

## **DINE@GRIMSBY**

### **Outdoor Dining Patio/Retail Space Area Encroachment Permit**

#### **Schedule "A"**

##### **Requirements:**

1. The owner/applicant must provide a site plan showing the length, width and total square metres of the proposed patio/retail sales area. The site plan must also include:
  - o Dimensions of sidewalk (from back of curb), building face and proposed area.
  - o Location of entrances/exits from the building and from the patio area.
  - o Location of any fire department connection and municipal fire hydrant.
  - o Detail fencing/barrier materials used to delineate patio area. Railings and vertical elements should be a minimum of 0.91 metres (36") and no higher than 1.2 metres (47") in height.
2. The owner/applicant must provide details and drawings on the colour, architectural finishes and arrangement of the elements such as chairs, tables, umbrellas, plantings, refuse containers and floor mounted menus as part of their application.
3. A minimum pedestrian clearway of 1.5 meters must be maintained. Measurement must be from the closest street element (back of curb, bench, garbage bin, bike ring, tree pit, etc.) to the edge of your proposed patio area. A minimum pedestrian clearway is required to allow for people of all ages and abilities to walk and move safely.
4. Patio fencing shall be maintained by the owner/applicant as per the plan. Fencing is not permitted to be fastened to the Town of Grimsby sidewalk by use of screws, nails or other fasteners that pierce or otherwise damage the surface of the concrete.
5. Provide proof of Commercial General Liability Insurance (\$5 million) coverage and must include the Town of Grimsby as additional insured. Reduced amounts will be considered.
6. Provide a letter of indemnity releasing the Town of any claims and harm arising from the use of the Outdoor Dining Patio/Retail Space Area encroachments.
7. Proposed outdoor patios or retail sale space areas must be adjacent to the operating business. Extensions in front of neighbouring properties or units may be permitted with the written consent of the neighbouring property owner.
8. Provide valid liquor licence for patio operations, if applicable.
9. The Outdoor Dining Patio/Retail Space Area Encroachment Permit shall be valid from the year ending the application year.

##### **Responsibilities:**

1. The owner/applicant shall be responsible for clearance of any debris and overall maintenance to ensure free flow of pedestrian traffic.
2. Damage within the area of the Outdoor Dining Patio/Retail Space shall be the responsibility of the owner/applicant and shall be restored at the applicants cost to the satisfaction of the Director of Public Works.
3. Compliance with the Accessibility for Ontarians with Disabilities Act (AODA).
4. Comply with all applicable Town By-laws of the abutting lands.
5. Responsible for the management and operation of any approved Outdoor Dining Patio/Retail Space Area, including ensuring that they are staffed at all times when open, to ensure proper use, cleaning and physical distancing.
6. Adhere to all applicable public health requirements, including any COVID-19 related public health requirements as per Provincial Orders.
7. Permitted operations until October 31, 2022. The applicant is responsible for removal of the patio and returning the space to its original form no later than 7 a.m. on November 1st.

Revision #: 02

Date: April - 2022

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8. Allow the Town of Grimsby and or any public utility to enter the Outdoor Dining Patio/Retail Space Area for the purpose of installation, maintenance and repair of sewers, water services, pipes, cables, wires, poles and other installations.

#### **Restrictions:**

1. No Smoking permitted, pursuant to the Smoke-Free Act and 'no smoking' signage shall be posted at the entrance/exit.
2. No advertising, banners or signage permitted, other than reflective or traffic safety related signage.
3. No encroachment of any umbrellas or any furnishing permitted outside the patio area. All umbrella parts should be at least 2.1 metres above the level of the street or sidewalk.
4. No outdoor food or drink preparation permitted.
5. No electrical power cords or any device that crosses the travelled portion of the boulevard (sidewalk) permitted.
6. No overhead structures (tents, awnings etc.)
7. No obstruction of stormwater flows or block stormwater drains.
8. No live or amplified music within the outdoor municipal boulevard patio area.
9. No use of patio/retail space for advertising or signs, other than what has been specified in the Outdoor Dining Patio/Retail Space Area Permit.

#### **Private Properties**

Restaurant and bar operators who wish to expand their patio on private property should begin consultations with their landlords for permission.

Expanded patios on private property will only be permitted in front of a building, generally in parking lots and privately-owned public spaces and shall comply with all applicable Town By-laws of the land.

Expanded private patios shall be assessed by the Dine@Grimsby Team.

In order to ensure safe operation of outdoor patios on private property, operators (owner/applicant) may **not**:

- build or expand permanent structures like decks, walls, stairs, etc.
- install new fueled fire appliances, i.e. propane heaters, BBQs.
- amplify sound of any type.
- construct or install awnings or tent-like structures.
- block access to fire connections or adjacent businesses.

Private patio operators are solely responsible for ensuring their patio meets AODA requirements, complies with the Noise Bylaw and meets any other regulatory requirements. Conditions imposed by the Town (e.g. hours of operation) will apply to any expanded patio area.