

PART X

SIDEWALK PATIOS

SIDEWALK PATIO PERMITS

58.

- (1) The *Director of Development Services* may issue a *sidewalk patio permit* in the form prescribed in Schedule “G” to an applicant provided the applicant completes the application form set out in Schedule “E,” ~~pays a fee of \$25.00~~ and the applicant complies with the regulations and conditions set forth in Schedule “F.”
- (2) No person shall use or *permit* the use of any portion of *sidewalk* adjacent to premises owned or occupied by them for any purposes unless a valid *sidewalk patio permit* has been issued by the *Director of Development Services* authorizing such use and the patio is located within the designated patio area shown on the map in Schedule “H” of this bylaw.
- (3) The *Director of Development Services* may terminate a *sidewalk patio permit* immediately if the person breaches any term or condition of the *permit* or with 90 days written notice for any reason.
- (4) The *Director of Development Services* or any of the *Municipality’s* employees or contractors may enter the *sidewalk patio permit* area at any time without notice or the payment of compensation to deal with any emergency situations which requires the use of the *permit* area as part of the emergency.

RETAIL DISPLAYS

59.

- (1) The *Director of Development Services* may issue a retail display *permit* in the form prescribed in Schedule “I” to an applicant provided the applicant completes the application form set out in Schedule “J” ~~and pays a fee of \$25.00~~ and the applicant complies with the regulations and conditions set forth in Schedule “K.”
- (2) No person shall use or *permit* the use of any portion of *sidewalk* adjacent to premises owned or occupied by them for any purposes unless a valid retail *permit* display has been issued by the *Director of Development Services* authorizing such use.
- (3) The *Director of Development Services* may terminate a retail *permit* immediately if the person breaches any term or condition of the *permit* or with 90 days written notice for any reason.
- (4) The *Director of Development Services* or any of the *Municipality’s* employees or contractors may enter the retail display area at any time without notice or the payment of compensation to deal with any emergency situations which requires the use of the *permit* area as part of the emergency.

EXEMPTIONS

60. Notwithstanding subsections 58(2) and 59(2) a business may install a sidewalk patio or retail display, provided that the sidewalk patio or retail display:
- (1) abuts the front of the business;
 - (2) unless permission from an adjacent business or property owners has been given, is located directly in front of the business for which it serves;
 - (3) extends no farther than 1.5 meters from the front property line of the business;
 - (4) is situated on a sidewalk with a slope not exceeding 2% in any direction;
 - (5) does not cover or alter the existing grade or surfacing of the sidewalk; and
 - (6) allows for a minimum of 1.5 meters of unobstructed, clearly delineated sidewalk area for pedestrian travel.

SCHEDULE "E"

APPLICATION FOR SIDEWALK PATIO PERMIT

I, _____ of

_____ (address) _____ (phone number)

hereby apply for a *sidewalk patio permit* adjacent to:

Business Premises Address: _____

Legal Description ("the lands"): _____

The lands are/are not located in a Development Permit Area named: _____

The registered owner of the said lands (if not the applicant) is: _____

of: _____ (address) _____ (phone number)

My interest in the lands is (lease/rent): _____

My Business Licence Number: _____

My Liquor Licence Number: _____

~~I herewith pay my Sidewalk Permit Application \$25.00 non-refundable portion: _____ (check if received)~~

I hereby declare that the above information is correct and that I am aware of and will abide by the terms and conditions of a *sidewalk patio permit* issued under "Town of Ladysmith Streets and Traffic Bylaw, 1998, No.1309." I have included a copy of my current business licence and three (3) sets of plans prepared in accordance with the Sidewalk Patio Design Requirements and Details of Plans for *sidewalk patio* location. I also understand that upon approval, I will ~~submit a payment of \$5.00 per m² for the approved patio area (Schedule "___")~~ and provide proof of \$2 million third party liability insurance with The Town of Ladysmith as an insured party, such insurance is to remain valid throughout the period of the *permit* (March 1st to October 31st).

Date: _____ Signature of Applicant: _____

SCHEDULE “G”
SIDEWALK PATIO PERMIT NO. _____
DURATION OF PERMIT: MARCH 1 TO OCTOBER 31

Pursuant to “Town of Ladysmith Streets and Traffic Bylaw, 1998, No. 1309” permission is hereby granted to:

Name: _____

(address) (phone number)

for a *sidewalk patio permit* adjacent to:

Business Premise Address: _____

Legal Description: _____

in accordance with the attached Schedule “F” and the following additional terms and conditions:

1. The *permit* area approved by this *permit* is shown on the attached approved plans.
- ~~2.~~ ~~The Town of Ladysmith received the required fee in the amount of \$_____ for the approved *permit* area.~~
- ~~3.~~2. Construction details and furniture layout on the attached, approved plans must be completed and used, respectively.
- ~~4.~~3. No area other than the *permit* area may be used as a *sidewalk* patio.
- ~~5.~~4. The *permit* area may only be used for a *sidewalk* patio between March 1st and October 31st, including of this calendar year.
- ~~6.~~5. This *permit* automatically ceases if the permittee has his/her associated business licence or liquor licence suspended or revoked.
- ~~7.~~6. The permittee will remove all *sidewalk* encumbrances by the 1st of November.
- ~~8.~~7. The permittee will keep the *permit* area and associated improvements in a clean, tidy and safe condition during the term of the permit.
- ~~9.~~8. The permittee will keep the required third party liability insurance valid during the term of this permit.
Insurance Company: _____ Policy No. _____
- ~~10.~~9. This *permit* may be altered or revoked by the *Director of Development Services*, if for public safety reasons the *Director of Development Services* deems it necessary to alter or revoke it.
- ~~11.~~10. The *Director of Development Services* or any of the *Municipality’s* employees or contractors may enter the *permit* area at any time without notice or the payment of compensation to deal with any emergency situations which requires the use of the *permit* area as part of the emergency.

(*Director of Development Services*)

SCHEDULE "J"

APPLICATION FOR RETAIL DISPLAY PERMIT

I, _____ of

_____ (address) _____ (phone number)

hereby apply for a retail display *permit* adjacent to:

Business Premises Address: _____

Legal Description ("the lands"): _____

The lands are/are not located in a Development Permit Area named: _____

The registered owner of the said lands (if not the applicant)

is: _____

of: _____

(address) (phone number)

My interest in the lands is (lease/rent): _____

My Business Licence Number: _____

~~I herewith pay my Retail Display Application \$25.00 non-refundable portion: _____~~

~~(check if received)~~

I hereby declare that the above information is correct and that I am aware of and will abide by the terms and conditions of a retail display *permit* issued under "Town of Ladysmith Streets and Traffic Bylaw, 1998, No.1309." I have included a copy of my current business licence and one (1) set of plans prepared in accordance with the Retail Display Requirements and Details. I will also provide proof of \$2 million third party liability insurance with the Town of Ladysmith as an insured party, such insurance is to remain valid throughout the period of the *permit*.

Date: _____ Signature of Applicant: _____