



## TOWN OF LUMSDEN

Title: **Municipal Boulevard Lease Policy**

Effective: April 12, 2022

Amended: May 7, 2024

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### **Policy Statement:**

This policy is intended to guide the application and execution of leasing a portion of a municipal boulevard, for the purpose of creating additional seating for restaurants on James Street North (Main Street) in Lumsden.

- 1) Purpose:** To enhance Main Street by expanding business opportunities through the seasonal lease of municipal boulevards.
- 2) Application:**
  - a) Businesses may apply to lease a portion of the municipal boulevard by applying to the Town on a first-come, first-serve basis.
  - b) Applications will be accepted for the Summer Season operating from April 1<sup>st</sup> to October 31<sup>st</sup>.
  - c) The application fee is \$50.00.
  - d) The application shall include a site plan containing the following:
    - i. Location of the proposed site with approximate measurements;
    - ii. Location of any barricades, fencing, tables, chairs, and other accessories; and
    - iii. Location of any utility poles, hydrants, or other public utilities (i.e. catch basins)
  - e) The request will be reviewed by the planning and development department and the reviewed application will be submitted to the Development Officer for a decision. Once the Development Officer has made a decision, a response will be provided in writing to the applicant.
- 3) Agreement:**
  - a) If the application is approved, the Town and Applicant will be required to sign a Municipal Boulevard Lease Agreement.
  - b) The Agreement will address the effective period, cost, and responsibilities of both parties.
  - c) Proof of Liability Insurance in the amount of not less than \$2,000,000 will be required at the time of signing.
- 4) Agreement Cost:**
  - a) Applicants approved for a Municipal Boulevard Lease shall pay a nominal fee representing the cost for two (2) hours of work for the Public Works Department to install and remove traffic barriers at the beginning and end of the operating season.
  - b) The Agreement Cost shall be paid in full at the time the agreement is executed.

## **5) Lessee Responsibilities:**

- a) To provide decking, lighting, furnishings, and other decorative accessories. Traffic barricades, fencing/paneling, reflective safety tape will be supplied by the Town, while supplies last, on a first-come, first-served basis.
- b) To keep the leased area free from rubbish and debris.
- c) To obtain all licenses or permits required by any other authority having jurisdiction with respect to the use of the leased area (i.e. Sask Liquor and Gaming Authority).
- d) To provide public liability insurance in the amount of not less than \$2,000,000 for the area and must indemnify the Town safe and harmless from all claims of injury to persons or damage to property attributable, in whole, or in part, to the existence, location and operation of the commercial activity in the municipal boulevard.
- e) To ensure pedestrians have an unobstructed access to the municipal sidewalk between the business and leased boulevard.
- f) To remove all decking, furniture, and décor within the traffic barriers prior to the Public Works Department removing the barriers and paneling at the end of the lease.

## **6) Additional Requirements and Standards**

- a) The Town reserves the right to determine how many Municipal Boulevard Leases are suitable on Main Street. Approval will be granted on a first come, first served basis.
- b) Alcoholic beverages may be served provided the associated restaurant is licensed to serve alcohol and has received approval from the Saskatchewan Liquor and Gaming Authority.
- c) A minimum clear pedestrian passage of no less than 1.5 metres shall be maintained, and free of any physical obstructions such as utility poles, fire hydrants, temporary signs, benches, or garbage/recycling receptacles.
- d) The street patio must be wheelchair accessible.
- e) The street patio must not inhibit drainage and must ensure that any catch basins in proximity remain clear of debris and refuse.
- f) All lighting should be temporary in nature, and not project into oncoming street traffic or adjacent businesses.
- g) Umbrellas shall be located entirely within the approved street patio area and not encroach onto the street as to obstruct traffic.
- h) Furnishings including tables, chairs and decorative accessories shall be constructed of weather resistant materials and shall be neatly and fully contained within the approved area.
- i) The entirety of the patio must be removable and not permanently fixed in place. All features must be removed during the off-season or at the end of the lease.
- j) Any decking constructed for the street patio must adhere to the following:
  - i) The surface shall have no protrusions (i.e. screws, nails, etc.) and be made of timber or composite decking affixed with screws.
  - ii) Decking must be tightly spaced to prevent heels or mobility devices (i.e. walkers, canes) from becoming caught.
  - iii) Any platform or decking must not be attached to the street and must be flush with the curb.
- k) The leased area shall contribute positively to Main Street and the perception of the surrounding area. Inappropriate patron or staff behaviour, management practices or increases in calls for

service from the Police, Fire or any other agency shall be grounds for immediate termination of the lease.