

# THE CITY OF WINDSOR

## CORPORATE SERVICES LEGAL DEPARTMENT *Risk Management Division*

### ***Insurance and Indemnity Requirements for Sidewalk Café Agreements***

1. The Permit Holder shall indemnify and save harmless the City against all actions, suits, claims and demands which may be brought against the City and against all loss, costs, charges or expenses whatsoever for damage to property or injury (including death) to any person or persons which may be incurred or sustained or paid by the City by reason of, resulting from, or otherwise related to, either directly or indirectly, the presence or operation of the sidewalk café.
2. The City requires a certificate of insurance from the Permit Holder that meet the following requirements:
  - a) During the term of this permit, a certificate of insurance, and any renewal certificates of insurances, will be required. The certificate of insurance must be provided, and approved, prior to the commencement of the Season.
  - b) 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 \$5,000 or as agreed to by the City and name “The Corporation of the City of Windsor” as an additional insured.
  - c) In the event that the Permit Holder uses outdoor heating devices paragraph 2 b) above shall apply in its entirety except the amount of insurance may be higher than the standard Two Million Dollars (\$2,000,000) for unheated cafes. The additional coverage amount will be determined on a case-by case basis, which takes into account the nature of the café’s proposed heating devices/systems and its locational attributes. The insurance certificate must state that outdoor heating devices and any damages arising therefrom is included under the policy coverage.
  - d) The certificate holder portion must read exactly as follows:

The Corporation of the City of Windsor  
Attention: Risk Management Department  
400 City Hall Square E, Suite 400,  
Windsor, ON N9A 7K6
  - e) It is understood and agreed that the Commercial General Liability Policy shall contain an endorsement to provide the City with (30) days prior written notice of cancellation.
  - f) 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 City shall be named as additional insured on the liquor liability insurance policy.
  - g) The insurance certificate must be in the Permit Holder’s full legal name as found in their Articles of Incorporation or Master Business Licence. The full legal name must match the legal name found on the Permit Holder’s current City of Windsor business licence.
  - h) The insurance shall be satisfactory to the City’s Risk Management Co-ordinator.

Revised March 1, 2021