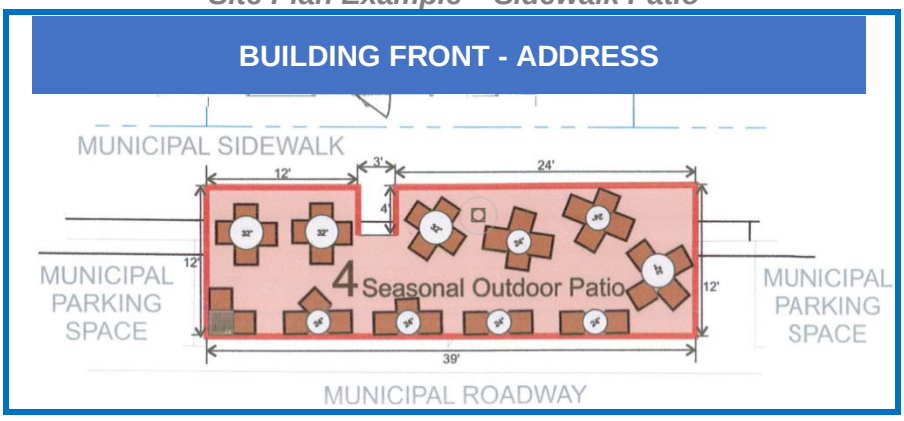
Appendix A

Site Plan and Design Requirements

All patio designs must conform to the following requirements.

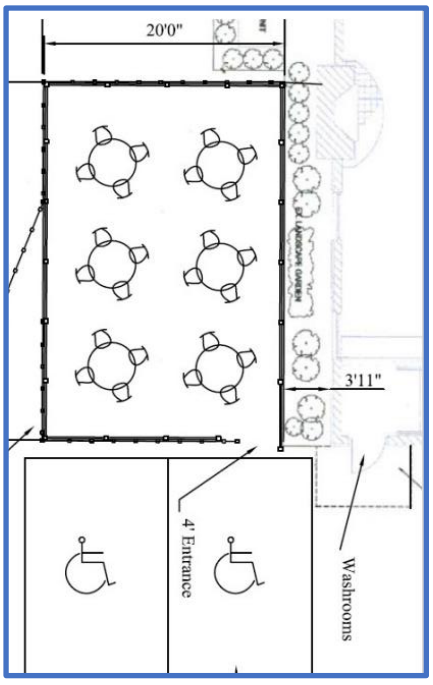
Site Plan Requirements:

Site Plan Example – Sidewalk Patio



a. Location and dimensions of the patio entrances, exits, and access to washrooms, in accordance with the Integrated Accessibility Standards for the Design of Public Spaces;
b. Location and use of the adjacent buildings and their entrances and exits.
c. Area of the patio in square metres.
d. The location, height, and construction material to be used for the boundary fence, gate location, and width of gate.
e. Location of fire extinguishers.
f. Location of tables, chairs, other furniture, or installations, etc. and the distance between them to demonstrate how your patio will be accessible to patrons with limited mobility.
g. Location of all municipal services and/or assets within or adjacent to the patio (e.g. location of curbs, municipal parking spaces, sidewalks, hydrants, storm sewer grates, manholes, trees, hydro poles, streetlights, benches, garbage cans, sign poles, etc.).
h. The number of seats on your patio.
i. The maximum occupant load of your business and patio according to the Ontario Building Code.
j. Number of parking spaces occupied.
k. The location and dimension of any umbrellas, tents, awnings, etc.

Site Plan Example – Private Property



In addition, specific to Seasonal Sidewalk Patio on municipal right of way:

l. Width of sidewalk that will remain unobstructed (to be at least 1.8 metres);
m. Width and length of sidewalk occupied in metres.
n. The access to municipal improvements such as trees.
o. The location of Durham Region or GO Transit stops close to the patio;

Clarington

Design Requirements:



a. All patios must maintain the requirements of the Accessibility for Ontarians with Disabilities Act (AODA). These guidelines set out basic requirements of the AODA. It is the responsibility of each business to ensure their own compliance with the Act.
b. A minimum passable sidewalk width of 1.8m must be maintained at all times to ensure accessibility for pedestrians.
c. No objects are permitted to overhang the sidewalk.
d. The outdoor patio shall remain open on all sides and shall not contain any source of heating.
e. The applicant may only occupy and use the outdoor patio after any installed structures have been approved in writing by Clarington.

In addition to, specific to Seasonal Sidewalk Patio on municipal right of way:

f. Patios are not permitted to reduce the width of the traffic lanes of the public street. A minimum street width of 6m must be maintained at all times to ensure adequate width for emergency vehicles.
g. Patios are not permitted to occupy more than 2 parking spaces.
h. Design materials must be in keeping with the heritage character of downtowns ; Plastic and polyvinyl is not permitted. Composites are permitted provided their appearance fulfills the above noted requirement(s).
i. Barriers between the sidewalk extension and the patio should feature planting boxes and are to be maintained by the restaurant;

Clarington responsibilities:
(*Specific to Seasonal Sidewalk Patio on municipal right of way)*

j. Temporary sidewalk design, location and dimensions, grade, construction material, safety and load bearing will be Clarington's responsibility. Construction will be undertaken by a contractor.
k. Exterior barriers encroaching into on-street parking spaces must be affixed with high-visibility reflective markers for nighttime visibility.
l. Wooden sidewalk extensions may include safety traction tape to reduce the chances of pedestrians slipping; and
m. Installation, removal and winter storage of constructed temporary sidewalk or patio.

Appendix B

Liability Insurance Requirements

Please provide proof that you are compliant with the following liability insurance requirement:



You must hold and provide General Liability Insurance from an insurer licensed in the province of Ontario for $2 million per occurrence with an aggregate limit of no less than $5 million to the Corporation of the Municipality of Clarington against any liability for property damage or personal injury, negligence including death which may arise from the applicant's operations under this agreement. The Corporation of the Municipality of Clarington must be included as an "Additional Insured". In addition, the Commercial General Liability shall contain Liquor Liability, Cross Liability and Severability Clauses and Products & Completed Operations coverage including a standard contractual liability endorsement.

Appendix C

General Conditions

Your operation of an outdoor patio must conform to the following requirements.
General conditions:

a. Patios will not be installed prior to April 30 and will be removed no later than October 30 of each year. For downtown Bowmanville, installation will be after Maplefest and removal will be prior to Applefest;
b. Permission to install a patio for a season does not entitle a business to any right or expectation to be able to install a patio in subsequent seasons;
c. Any required sidewalk extensions must be completed before obstruction of a sidewalk for construction or operation of a patio.
d. The Applicant assumes all maintenance and liability for the patio and may be required to undertake alterations or repairs as are required by Clarington to maintain safety and accessibility;
e. The Applicant shall maintain access to all public and private properties for the duration of the work;
f. No business shall be eligible to operate an outdoor patio unless the business is in compliance with all Clarington's requirements;
g. All municipal property, including the sidewalk, lighting, or other features will be returned

to their initial condition or repaired because of any damage. Damages not repaired by the Applicant will be repaired or replaced by Clarington at the Applicant's cost.

h. The Applicant shall be deemed to be the "constructor" and the "owner" for all purposes under the Occupation Health and Safety Act for the railings and restaurant features on the sidewalk. The Applicant shall further be deemed to be the "occupier" for all purposes under the *Occupiers Liability Act*.
i. The Applicant agrees to indemnify and save Clarington harmless from and against all losses, damages, actions or causes of action, suits, claims, demands, penalties, interest and/or legal fees on a substantial indemnity basis arising in connection with any matter that may arise from the issuance of a permit hereunder or the activities that occur on a patio.
j. Any costs, expenses or liabilities incurred by Clarington as set out above may be collected by Clarington by means of invoicing for the costs.
k. The Applicant agrees to provide Clarington with a letter from a qualified person, after patio construction/installation and before beginning operations, confirming that construction completed is in general conformance with the approved design.

In addition, specific to Seasonal Sidewalk Patio on municipal right of way:

l. Clarington retains the right to access the patio and/or sidewalk extension if needed for maintenance or emergency access to municipal property.
m. Any person or persons intending to occupy a portion of the municipal right of way for any purpose, including a portion of the sidewalk, boulevard, or on-street parking must first receive permission from Clarington.
n. Permission to occupy the municipal right of way 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, Clarington shall be at liberty to take any action it deems necessary to repair the patio or to reinstate the site to its original condition for public protection at the expense of the Applicant. In all cases the decision of Clarington staff is final.
o. Clarington retains the right to access any planters, baskets, light posts, or other infrastructure for watering, maintenance, or other matters. Clarington may elect not to install planters at the location of the patios.

Operating Requirements

a. The operations of the business and patio must comply with Clarington's Noise By-Law (2007-071), as amended.
b. The owner shall ensure that the area around the patio is kept clear of litter, waste, cigarette butts, and refuse. The restaurant will be inspected on a daily basis.
c. No person shall operate an outdoor patio on any municipal property other than that for which permission has been granted.
d. No person shall permit the consumption of alcoholic beverages within any outdoor patio area unless such area is licensed under the provisions of the *Liquor License Act* to permit

the consumption of alcoholic beverages and unless such outdoor patio extension is operated in conjunction with a business holding a valid Liquor License.

e. Where such premise is licensed to permit the consumption of alcoholic beverages, no person shall serve or allow the consumption of alcoholic beverages contrary to any law; and

f. Outdoor patio operations are permitted only during hours authorized by the Municipality of Clarington. Patio operations must cease between the hours of 10:00 PM and 7:00 AM, except for Fridays and Saturdays in July and August, during which patios are permitted to remain open until 11:00 PM. Patrons are not permitted to be in, or remain in, the patio area outside of authorized hours of operation. Clarington reserves the right to change these hours.

In addition, specific to Seasonal Sidewalk Patio on municipal right of way:

g. At a minimum, restaurants operating an outdoor patio must be open during the following hours: Tuesday to Saturday: 11:30 AM to 9:00 PM.

Appendix D – Post-submission evaluation

Submission of a complete application is not a guarantee of permission being granted for an outdoor patio. Applications will be evaluated by staff to determine which will be selected. Applications will be circulated to appropriate departments and partner organizations for their comments.

Criteria

Criteria	Explanation
Location	Sites that are located in ways that are complementary to the existing street design and require less extensive change to existing use and management patterns will be preferred.
Design	Material choice – Appropriate heritage materials and design.
	Streetscape – Attractive design elements for both patrons and pedestrians.
Safety	Sites that pose fewer challenges to traffic and pedestrian movement and sightlines will be preferred.
Accessibility	Sites that more fully ensure the accessibility of the sidewalk and patio for all patrons, in part through greater sidewalk width, will be preferred. Sites should not reduce accessibility by proposing the displacement of parking designated for persons with disabilities.
Potential	Preference will be given to patios that offer greater potential to demonstrate the economic benefit of the program.