



## SEASONAL OUTDOOR PATIO GUIDELINES

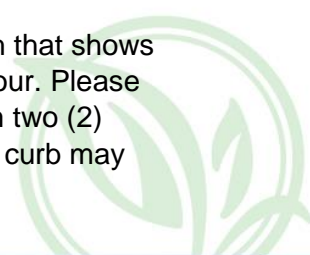
In order to support local businesses, the City of St. Albert offers the temporary use of City-owned road right-of-way (ROW) to create a welcoming and people-friendly storefront. Permits will be valid only between April 1 and October 31 in a calendar year, and a permit shall be valid only for that time period within the current calendar year. The City will not charge for the permit.

### Definitions

- Business Property - includes merchandise, stands, equipment and furniture placed or intended to be placed on ROW by the business.
- Minor Patio - refers to an unfenced area used for dining and/or recreational purposes (during business hours) on a sidewalk or roadway directly abutting the front of the business.
- Road Right-of-Way – or ROW, is the area between the front property line and all of the area that falls between this front property line and the front property line across the street.
- Seasonal Outdoor Patio - is an area located on a portion of a roadway (including a sidewalk) that has been configured for use as a place where the public may purchase food or drink for on-site consumption, and may include the placement of tables, chairs and other furniture or objects typical of an eating or drinking establishment.
- Sidewalk – includes the part of a highway especially adapted to the use of, or ordinarily used by, pedestrians and includes the area between the curb line, or where there is no curb line, the edge of roadway.
- Sidewalk Pop-Up - refers to a business placing merchandise for display and/or sale on sidewalk or roadway directly abutting the front of the business.

### Requirements

1. Valid City of St. Albert business license, if applicable
2. Commercial General Liability Insurance, minimum of \$2,000,000 per occurrence
3. Covenant to Indemnify the City of St. Albert
4. Consent of landlord
5. Seasonal Temporary Patio Traffic Accommodation Plan - A diagram or sketch that shows the traffic control devices and signage to be used, including any sidewalk detour. Please indicate the type of signs, placement and distance between signs. A minimum two (2) metres of unobstructed sidewalk space is required. City roadway beyond the curb may



be used to create a detoured walkway for sidewalk space. The City will place jersey barriers on the roadway to delineate public sidewalk. Clearly identify this requirement.

- Show measurements for entire frontage of the building
- Location of the door
- Curb, including the distance between curb and building

### **Conditions of Permits**

1. The City does not warrant the quality, condition, suitability or sufficiency of the ROW for any use or purpose, or the adequacy of any and all utility services either to or on the ROW. The ROW area is taken by the permit holder on a strictly “as is” basis, at its own risk, with all faults and imperfections whatsoever.
2. Permit holder must comply with all City Bylaws.
3. The seasonal patio location must be operated in conjunction with, and as an extension of, an eating or drinking area on privately-owned land (whether indoors or outdoors) that:
  - a. is adjacent to the roadway on which the seasonal outdoor patio is located;
  - b. contains washroom facilities available for use by patrons of the seasonal outdoor patio.
4. Permit holder must comply with all Provincial and Federal legislation including any Orders issued under the *Public Health Act*.
5. The ROW must be clear of any hazards including the timely removal of snow, ice and refuse.
6. All outdoor furniture must be of a commercial grade and shall not be secured to municipal infrastructure.
7. No open flames are permitted.
8. A minimum of two (2) metres of unobstructed pedestrian space must be maintained in front of the business.
9. (For corner lot businesses) No business property may be placed within a triangle formed on a corner site by the way of two curb lines adjoining an intersection (including an alley intersection), and two points located eight (8) metres from the said corner where the curbs meet.
10. Exterior lighting used shall be downfacing to minimize light spill into abutting properties and shall not interfere with the public thoroughfare (no exposed cables).
11. A garbage can must be provided within the ROW and must be emptied at the close of each business day.
12. The ROW layout must accommodate wheelchairs and must not impede wheelchair access to the related building or to neighbouring buildings or businesses.
13. Business Property must be removed from the ROW at the end of each business day.
14. Business Property must not interfere with any existing municipal infrastructure.
15. Business Property may not be placed within five (5) metres of a fire hydrant or fire lane.
16. Stacked storage of tables and chairs is not permitted.

17. No sharp objects or edges, bright lights, inappropriate subject matter or other hazards/distractions may form part of the display.
18. Alcohol sales may be permitted on public right of way, subject to the applicant meeting all AGLC requirements and confirmation of a granted patio extension license.
  - a. As part of the alcohol requirements, the sidewalk extension must be directly connected to the applicant's building with no separation.
19. Permits may be cancelled without cause with thirty (30) days written notice to the Permit Holder.
20. Permits may be cancelled immediately in the event of an emergency or dangerous condition.
21. If the City provides written notice to the Permit holder of non-compliance of a Permit condition, the Permit Holder must comply within the time specified in the notice.

### **Indemnity**

The permit holder shall indemnify and save harmless the City, its officers, employees, agents and servants, from any and all liabilities, damages, costs, suits or actions arising out of:

- i. any breach or nonperformance of any covenants or conditions in this Permit to be fulfilled, observed or performed by the permit holder;
  - ii. any damage to property, real or personal, occasioned by the use and occupation of the ROW area; and
  - iii. any injury to persons, including death, occurring on or about the ROW or any part thereof or any damage to property belonging to the permit holder, or its employees, invitees, sub-licensees, or any injury to any employee, sub-licensee, or invitee of the permit holder while such property or person is in the ROW;
- excepting liabilities, costs, damages, claims, suits, expenses or actions arising from the negligent act of the City, its officers, employees or agents.

This indemnity section shall survive the termination or expiry of this Permit and shall bind the permit holder and its legal representatives, successors and permitted assigns.