



Centre Wellington

# Annual Sidewalk Occupancy Permit Application

*Patio, Café and Display By-law*

Permit type:  Patio  Café  Display

## Applicant / Business Owner information:

Applicant Type: \_\_\_\_\_

Business name: \_\_\_\_\_

Address: \_\_\_\_\_

Contact name: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Property Owner information:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Contact name: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Provide / Submit:

- Complete application
- Business name registration and/or Articles of Incorporation
- Annual application fee:
  - Patios: \$250.00
  - Café: \$100.00
  - Display: \$50.00
- Plans that show design and layout, including details of materials and existing features.
- Copy of liquor license issued by AGCO (if applicable)
- Certificate of Liability Insurance naming the Township of Centre Wellington as additional insured, and County of Wellington (if applicable)
  - Sidewalk Café or Patio: \$5,000,000
  - Sidewalk Display: \$2,000,000

## Approved by:

Name: John Gaddy Title: Manager of Public Works

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Approved from: \_\_\_\_\_ to: October 31, 2023

## Patio, Café and Display By-law Excerpt:

### 5 TERMS AND CONDITIONS OF A PERMIT

- 5.1 Every **Person** who has been issued a **Permit** shall:
- (a) maintain the area in a neat, tidy and safe working condition;
  - (b) maintain the 1.8 metre **Clearway**;
  - (c) not store a refuse container or refuse on a **Highway, Sidewalk or Township owned land** other than in accordance with the County of Wellington's Curbside Collection of Waste, Organics and Recyclables By-law;
  - (d) not install or permit the installation of a permanent structure on a **Highway, Sidewalk or Township-owned land**;
  - (e) not lag or permit to be lagged a fence into a **Sidewalk, Highway, or Township-owned land**;
  - (f) not use or permit to be used a solid fuel burning device on a **Highway, Sidewalk or Township-owned land**;
  - (g) comply with the **Township's** Noise By-law and the **Township's** Sign By-law;
  - (h) comply with the requirements and standards established by this By-law;
  - (i) not prepare or cook food including cooking food on a barbeque on a **Highway, Sidewalk or Township-owned land**;
  - (j) in the case of a **Sidewalk Café or Sidewalk Patio**, secure and store the furniture and any other items, objects, structures, chattels and fixtures when not in use outside the hours of operation as provided for in this By-law;
  - (k) not permit a waiting line for a **Sidewalk Café or Sidewalk Patio** to **obstruct a Clearway**;
  - (l) ensure all items, objects, structures, chattels, furniture and fixtures are contained within the approved **Sidewalk Café or Sidewalk Patio** defined area;
  - (m) provide furniture that is accessible for use by a **Person** with a disability;
  - (n) in the case of the **Sidewalk Display**, ensure all items, objects, structures, chattels, furniture and fixtures are removed from the **Sidewalk** at the end of each day with the exception of decorative planters that are displayed in accordance with this by-law;
  - (o) comply with all provincial or federal legislation including the *Smoke Free Ontario Act, 2017, S.O. 2017, c. 26*, as amended, and its regulations;
  - (p) remove all items objects, structures, chattels, furniture and fixtures from the **Sidewalk Café, Sidewalk Patio or Sidewalk Display** area within three (3) days after expiry of the **Permit**;
  - (q) return the **Sidewalk Café, Sidewalk Patio or Sidewalk Display** area to its original condition;
  - (r) on behalf of himself, its heirs, executors, administrators and assigns to defend, indemnify and save harmless the **Township**, and, if applicable, the Corporation of the County of Wellington, and their elected officials, officers, employees and agents from and against any and all claims of any nature, actions, causes of action, losses, expenses, fines, costs (including legal costs), interest or damages of every nature and kind whatsoever, including but not limited to bodily injury, sickness, disease or death or to damage to or destruction of tangible property including loss of revenue or incurred expense resulting from disruption of service, arising out of or allegedly attributable to the negligence, acts, errors, omissions, misfeasance, nonfeasance, fraud or willful misconduct of the **Permit Holder**, its directors, officers, employees, agents, contractors and subcontractors, or any of them, in connection with or in any way related to the issued **Permit**. This indemnity shall be in addition to and not in lieu of any insurance provided by the **Permit Holder**;
  - (s) not conduct any activity, construction or permit a use on a **Highway, Sidewalk or Township-owned land** that poses a risk to the life or health or damage to a **Highway, Sidewalk or Township-owned land** including trees and plants.
- 5.2 Every **Person** who has been issued a **Permit**:
- (a) shall not hinder or **obstruct** access by the **Township** or the County of Wellington to a **Highway, Sidewalk or Township owned land**;
  - (b) shall remove all items, objects, structures, chattels, furniture and fixtures from a **Highway, Sidewalk or Township owned land** within forty-eight (48) hours of receiving notice from the **Township**;
  - (c) acknowledges that the **Township** and the County of Wellington in the case of an emergency may remove all items, objects, structures, chattels, furniture and fixtures that are part of a **Sidewalk Café, Sidewalk Patio or Sidewalk Display** without notice;
  - (d) acknowledges that the **Township** and the County of Wellington is not responsible for any damage or loss of any items, objects, structures, chattels, furniture or fixtures that are part of a **Sidewalk Café, Sidewalk Patio or Sidewalk Display**;
  - (e) acknowledges that the **Township** and the County of Wellington is not responsible for reinstating a **Sidewalk Café, Sidewalk Patio or Sidewalk Display**.

## Application Declaration and Conditions

I confirm by my signature below that the information contained in this application, including plans, details, patio location and setback information, is to my knowledge true, complete and in conformity to the Township of Centre Wellington Sidewalk Patio, Cafés, and Displays By-law. I have read and understand the information provided and agree to abide by the conditions and provisions listed in this application form, and By-law #2022-33-- Sidewalk Patio, Cafés, and Displays By-law, as amended. I further understand this is an application process and that an application for a patio does not guarantee installation is feasible and that the patio permit conditions may be subject to change.

Name of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Applicant: \_\_\_\_\_