

Encroachment Applications for Use of Sidewalks Adjacent to County Roads

1. Applicant applies with written request including sketch and specifications to County for Encroachment permit and submits completed application form.
2. County to review application, comment.
3. County forwards permit application to municipality.
4. Municipality reviews application to ensure their policies/standards and AODA requirements are met.
5. Municipality returns application to County with their approval or any comments.
6. County reviews application, comments and requests permit fee, insurance and WSIB certificate if people working on row.
7. Upon receipt of required documents, County approves and sends approved application to the applicant and copy the municipality for their information.

Indemnity & Insurance Requirements – Sidewalk Encroachments

NOTE: The following should be applied only to major encroachments into the County of Bruce right-of-way such as sidewalk cafes, seating areas, other large seasonal fixtures.

1. The County of Bruce issue a Permit (countersigned by the applicant) and that the Permit include the following Indemnity clause:

The Permit Holder shall to the fullest extent permitted by law, hold harmless, defend at its own expense, and indemnify the Corporation of the County of Bruce its officers, employees, agents, and volunteers, (the County) and the [INSERT MUNICIPAL NAME] its officers, employees, agents, and volunteers, (the Municipality) against any and all liability, claims, losses, damages, or expenses, including reasonable attorney's fees, arising from all acts or omissions of the Permit Holder or its officers, agents, or employees by reason of, resulting from, or otherwise related to, either directly or indirectly, the presence or operation of the sidewalk encroachment; excluding, however, such liability, claims, losses, damages, or expenses arising from the County's sole negligence or willful acts.



2. Insurance requirements:

- a) The Permit Holder must have Commercial General Liability Insurance including but not limited to bodily injury including death, personal injury, property damage, tenants legal liability and cross-liability/severability of interest provisions in the amount of Two Million Dollars (\$2,000,000.00) per occurrence with a property damage deductible not to exceed \$1,000 or as agreed to by Permit Holder and name The Corporation of the County of Bruce and the [INSERT MUNICIPAL NAME] as an Additional Insureds.
- b) Applications proposing the use of outdoor heating device(s) may be required to have a higher amount of Commercial General Liability Insurance. The presence of heating devices/systems may present additional risk factors. The additional coverage amount will be determined on a case-by-case basis that takes into account the nature of the proposed heating devices/systems and its proposed location.

Applications proposing the use of outdoor heating devices must have stated on their COI that outdoor heating devices and any damages arising there from are included under the policy coverage.

- c) The Commercial General Liability Policy shall contain an endorsement to provide the County of Bruce with (30) days prior written notice of cancellation.
- d) Provide to the County of Bruce, prior to the issuance of a Permit, a Certificate of Insurance (COI) prepared by their insurer or broker.
- e) The COI must be in the business's full legal name and must match the name in the Articles of Incorporation, Master Business Licence or similar document and must match the name in the Permit
- f) The Certificate holder portion of the COI must read exactly as follows:

The Corporation of the County of Bruce
Attention: Corporate Services Department
30 Park St, Box 1633
Walkerton, ON N0G 2V0
and

Corporation of the [INSERT MUNICIPAL NAME]
Insert Municipal Address



- g) Liquor Liability Insurance. Any Permit Holder involved in the sale or furnishing of alcoholic beverages shall also maintain Liquor Liability Insurance with a minimum per occurrence limit of not less than Two Million Dollars (\$2,000,000.00) per occurrence. The County and the [INSERT MUNICIPAL NAME] shall be named as Additional Insured on the Liquor Liability Insurance policy.
- h) The Liquor Liability Insurance Policy, if required, shall contain an endorsement to provide the County of Bruce with (30) days prior written notice of cancellation.
- i) All insurance policies/coverage shall contain a Cross Liability and Severability of Interest clauses.
- j) The Permit Holder shall maintain the required insurance coverage during the term of the Permit. The County of Bruce may cancel a Permit for failure to maintain or provide the required insurance coverage.
- k) The COI and insurance coverage shall be satisfactory to the County of Bruce Corporate Service Department. The County of Bruce may request the Permit Holder provide certified copies of the applicable insurance policy/policies.

Definitions

CERTIFICATE OF INSURANCE (COI): a COI is issued by an insurance company or broker. The COI verifies the existence of an insurance policy and summarizes the key aspects and conditions of the policy. For example, a standard COI lists the policyholder's name, policy effective date, the type of coverage, policy limits, and other important details of the policy.

COMMERCIAL GENERAL LIABILITY INSURANCE: liability coverage for bodily injury and/or property damage claims brought against the insured by a third party or member of the public.

LIQUOR LIABILITY INSURANCE: Liability coverage for claims arising out of the sale, manufacture or serving of alcoholic beverages. Under standard Commercial General Liability policies, coverage is excluded if the insured is in the business of serving alcohol. If selling, serving or making alcohol, liquor liability coverage needs to be ADDED to the existing general liability policy or purchased on its own.

