



## County of Brant COVID-19 2021 Temporary Patio Allowance Application

Application Number: \_\_\_\_\_

(To Be Completed by Internal Staff)

### **Overview and Guidelines**

1. The Applicant must complete the application and submit it to [patio@brant.ca](mailto:patio@brant.ca)
  2. The following is required at the time of application:
    - a. Completed application form;
    - b. Diagram of proposed location and layout of the patio, including dimensions (Patio Plan);
    - c. Valid Certificate of Insurance, if applicable (see complete requirements in Section 5);
    - d. Proof of a liquor license, if applicable.
  3. Staff will review the application within five (5) business days and return signed approval to Applicant or advise of any additional information required.
  4. Staff may inspect the location to ensure the patio is consistent with approved plan.
- This application will apply to any restaurant establishment within the County of Brant.
  - For non-licensed and licensed establishments without an existing patio, the number of persons occupying the temporary patio shall not exceed the posted occupancy of the main building.
  - For non-licensed and licensed establishments that have an existing patio, the number of persons occupying the temporary and existing patios combined shall not exceed the posted occupancy of the main building.
  - This application must be submitted for review prior to receiving County approval for the temporary patio identified in this application.



- Patios on private property are permitted to operate the entirety of 2021. The applicant must resubmit an application every 6 months for review to ensure ongoing conformity with the Temporary Patio Allowance Program.
- Patios on public property may operate from May 1<sup>st</sup>, 2021, until October 17<sup>th</sup>, 2021. All patios and equipment/furniture must be dismantled and removed by October 17<sup>th</sup>, 2021.
- The information provided will assist in determining the feasibility of approving this application as well as determining special requirements that may be necessary.
- If the application is incomplete, or further information is required, staff will contact the Applicant using the contact information provided.
- Patios may only operate during posted restaurant hours and must adhere to the County of Brant Noise By-law.
- Patios on public space may not make use of currently allocated accessible parking spaces.
- At the end of each business day, the establishment is required to clean the sidewalk in and around the outdoor patio area and remove debris to a covered refuse receptacle.
- County of Brant will have the right to maintain the municipal property and to carry out repairs or maintenance to the municipal property. Where possible, County will provide written notice five (5) days prior to entering.
- Smoking and/or vaping will not be allowed on any patios as per provincial regulations.
- Outdoor cooking or other food and drink preparation are not permitted on public property.
- All patios require a fire extinguisher sized appropriately in consultation with the fire department
- The Applicant will be responsible for reimbursing the County for any costs incurred by the County in repairing damage to the municipal property caused by the patio
- A legal/registered signing authority must provide their signature on this application indicating acceptance of any and all conditions of approval.
- In the event of any non-compliance with these conditions, the County has the right to enforce any of the conditions of approval, suspend the approval or remove the patio at the Applicant's expense.



- The County reserves the right to amend the terms and conditions of an Applicant's approval in its sole discretion at any time, including but not limited to, the right to revoke the approval.
- The Chief Building Official is authorized to inspect all temporary patios and to require adjustments to the patio in order to ensure compliance with all municipal and provincial guidelines, by-laws and/or regulations.
- Portable heaters are permitted on private property but must meet applicable federal and provincial safety requirements, and must be operated according to manufacturer's requirements. Placement of the heaters will be reviewed by Fire Department staff as part of the application. Portable heaters will not be permitted on public property.
- The Applicant is solely responsible for ensuring proper winter maintenance of the patio. Such maintenance includes, but is not limited to, the removal of ice and snow clearing.
- Patios cannot interfere with snow removal on public or private property.
- All Applicants are required to comply with all applicable laws and regulations, including, but not limited to, the *Reopening Ontario (A Flexible Response to COVID-19) Act*, the Accessibility for Ontarians with Disabilities Act (AODA), and Alcohol and Gaming Commission (AGCO) Regulations and must comply with the advice, recommendations and instructions of the Brant County Health Unit (BCHU) and other public health officials, including any advice, recommendations or instructions on physical distancing, cleaning or disinfecting.

By checking this box, the Applicant has read, understands and agrees to all conditions and guidelines as outlined above.

**Questions, applications & supporting documentation to be sent to:**

**[patio@brant.ca](mailto:patio@brant.ca)**



**Section 1: Applicant Information**

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

Primary contact number: \_\_\_\_\_

Secondary number: \_\_\_\_\_

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

Full Address of Establishment: \_\_\_\_\_

\_\_\_\_\_

**Section 2: Property Owners Information** (if different from Applicant)

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

Primary contact number: \_\_\_\_\_

Secondary contact number: \_\_\_\_\_

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

**Section 3: Patios on public property** (this would apply to those patios that will be encroaching on public parking spaces)

**REQUIREMENTS**

- **Patio Size/Width:** Patios must remain inside the width of the establishment's property frontage. Any Applicant who proposes a patio beyond these limits must submit signed, written consent from adjacent property owners.
- **Patio Location:** use of public space will be reviewed on a case by case basis and could involve use of sidewalks, parking stalls or other space.
- AODA compliant path of travel must be maintained.
- If required, traffic barriers and accessibility ramps can be provided by the County at a cost of \$1.00. Equipment must be returned to the County in good working order at the end of the 2021 patio season.



## PATIO INFORMATION

- Proposed installation date: \_\_\_\_\_
- Provide a sketch or simple patio plan illustrating the patio layout with dimensions and materials to be used. Include the number of tables, number of umbrellas, number of exits, all infrastructure, path of travel and utilities. This can be submitted on a separate document with the application OR a photo of the sketch can be submitted by email with the application (MUST be legible). **Please note per AODA Standards, two (2) exits are required.**

### Section 4: Patios on private property

## REQUIREMENTS

- Patio Size: For establishments with on-site parking, County staff will review as to an appropriate ratio to be utilized on a case by case basis.

## PATIO INFORMATION

- Proposed installation date: \_\_\_\_\_
- Provide a sketch or simple patio plan illustrating the patio layout with dimensions and materials to be used. Include the number of tables, number of umbrellas, number of exits, all infrastructure, path of travel and utilities. This can be submitted on a separate document with the application OR a photo of the sketch can be submitted by email with the application (MUST be legible). **Please note per AODA Standards, two (2) exits are required.**



## **Section 5: Insurance and Indemnification**

### **Mandatory Requirement**

It is the sole responsibility of the Applicant to determine what coverage, if any, is necessary and advisable for its own protection or to fulfil its obligations, including any obligations under this application. Any such insurance shall be obtained and maintained at the sole expense of the Applicant. By signing this application the Applicant listed in this application has agreed to defend, indemnify and save harmless THE CORPORATION OF THE COUNTY OF BRANT, its 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, arising out of or allegedly attributable to the negligence, acts, errors, omissions, misfeasance, nonfeasance, fraud or willful misconduct of the Applicant, its directors, officers, employees, agents, contractors and subcontractors, or any of them, in connection with or in any way related to the delivery or performance of this event. This indemnity shall be in addition to and not in lieu of any insurance obtained by the Applicant and such obligations shall survive the conclusion of the temporary patio.

For Patios on municipal property or otherwise determined, a Valid Certificate of Insurance naming the "Applicant" listed in this application as the "named insured", and evidencing liability insurance coverage for all activities listed in this application, issued by an insurer licensed to do business in Ontario, with limits of not less than:

\$5,000,000.00 per occurrence; And naming "The Corporation of the County of Brant" as an additional insured with respect to any liability arising from this temporary patio, **MUST BE SUBMITTED WITH THIS COMPLETED APPLICATION.** The policy must include a cross liability and severability of interest clause and be endorsed to provide 30 days notice of expiration, cancellation, revocation or material amendment. The Applicant must submit this application to their insurer when requesting the Certificate of Insurance to ensure that liability coverage is in effect for all proposed activities. The County of Brant reserves the right to request additional insurance based on information arrived at during the review of this application.



**Section 6: Application signature(s) and authorizing notice**

The person signing this application verifies to the best of his/her knowledge; the information provided is truthful and accurate.

The person signing this application is a valid signing authority for the establishment.

The Applicant has read and understands all conditions and guidelines as outlined in this document of the County of Brant COVID-19 Temporary Patio Allowance and will comply with all prescribed requirements.

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

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

**NOTE:** This application must be completed in full. An incomplete or improperly prepared application may not be accepted and could result in processing delays.

**FOR INTERNAL COUNTY of BRANT STAFF PURPOSES:**

Application # \_\_\_\_\_

*Has been reviewed, approved & signed-off via email notification to EDT staff by designated staff representing:*

**Emergency Services (Fire)** on the date of: \_\_\_\_\_

**Development Services** on the date of: \_\_\_\_\_

**Legal/Risk Management** on the date of: \_\_\_\_\_

**Operations** on the date of: \_\_\_\_\_

**Economic Development** on the date of: \_\_\_\_\_