



Sidewalk Seating Area Permit Application

Municipality of Jasper Bylaw Enforcement Service
PO BOX 520, Jasper Alberta T0E1E0
P.780-852-5514 F. 780-852-5519
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Date of Application:
Date of Application Accepted:
Business License Number:

Collection of Personal Information

Personal information is being collected under the authority of the Municipal Government Act (MGA) for the purpose of processing this application. This information is protected under the privacy provisions of the Freedom of Information and Protection of Privacy Act. If you have any questions about the collection of this information, contact the Licensing & Enforcement Manager at (780) 852 5514 or email bylaw@jasper-alberta.ca

BUSINESS DETAILS		
Business Name:		
Business Street Address:		
Legal description:	Lot#:	Block#:
Mailing address:		
Contact Name:		
Telephone Number:	Email:	

LESSEE TO PARKS CANADA DETAILS (Property Owner)			
Name:			
Mailing Address:			
Tel No:		Cell No:	



Sidewalk Seating Area Permit Application

PERMIT DETAILS

Length of Permit applying for: (up to 5 years)	_____ Years
Type of Sidewalk Seating Area:	<input type="checkbox"/> Sidewalk Seating with Parking Lane Pedestrian Boardwalk – Number of Stalls (up to 3)? _____ <input type="checkbox"/> Parking Lane Seating – Number of Stalls (up to 3)? _____ <input type="checkbox"/> Sidewalk Seating Only

SIDEWALK SEATING SITE INFORMATION

Area: (Metres Squared)	Depth:	Length:	Number of Tables:	Number of Seats:

See Appendix A on Page 8 of this application for a basic list of requirements for a Sidewalk Seating Area Setup

SIDEWALK SEATING AREA PERMIT TERMS AND CONDITIONS

1. **Definitions:** All definitions are as per the Municipality of Jasper *Commercial Use of Public Space Bylaw #246* and *Traffic Bylaw #244* and include:
 - 1.1 **Sidewalk Furnishings** means all furniture to be located within the sidewalk seating area. This includes table, perimeter structures, posts, benches, umbrellas floor coverings, landscaping planters, blankets, pillows, and art.
 - 1.2 **Signage** means any structure, fixture, logo, symbol, pictorial representation, emblem, mural, or banner which is visible from any street or lane which directs attention to a product, service, place, activity, person institution or business.
 - 1.3 **Umbrella** means a collapsible shade for protection against weather consisting of fabric stretched over hinged ribs radiating from a central pole. No more than 2.5 metres in height and utilize a single support per umbrella.

2. **The intent of the Municipality of Jasper Sidewalk Seating Area Program** is to provide safe and aesthetically pleasing Sidewalk Seating Area opportunities in the downtown core that enhance public spaces and support Jasper’s character as a mountain park community and tourism destination. All installations must operate within the current Federal, Provincial and Municipal Laws & Regulations. Any process, equipment or facilities used by the Applicant within the area stipulated by this application and the subsequent permit must keep to this intent.



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3. **Operating Season:** Sidewalk Seating Area Permits are valid from May 1st until October 24th each year, unless otherwise stated on the issued permit. The public space used must be returned to its original state before the permit expires. Materials must be stored off-site at the end of the Operating Season.
4. **Fees:** Sidewalk Seating Area Permits are subject to the following annual fees and will not be calculated pro-rata:
 - 4.1 Sidewalk Seating Permit Application Fee - \$100 (non-refundable)
 - 4.2 Sidewalk Seating Areas Permits (Parking Stall Use) - \$1650 per 6 metre parking Stall (maximum of three stalls)
 - 4.3 Sidewalk Seating Areas Permits (Sidewalk only) - \$25 per seat.
 - 4.4 Fees are charged on an annual basis.
5. **Application:**
 - 5.1 The following is required in conjunction with a Sidewalk Seating Area Application:
 - a. A completed application form;
 - b. Authorization from the property owner;
 - c. Sidewalk Seating Area Plan with a minimum scale of 1:100 metric including public fixtures surrounding the seating area;
 - d. Proof of insurance document as per section 8. of this document;
 - e. Photographs and/or product specifications for all furniture to be located in the proposed Sidewalk Seating Area;
 - f. Sidewalk Seating Area Permit Application Fee;
 - 5.2 ALL submitted Sidewalk Seating Area Applications and Plans are subject to Municipality of Jasper approval.
 - 5.3 Applications will not be processed until all the required application documents are received.
6. **Sidewalk Seating Area Standard.** The Applicant/Permit Holder will ensure that the following Sidewalk Seating Area standards are implemented and maintained:
 - 6.1 that the Sidewalk Seating Area is clean, swept and well maintained;
 - 6.2 that the Sidewalk Seating Area is installed in such a manner that the entire structure and its appurtenances can be removed without damage to public roads or sidewalks;
 - 6.3 **Pedestrian Pathway:**
 - a. A clear pedestrian pathway equal to the width of the existing sidewalk shall be maintained at all times. When a “walkaround or boardwalk” is installed, the maximum width of the pedestrian zone is limited to the width of the parking lane/stall;
 - b. The chosen pedestrian pathway does not present or create additional barriers for persons with limited mobility;
 - c. Must include signage (in a form prescribed or provided by the MOJ) to indicate the pedestrian pathway.

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- 6.4 Sidewalk Seating Areas with pedestrian or seating areas located in the parking lane must:
- Provide adequate separation between pedestrians or seated patrons and moving vehicles.
 - Include barriers that provide protection against vehicles in the parking lane entering the pedestrian pathway/seating area.
- 6.5 **Sidewalk Seating Area formats** are restricted to the following:
- Sidewalk Seating Area located on the Sidewalk with a Pedestrian Pathway located in the Parking Lane;
 - Sidewalk Seating Area located in the Parking Lane using the Sidewalk as Pedestrian Pathway;
 - Sidewalk Seating Area located on the Sidewalk ensuring a 2.44 metre Pedestrian Pathway.

And are restricted to the area adjacent to where the business is located in.

- 6.6 **Perimeter Fencing** placed around the Sidewalk Seating Area shall be a minimum of 91cm to a maximum of 107cm in height.
- 6.7 **Materials** used in the Sidewalk Seating Area will be either:
- wood stained or brown pressure-treated; or
 - Metal painted black or consistent with approved building's main exterior colours; or
 - other material approved by the Municipality of Jasper Council sitting as Committee of the Whole.

Council may prohibit any material which in its opinion is considered unsightly, distasteful or unsuitable.

- 6.8 **Tents** of any kind are not allowed to be used in the Sidewalk Seating Area.

- 6.9 **Umbrellas** shall be:

- black in colour by default, or
- consistent with the building's approved main exterior wall colours; or
- other colours approved by the Municipality of Jasper Council sitting as Committee of the Whole;
- allowed single colour logos;
- be secured so that they can withstand the effects wind.

The Council may prohibit any material which in its opinion is considered unsightly, distasteful, or unsuitable.

- 6.10 **Signage**, excluding umbrellas, pedestrian wayfinding signs or regulatory signs, will **not** be permitted on Sidewalk Seating Area.
- 6.11 **Jersey Barriers** are not allowed. The Municipality of Jasper may provide flower planters for use on the end of installations facing the direction of oncoming traffic on Connaught Drive and/or Patricia Street.
- 6.12 **Parking Lane Installations** must have wood or metal barriers parallel to the driving lane in a way that prevents children from accessing the roadway.
- 6.13 Sidewalk Seating Areas Formats using the Parking Lane will be restricted to three 6metre parking stalls in length.
- 6.14 Sidewalk Seating Area Installations that invoke Building Safety Code requirements are not authorized.
- 6.15 All processes, equipment, facilities, landscaping or decor used within Sidewalk Seating Area must not:
- Hinder Federal, Provincial or Municipal Agency Employees.
 - Damage or impede in any way the Municipality of Jasper Infrastructure.
 - Intrude into the frontage of neighbouring businesses, without written consent.



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7. Any changes to the Sidewalk Seating Area including: changes to furniture, addition of umbrellas, addition or changes to the perimeter structures, will require the approval of the Municipality of Jasper.
8. **INSURANCE:** The Permit holder is required to obtain and carry valid comprehensive general liability insurance which includes the following:
 - a. Provide a loss payable clause in the interest of the Municipality of Jasper & His Majesty the King in Right of Canada as represented by Parks Canada on the policy,
 - b. State the period covered by the insurance policy,
 - c. Be for a minimum of \$5,000,000 in respect of a single occurrence,
 - d. Indemnify the Municipality of Jasper against all claims of any kind arising from any negligent act either by the Permit Holder or the Permit Holder's agents; and
 - e. Be in a form with an insurer to the satisfaction of the Municipality of Jasper.
 - 8.1 The Permit Holder is required to notify the Municipality of Jasper of any material change or cancellation of their general liability insurance within 10 days of this change.
9. Issuance of a Sidewalk Seating Permit as authorized under the Commercial Use of Public Space Bylaw #246 shall not relieve the Property Owner or applicant/permit holder of the responsibility for securing other permits or approvals required by the Municipality of Jasper and Provincial or Federal agencies.
- 10. Applicant Assumption of Risk and Acknowledgments**
 - 10.1 The Applicant assumes all liability and responsibility for the Sidewalk Seating Area in its entirety, including but not limited to any and all financial or legal liability or obligation that may arise as a result of said Sidewalk Seating Area, and such liability or obligation is not limited solely to physical damage for either public or private property and may include punitive damages requested by an affected third party.
 - 10.2 The Applicant understands that the Sidewalk Seating/Retail Area Extension Permit is the property of the Municipality of Jasper, is non-transferable and that the Municipality of Jasper CAO or their designate may revoke or suspend the permit if the Sidewalk Seating/Retail Area is required for any street works, utility installation or special event or if any terms and conditions of this application or the subsequent permit are not adhered to.
 - 10.3 The Applicant shall assume all costs associated with any repair or damage that may be caused to public or private property as a result of the Sidewalk Seating/Retail Area and if the Applicant fails to do so the Municipality of Jasper may undertake such work and bill all costs of such work to the Applicant and collect such costs in the same manner as fees and taxes.
11. Final Inspections of Prior to Opening
 - 11.1 The Sidewalk Seating/Retail Area will be inspected by Municipality of Jasper prior to its opening to the public. Any deficiencies found will be rectified by the Applicant before the Sidewalk Seating/Retail Area is opened.
12. The Municipality of Jasper reserves the right to request the Permit Holder to remove the Sidewalk Seating Area within 24 hours if required.
13. Access to Sidewalk Seating/Retail Area by Enforcement & MOJ Agencies
 - 13.1 Full access to the Sidewalk Seating/Retail area will be given to RCMP members, Peace Officers, Bylaw Enforcement Officers, Municipal Compliance Officers, Chief and Deputy Fire Chiefs, and Public Health Officers. At no time shall these persons be hindered or obstructed in the course of their duties.



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14. Cancellation of Sidewalk Seating/Retail Area Permit

14.1 Failure to comply with any of the above Terms & Conditions or the Commercial Use of Public Space Bylaw #246 will result in the denial of application or, if a permit has been issued, cancellation of the Sidewalk Seating Area Permit.

See Appendix A on Page 8 of this application for a basic list of requirements for a Sidewalk Seating Area Setup

Lessee to Parks Canada Agreement As of the date of this application:

I am the Lessee to Parks Canada of the lands described in the application. I have examined the contents of this application and certify that the information submitted with it is correct insofar as I have knowledge of these facts and concur with the submission of the application.

Signature of Lessee to Parks Canada

Date

Print Name

Applicant Declaration:

By signing this application for a Sidewalk Seating Area Permit, the applicant submits that they have read and agree to all of the terms and conditions related to a Sidewalk Seating Area permit and will abide by them.

I, _____, solemnly declare that the statements made by me upon this application are to the best of my belief and knowledge a true and complete representation of the purpose and intent of this application. I acknowledge that the lands described in the application may be subject to applicable laws, regulations, and guidelines including, but not limited to, the Municipality of Jasper Bylaws, the Jasper National Park Management Plan, and the Canadian Environmental Assessment Act. I agree to comply with all provisions of the Municipality of Jasper Bylaws and any other applicable legislation if this application is approved.

Signature of applicant or agent

Date

Print Name



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SIDEWALK SEATING AREA PERMIT APPLICATION CHECKLIST

Document	Attached	Notes
Insurance	<input type="checkbox"/>	Minimum \$5,000,000. See Section 11 of Terms & Conditions
Municipality of Jasper Business Licence	<input type="checkbox"/>	
Sidewalk Seating Area Plan	<input type="checkbox"/>	Sidewalk Seating Area Plan with a minimum scale of 1:100 metric including public fixtures surrounding the seating area. To comply with Section 6 of Terms & Conditions
Materials List	<input type="checkbox"/>	To include Photographs and/or product specifications for all furniture, fencing etc. to be located in the proposed Sidewalk Seating Area; To comply with Section 6 of Terms & Conditions
Letter of Authorization from the Lessee to Parks Canada i.e. property owner	<input type="checkbox"/>	
Letter of Consent from Neighbouring Business	<input type="checkbox"/>	Required if the Sidewalk Seating Area encroaches into neighbouring business' frontage.
Photographs of the Business Frontage	<input type="checkbox"/>	Showing building colours
Sidewalk Seating Area Permit Application Fee - \$100	<input type="checkbox"/>	



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Appendix A. Commercial Use of Public Space Standard – Sidewalk Seating Program

Issue	Standard
Term	Sidewalk seating is permitted from May 1 to October 24 annually. Materials must be stored off-site outside of this season.
Clear Pedestrian Zone	A clear pedestrian pathway equal to the width of the existing sidewalk shall be maintained at all times. When a “walk-around or boardwalk” is installed, the maximum width of the pedestrian zone is limited to the width of the parking lane/stall.
Pedestrian access	The chosen pedestrian pathway must not present or create additional barriers for persons with limited mobility.
Orientation	Either Walk-Around <u>or</u> Parking Lane patios are allowed, not both.
Height	Minimum 91cm; Maximum 107cm
Materials	Wood, Painted Metal or other material approved by Council sitting as committee of the whole, which may prohibit any material which in its opinion is considered unsightly, distasteful, or unsuitable. Wood should be stained or brown pressure treated. Metal shall be painted black or consistent with the building’s main exterior wall finish color (not trim or door color) previously approved by Parks Canada.
Maximum Size	Maximum of 3 stalls, adjacent only to the building the business is located in.
Tents	Not Allowed
Umbrellas	Allowed - Umbrellas shall be black in colour by default or may be consistent with approved building colours or other colours approved by council sitting as committee of the whole, which may prohibit any material which in its opinion is considered unsightly, distasteful or unsuitable. - Single colour logos are allowed.
Signage	No signage may be attached or affixed to installations. Signage includes advertising or logos, excluding umbrellas and prescribed MOJ signage.
Jersey Barriers	Not Allowed - The MOJ may provide flower planters for use on the end of installations facing the direction of oncoming traffic on Connaught Dr. and/or Patricia St.
Additional Considerations	Walk-Around installations must include signage (in a form prescribed or provided by the MOJ) to indicate the pedestrian pathway.
Parking Lane Barriers	Parking Lane installations must have wood or metal barriers parallel to the driving lane in a way that prevents children from accessing the roadway.
Building Safety Code	Installations that invoke building safety code requirements are not authorized.