompanied by a traffic engineering analysis that reviews sight lines and ensures that the patio, temporary "bump-out" sidewalk, and any furniture, fencing, etc., will not negatively impact vehicle travel and sight lines within the intersection. Due to circumstances, certain proposed patios may not be permitted due to the proximity of the patio to the intersection and the maintenance of safe sight lines.
17. Any proposed Temporary Restaurant Patio is not to impact accessible on-street parking spaces. Due to the circumstances, certain proposed patios may not be permitted due to the presence of an accessible on-street parking space.
18. Any proposed Temporary Restaurant Patio must maintain a minimum passable sidewalk width of 1.8m at all times to ensure accessibility for pedestrians. Should this minimum passable sidewalk width not be possible, the applicant must install a temporary "bump-out" sidewalk structure to maintain pedestrian movement.
19. All temporary "bump-out" sidewalk structures extending onto the on-street parking area must be at least 1.8m in width, be structurally designed and certified, and be preapproved by the Town. Minimum requirements for the temporary "bump-out" structures are as follows:
  - Design loads for any portion of the structure are 100psf live load and 15psf dead load.
  - All construction shall conform to OHSA.
  - All frame and post members to be 2" x 2" x 1/8" HSS.

- All plates shall conform to CSA Standard G40.21 300W Grade and 350W for HSS sections.
  - All fasteners shall be ASTM A307 friction bolts.
  - All welding electrodes shall be low hydrogen E70XX classification or equivalent.
  - Framing to bear on wood blocking placed longitudinally at even spacing.
  - Railing wall to be contractor's choice of material.
20. All temporary "bump-out" sidewalks extending onto the on-street parking area require the placement of a physical traffic barrier/buffer flower box placed parallel to the triangular section of temporary "bump-out" sidewalk structure on the upstream side. The flower box is to be structurally designed and certified, and be preapproved by the Town. Minimum requirements for the flower box barrier are as follows:
- Dimensions are to be 4 feet long by 3 feet high by 16 inches wide.
  - All frame and post members to be 2" x 2" x 1/8" HSS.
  - All fasteners shall be ASTM A307 friction bolts.
  - All welding electrodes shall be low hydrogen E70XX classification or equivalent.
  - Must contain 200kg of fill (i.e. sandbags)
  - Railing wall to be contractor's choice of material.
  - Soil and plant life are the responsibility of the applicant.
21. All temporary "bump-out" sidewalks and associated physical traffic barriers/buffers must include satisfactory delineation of the structure within the Road Allowance (e.g. fluorescent and reflective markers).
22. The patios and/or temporary "bump-out" sidewalk structures must allow for safe, unrestricted maintenance activities, including the ability for the Town's litter-vacs to safely traverse the space. The litter vacs utilized by the Town are 102" long, 46" wide, have an 18" turning radius, and have a gross vehicle weight rating (GVWR) of 2,600 lbs.
23. The delineation of the Temporary Restaurant Patio:
- Must include a barrier to form a fully enclosed perimeter;
  - Must meet the requirements of the Alcohol and Gaming Commission of Ontario (AGCO), if applicable, and must be not less than 1.07 metres in height as per AGCO regulations;
  - Cannot be anchored into the paving stones or sidewalk;
  - Shall be supported by metal foot plates and shall not be designed to penetrate the surface of the sidewalks (i.e. no bolts/brackets). Alternative supports must be used such as planters, weights, etc;
  - Shall not extend past the permit area, or be attached to trees, street elements or utilities.
24. No bicycles, strollers, etc. are permitted to be chained or locked onto a temporary "bump-out" sidewalk or outdoor patio fencing.
25. Open guardrails are encouraged to reduce the risk of high winds using the guardrail to move the Temporary Restaurant Patio structure. Self-supporting plates shall have no parts of the fence create a trip hazard and do not project beyond the limits of the permit area.
26. Regular waste collection is not to be negatively impacted by the installation of an on-street temporary sidewalk. Waste for regular collection is to be placed to the side of the patio on the sidewalk and not in front of the patio on the Road Allowance.

27. If a Liquor License is desired by the business owner, it is administered through the AGCO and not the Town. Through the AGCO approval process, the Town is circulated in the review of the application. The Town requires a minimum of 2.5 weeks to review the license application process. The application and issuance of a Liquor License is a separate process from the application for a Temporary Restaurant Patio. However, an approved AGCO liquor license or an application for a license for the Patio is required to be submitted at the time of application for the Patio.
28. The business must operate in compliance with all provincial orders, guidelines, frameworks, and public health restrictions applicable to the restaurant industry related to infectious disease control measures.
29. The undersigned acknowledge and agree that it is the sole responsibility of the undersigned to put in place and enforce the Provincial Health Restriction requirements as set out above. As a result, the undersigned hereby agree to indemnify and save harmless The Town of New Tecumseth from any and all liability howsoever arising from the implementation of this Temporary Restaurant Patio Program application.

### AGREEMENT

<b>Applicants' Authorized Representative</b>		
	<i>Signature</i>	<i>Date</i>
<b>Property Owner or Authorized Representative</b>		
	<i>Signature</i>	<i>Date</i>

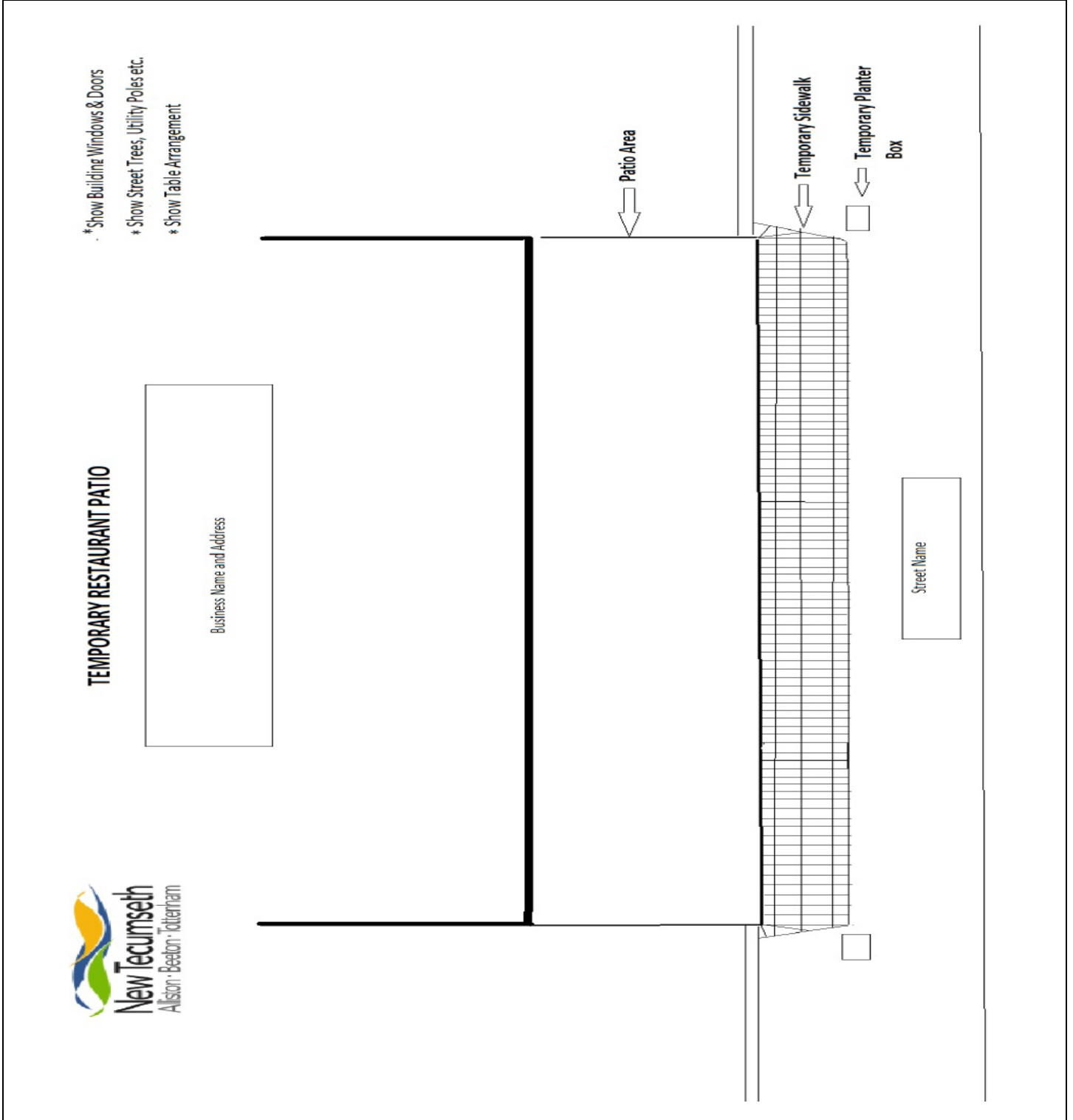


## **CURBSIDE TEMPORARY RESTAURANT PATIO SITE PLAN REQUIRED INFORMATION**

Temporary Restaurant Patio permit applications must be accompanied with a conceptual site plan drawing. The applicant can utilize the template provided on the following page or submit their own drawing that provides the following minimum information:

1. Location and dimension of the building establishment, its entrances and exits, and washrooms;
2. Location and use of any adjacent buildings and its/their the entrances and exits;
3. Location and dimension of the patio and its entrances and exits;
4. Area of the patio (in square metres);
5. Location and dimension of any enclosures, umbrellas/tents, awnings, etc.;
6. Location, height, and construction material to be used for the boundary fence, gate location and width of gate(s);
7. Location of fire extinguishers;
8. Location of table, chairs, bars, stages, etc.;
9. Expected occupant load;
10. Temporary sidewalk design, location and dimensions, construction material and Engineers Certificate for safety and load bearing, and number of on-street parking spaces required.
11. Location of ALL municipal services and/or assets within the Patio or close proximity (e.g. location of curbs, municipal parking spaces to be utilized, parking meters, sidewalk, hydrants, storm sewer grates, manholes, trees and diameter of trees etc.), all below grade and above grade utilities including below grade chambers/vaults and hydro poles fire hydrants, along with distances between the Patio and services/fixtures. Also identify whether any public street fixtures/furniture is required to be removed or relocated to accommodate the design. Additional fees may apply for removal or re-location;
12. The construction and design shall consider the following matters to be addressed on the site plan:
  - a. Location of services such as hydro, water and gas;
  - b. Railing installation, height, construction;
  - c. Affect on public sidewalk;
  - d. Accessibility;
  - e. Installation of any other fixtures to premises or lands;
  - f. Maintenance of Town improvements, such as trees and shrubs;
  - g. Liquor License requirements;
  - h. Road Right-of-Way requirements.

## CURBSIDE TEMPORARY RESTAURANT PATIO SITE PLAN TEMPLATE



**DEPARTMENTAL CHECKLIST**

*Office Use Only*

<b>Application Form</b>		
Date Received:		Received by:
<b>Property Owner Approval</b>		
Date Received:		Received by:
<b>Conceptual Site Plan Drawings</b>		
Date Received:		Received by:
<b>Professional Engineers Certificate</b>		
Date Received:		Received by:
<b>Simcoe Muskoka District Health Unit Certificate of Inspection</b>		
Date Received:		Received by:
<b>Alcohol and Gaming Commission of Ontario Liquor License</b>		
Date Received:		Received by:
<b>Certificate of Insurance</b>		
Date Received:		Received by:
<b>Encroachment Agreement</b>		
Date Received:		Received by: