



Boulevard Encroachment Permit

Permit #BEP2021-XX-XX

The Town of Collingwood hereby certifies that **[BUSINESS NAME]** located at **[ADDRESS]** **Collingwood** is hereby granted the approval for the installation and operation of a **[type of encroachment]** encroachment onto public property pursuant to By-law No. 2020-040 Encroachment Permit By-law ("Permit By-law") as detailed in the attached site plan (Appendix A), and as per the Terms and Conditions provided herein.

This permit is effective as of **[DATE]** and expires March 31, 2022, or until such time as the COVID-19 orders that are currently in place that effect food establishments and retailers have been lifted by the Province and Simcoe Muskoka District Health Unit, or the Boulevard Encroachment By-law is repealed by Council, or as otherwise revoked or suspended, whichever is the earlier.

Terms & Conditions

The following Terms and Conditions apply to **Permit #BEP2021-[XX]-[XX]**

1. Compliance must be maintained at all times with all federal and provincial laws, as well as all municipal by-laws, which includes, without limitation, any statute, regulation, order, guideline, policy, code, ordinance or rule, as well as any principle of common law or equity;
2. The permit holder shall maintain the prescribed insurance coverage at all times;
3. The Town retains the right of access over, to and upon the patio for emergency services purposes;
4. A pedestrian walkway of two meters shall be maintained free and clear at all times on the municipal sidewalk;
5. Encroachments shall be constructed and maintained as per the terms and conditions set out in this permit or as otherwise approved by the Town, and must be compliant with the Accessibility for Ontarians with Disabilities Act (AODA);
6. The municipality shall not be held responsible or liable for any damages or losses, resulting to, or from the placement or operation of a boulevard encroachment;
7. Permit holders shall maintain the encroachment area, including the area immediately adjacent to the encroachment areas, in a clean, safe and hazard free condition at all times. For clarity, the encroachment area is considered to be the exterior limit of the Patio with fencing or Merchandise Display Area. The immediate adjacent area shall be of a width of no greater than 1 meter in which snow storage may occur. Snow shall not be placed within adjacent parking areas, nor onto the section of sidewalk outside the 1 meter adjacent area unless otherwise specifically approved by the Director of Public Works, Engineering and Environmental Services, or impede access to a parking meter or fire hydrant;
8. Boulevard encroachment areas must comply with the following separation distances, and not cause any obstructions to site lines if located on a corner, or the piling of snow within this space:
 - Vehicle Travel Lanes/Parking Stall 0.5 m
 - Fire hydrants 1.5 m
 - Utility Meters 0.6 m

- Parking Meters

1.0 m

9. Boulevard encroachments may be made available all days of the week during the operating hours of the associated business. All merchandise displays must be removable and not permanently fixed in place and are required be removed from the sidewalk outside business hours;
10. Merchandise displays and patio designs must be sympathetic to heritage objectives, and meet requirements with respect to public safety;
11. Patio structures and furniture must be constructed in accordance with the *Patio Construction Guidelines* (Appendix C).
12. Patio furnishings, fences, and other patio improvements must be removable and not permanently fixed in place;
13. Patio furniture and merchandise displays are to be placed in a way to maintain COVID physical distancing requirements;
14. Hand sanitizer or a hand washing station shall be made available immediately adjacent to or within the encroachment area for use by members of the public at all times;
15. Merchandise displays such as clothing racks and tables must be maintained in a neat and orderly condition at all times;
16. Entrances and other ingress points to buildings and businesses shall remain free of merchandise, displays and/or patio furniture and shall not otherwise impede or limit access to the building;
17. The use of portable heaters must meet the TSSA guidelines, and an inspection is required by Fire Services prior to their use. The TSSA guidelines to the use of portable heaters and propane handling is attached to this permit.
18. The Town of Collingwood has no objections to the extension of an existing liquor license issued by the Alcohol and Gaming Commission of Ontario (AGCO) to the Permit Holder as it relates to the establishment or expansion of a patio into the municipal boulevard.
19. The Town reserves the right to suspend or revoke or suspend a previously issued Boulevard Encroachment permit, by providing the permit-holder with written notice should the permit holder be found to have:
 - a. Provided false or misleading information on their application for the permit;
 - b. Deviated from the agreed terms of the site plan;
 - c. Not complied with any of the conditions of the permit;
 - d. Not complied with any of the requirements of the Encroachment Permit By-law;
 - e. Not complied with any of the standard terms or conditions or any other requirement prescribed by the Clerk or Deputy Clerk of the Town.

Additionally, the Town may, at any time, suspend a permit for up to twenty eight (28) days and to provide the permit-holder with written reasons for such suspension, should the Town need the property on which the Encroachment is situated for:

- a. The holding of a special event;
- b. The construction, maintenance or repair of Town-owned property, including any infrastructure thereon, therein or thereunder;
- c. The installation, maintenance or repair of a public utility or service; or
- d. Pedestrian vehicular or public safety or public health.

- 20. This permit is intended to provide temporary relief during the COVID-19 pandemic and allow businesses to continue operating while maintaining public safety. The Town of Collingwood reserves the right to impose any additional conditions to ensure the health, safety, and well-beings of persons or the economic well-being of the Town at any time.**
21. All patios and merchandise display areas authorized under a Boulevard Encroachment Permit are subject to final inspection by representatives of the Town and/or other inspection agencies such as the Simcoe Muskoka District Health Unit and/or Alcohol and Gaming Commission of Ontario, and are not to be used by patrons of the Permit Holder or the public until such inspections have been completed and the results of such inspections meet the satisfaction of the Town of Collingwood and/or inspection agency. The Town and/or other inspection agencies and/or Officers have the right to conduct further inspections at any time.
22. This permit must be made available for inspection upon request of a Municipal Law Enforcement Officer; Officer of the Peace; Health Inspector; Alcohol and Gaming Commission Enforcement Officer; or any other official of the Town of Collingwood, County of Simcoe, Province of Ontario, or Government of Canada.

SAMPLE