

COVID-19 Pandemic – Acknowledgement and Release for Outdoor Patio

I am applying for a Development Permit to undertake development of an outdoor patio (the “Patio”) at _____ in the City of Red Deer on behalf of _____ (the “Business”).

Initials I acknowledge I have been advised by the City of Red Deer the application for the Development Permit has not yet been reviewed or approved and, under the terms of the City of Red Deer Land Use Bylaw, there remains a time period after Development Permit approval within which the approval can be appealed to the Subdivision and Development Appeal Board (the “SDAB”).

Initials I acknowledge I have been advised by the City of Red Deer that until the Development Permit has been approved and the appeal period for the Development Permit for the Project has expired there is a risk that either the City of Red Deer or the SDAB could refuse to issue the Development Permit for the Project.

Initials I acknowledge I have been advised by the City of Red Deer that any construction I undertake on the Patio prior to Development Permit approval, expiration of the appeal period for the Development Permit and in the absence of an issued Development Permit is at the **Business’s sole risk and expense**.

Initials I either own the lands on which the Patio will be located or have obtained permission from the property owner to construct the Patio.

Initials I will not serve alcohol or I have already contacted the Alberta Gaming, Liquor and Cannabis and obtained the necessary permission to serve alcohol on an outdoor patio.

Initials At all times I will comply with the regulations and rules set by Alberta Health Services applicable to the Business.

Initials I will maintain commercial general liability insurance, which covers the Patio space, names the City of Red Deer as an additional insured and agree to inform the City at least thirty (30) days in advance of any changes to that policy.

Initials The Patio will not encroach on or interfere with accessible parking stalls, driving lanes, fire lanes, pedestrian access or sidewalks.

Initials At any time, if the City of Red Deer determines the Patio to be unsafe, I will rectify the deficiency immediately or remove the Patio, **at the Business’s sole expense**.

Initials If the Development Permit application is refused, I agree to remove the Patio immediately upon receipt of the Notice of Refusal and repair or restore, to the original condition at the **Business's sole expense**, the parking lot and sidewalk area which is damaged, destroyed or otherwise harmed by the Development of the Patio, to the satisfaction of the City of Red Deer.

Initials I wish to apply for the Building Permits required for the Project. I have been advised by the City of Red Deer that the City will, upon request and upon receipt of the necessary information and application fee, process applications for Building Permits even though the Development Permit for the Project has not been issued.

Initials The Business shall, **without limitation, indemnify the City** against all liabilities, losses, injuries, costs, damages, legal fees (on a solicitor and his own client full indemnity basis), disbursements, fines, penalties, expenses, all manner of actions, causes of action, claims, judgments demands and proceedings, all of whatever nature and kind, for any damages to the City, the Business or third parties caused by the construction or presence of the Patio.

Initials In consideration for the City of Red Deer permitting construction and processing the application for Building Permits for the Patio, even though the Development Permit for the Project has not been approved or issued, I hereby release the City of Red Deer from any claim I might have against the City of Red Deer for any loss or damages that I might suffer as a result of any decision that I have made, or may make, to commence or continue work on the Project notwithstanding the fact that the Development Permit has not been approved and the appeal period has not expired.

Initials I have the authority to bind the Business.

Date: _____

Signature of Applicant: _____

Printed Name of Applicant: _____

Phone Number of Applicant: _____

Email Address of Applicant: _____