



Centre Wellington

## SIDEWALK PATIO AND SIDEWALK CAFÉ PERMIT

Modified by: John Gaddy	Effective Date:	Page: 1 of 2
Approved by: Colin Baker	Revision #	Document ID: XXXXXX

### General Information

Name of Owner:	Name of Business:
Address:	Business phone No:
Email Address:	Emergency No:

### Application

Sidewalk Patio		Operating Hours:
Sidewalk Café		Operating Hours:
Dimension of Patio:		
No. of Tables:	No. of Chairs:	
No. of Picnic Tables:	Diameter of Tables:	

**Provide Drawings Below: include entrances, street lights, catch basins, valve covers, tables, decking, parking spaces, and utility vaults**

#### Storefront

#### Sidewalk

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#### Parking Lane

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#### Roadway

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Notes:		
Check list:		
Copy of Insurance	Drawings	Form is complete

**The applicant agrees and accepts full responsibility for the protection of all utilities, private property and persons affected by his / her operations, and agrees to abide by all general conditions, and special conditions listed on this permit on page 2**

Applicants Signature:		Date:
Permit Fee:	Centre Wellington Approval Signature:	Date:

## **General provisions**

1. Any person who wishes to erect, install, maintain, or carry on a Sidewalk Café or Sidewalk Patio on Township owned lands shall be required to submit an application to the Township seeking permission to do so, together with drawings or plans sufficient to the Township's satisfaction, and payment of the applicable application fees as set by the Township Fees and Charges By-law.
2. The Township shall review the application to ensure the erection, installation, maintenance of the Township owned lands, does not, or will not:
  - a. interfere with the Townships intent and purpose in holding the Township owned land;
  - b. create an unsafe condition;
  - c. create liabilities for which the Township cannot assign full responsibility to the owner;
  - d. create a situation that is contrary to any Township By-law, Township Policy or Resolution, or any Provincial or Federal regulation or legislation;
  - e. interfere with work, plans, efforts, or initiatives of the Township to maintain Township owned lands;
  - f. interfere with any utility or other similar installation located on Township owned lands; or
  - g. the applicant is unable to reasonably demonstrate a need for the seasonal permit.
3. Seasonal agreements may impose specific conditions in the agreement to address concerns identified by the Township.
4. Seasonal agreements shall be from May 1- October 31. The applicant is responsible for the removal of the patio no later than Nov 1 or as requested by the Township. All agreements shall be terminated by the Township/or applicant upon 48 hours notification.
5. All street furniture to be removed by Nov 1 for the winter season with the exception of 2 small planters (Max 16"X16") to be on either side of the store front or entrance, and must be placed against the store front.
6. Seasonal agreements cannot be re-assigned or transferred.
7. The execution of a seasonal agreement in respect of a patio/cafe does not create any vested right in the owner or occupant of the premises to which the permit is secondary, or in any other person, and the agreement may be terminated or suspended in accordance with the terms set out in this Policy and in the agreement.
8. Establishment proprietors must carry a minimum of \$5,000,000 liability insurance for the operation of a sidewalk patio or café naming the Township of Centre Wellington as an additional named insured and the County of Wellington if applicable.

## **Special Conditions**

In addition to the General Provisions of this Policy, the following special conditions apply to every sidewalk patio and sidewalk café:

1. No person shall establish a Sidewalk Patio/Café unless an agreement has been entered into with the Township.
2. The operator of a Sidewalk Patio or Sidewalk Café shall apply for and obtain permission through the execution of an agreement, prior to the installation of fencing and/or furnishings.
3. Sidewalk Patio furnishings, fences and other Sidewalk Patio improvements must be removable and not permanently fixed in place. All objects must be contained within the approved Sidewalk Patio area and removed during the off-season or after the Sidewalk Patio ceases operation. The street, sidewalk and municipal property must be restored to its original condition to the satisfaction of the Township.
4. Music or other entertainment provided for patrons of a Sidewalk Patio shall not be amplified or create a nuisance to abutting property owners. The Township reserves the right to revoke permits, without reimbursement of fees, where this nuisance occurs. Nuisance may include, but shall not be limited to, police reports of loud, boisterous, or unreasonable noise, offensive language or other disruptive behavior. All music must cease by 10:00 pm.
5. The Township and all public utility agencies retain the right of access to the Approved Sidewalk Patio or Sidewalk Café area for the installation, maintenance and repair of pipes, cables, wires, poles, hydrants, etc., as necessary. In case of emergency, no notice will be given. For scheduled work, a minimum notice of forty-eight (48) hours will normally be given. The Sidewalk Patio or Sidewalk Café improvements shall be removed and reinstalled at the Sidewalk Patio or Sidewalk Café by a qualified contractor.
6. The Township retains a right of access over, to and upon a Sidewalk Patio or Sidewalk Café for emergency vehicle access.