

2025 SIDEWALK PATIO APPLICATION

Temporary Use of City Owned Land for Sidewalk Patio

For 2025, in cases where the following criteria are met, tables may be placed directly on the sidewalk surface:

- a) able to allow an unobstructed pedestrian path of 1.5m between patio and building;
- b) occupant load will not be surpassed; and
- c) able to provide liability insurance

If your situation meets these criteria, please complete this application as instructed.

Application Administration Fee \$388.00 plus HST = \$438.44

For Patios that were previously approved and with no planned changes for 2025 the fee is reduced to \$208.00 plus HST = \$235.04.

Additional "Land Use Fees" are set out on Schedule B attached.

Please return the completed application form and attachments to Realty Services by email to lisa.zawadzki@thunderbay.ca or by fax to (807) 623-9344 – Please include the business address with your cheque and mail it to above address. Questions regarding completion of the application can be directed to (807) 625-2527.

(PLEASE PRINT CLEARLY)

APPLICANT: _____ DATE: _____ 2025.

TELEPHONE # _____ FAX# _____ EMAIL: _____

BUSINESS NAME: _____
(If different from Applicant)

ADDRESS OF BUSINESS: _____

MAILING ADDRESS (If different from above): _____

CITY: _____ POSTAL CODE: _____

EATING EST. LICENCE NUMBER: _____ Expiry Date: _____

BRIEF DESCRIPTION OF SIDEWALK PATIO /BISTRO: _____

The Term of the Licence Agreement shall be for 3 years unless otherwise specified.

This Application and all prerequisites **must** be submitted to Realty Services for approval. Upon the application and submissions being approved, the applicant will be required to enter into a licence agreement.

PREREQUISITES: by checking the boxes below you confirm that you have or will meet the prerequisites

- ☐ Site plan of the proposed Patio. The plan must indicate the dimensions and area calculation of the patio, sidewalk width, business width, location of the entrance(s), distance to hydrants, any boulevard trees, parking meters, and any other pertinent features (see Criteria Guidelines & Checklist attached).
- ☐ Insurance Certificate is to be provided with liability insurance of not less than 5 million. City is to be named as a third party insured.
- ☐ A Certificate issued by the Workplace Safety and Insurance Board is to be provided and will be valid during the entire term of the patio licence agreement.
- ☐ By checking this box, you confirm that the occupant load (establishment and patio) will not exceed the posted occupancy at any time during the applicable term of the patio licence agreement.
- ☐ By checking this box, you confirm that you have consulted with and received approval from the appropriate BIA or BA confirming its support of this application.
- ☐ I acknowledge that the patio is not to open for business until the licence agreement has been signed, all prerequisites have been met and Realty Services has completed a final inspection of the Patio.

If approved, a Licence Agreement will be prepared and forwarded to the Applicant for execution. Upon receipt of the executed Agreement and a completed Certificate of Insurance, the Agreement will then be executed by the Development Services Director or his designate and a fully executed copy will be forwarded to the Applicant.

Signature of Business Owner/ Applicant

Signature of Property Owner

SIDEWALK PATIO / BISTRO (NO STRUCTURE) GUIDELINES

Eligibility

This program is available to owners of licensed food establishments/restaurants and retailers.

Applications are to be submitted by the business owner (with the consent of the owner of the building if not the same).

Patio Details

- The Patio size may extend the length of the Restaurant and beyond with permission of the abutting business owners.
- The Patio must be delineated from the publicly travelled portion of the sidewalk. Line of demarcation can be by a self-supported railing, stanchions / posts with rope, temporary pavement marking (unless serving alcohol) or other vertical barrier system. Details are to be provided by Applicant.
- Any Patio end railings must include reflectors for night safety.
- **Railings/stanchions/posts/planters MAY NOT be anchored to the surface. Any penetration of the City's sidewalk, curb or street surface without authority could result in the licence being cancelled and the applicant being responsible for repair costs.**
- The Patio must be removed on or before September 30, 2025.
- Patio furniture must be movable, but sturdy and heavy enough to withstand expected winds without becoming a hazard.
- The Patio shall have no permanent electrical power.
- Patios may not be used to increase the maximum occupant load of the relevant building.
- Umbrellas must stand at least 2.1m (7ft) above the walking surface and cannot interfere with traffic or traffic visibility.
- A fire extinguisher (minimum 2A-10BC) must be available within 15.2 m (50ft) of any part of the patio.
- CSA-certified electric or propane patio heaters (with max 20lb tank) are permitted where located at least 3m (10ft) away from tree branches and or building awnings per the manufacturer's directions and not stored on the City's road right-of-way or sidewalk when not in use. Solid-gel or liquid-fuel fire features are not permitted.
- Music shall not be played on the Patio without consent from the City.
- Tents/shelter structures prohibited unless consent from the City is.
- **Patio may not be used for cooking or preparing food.**

Location

- Patios cannot obstruct fire hydrants, fire connections, or Fire Rescue access to the building.
- Patios generally cannot obstruct Transit stops. However, the City may consider moving transit stops during the Patio season.

General

- The Applicant must enter into an agreement with the City and provide the necessary insurance.
- Any public complaints will be logged and forwarded to the Applicant to rectify. Responsibility for the Patio shall be wholly with the Applicant and at the Applicants expense.
- The City will not be required to pay for any work or supply any equipment to make public lands more suitable for the proposed Patio.
- The Applicant shall be responsible for maintaining the appearance of the Patio and any furniture or fixtures. Applicant shall ensure that no litter, garbage or similar accumulates on or around the Patio.
- Applicant shall ensure that the City's planter areas are delineated apart from the Patio and that no damage to the plants or flowers shall result from the use of the Patio.
- The City of Thunder Bay shall maintain the right to enter the licensed lands to carry out repairs or maintenance to municipal infrastructure, and planters and for the purposes of inspection. The Licencee shall be responsible for removing its improvements to allow for such repairs and maintenance.
- To be considered eligible, no outstanding taxes and fines shall remain unpaid at the application due date.
- The Applicant shall meet all requirements of the Thunder Bay District Health Unit, Alcohol and Gaming Commission of Ontario, and other regulatory agencies as applicable.
- The Applicant shall obtain and maintain all licences, permits and certificates that may be required for or in connection with the business including but not limited to the Alcohol and Gaming Commission of Ontario, if applicable and will abide by the Ontario Guidelines for restaurant and food services health and safety.
- The Applicant shall provide their liquor license and/or landlord consent, if requested by the City.
- The Applicant shall comply with the requirements of every applicable statute, law, and ordinance, and with every applicable lawful regulation and order including the requirements of the City's Noise By-law, the Smoke-Free Ontario Act and Municipal Smoking Prohibition By-law.
- The Applicant shall comply with and shall ensure its staff, volunteers and invitees comply, with all applicable federal, provincial, municipal and Thunder Bay District Health Unit laws, regulations, policies, directions, and recommendations.

Accessibility

- A minimum of 20 per cent of the tables that are provided must be accessible to persons using mobility aids by having knee and toe clearance underneath the table and in no case shall there be less than one table in an outdoor public use eating area that meets this requirement.
- The ground surface leading to and under tables that are accessible to persons using mobility aids must be level, firm and stable.

Application for Sidewalk Bistro/Patio 2025

- Tables that are accessible to persons using mobility aids must have clear ground space around them that allows for a forward approach to the tables. O. Reg. 413/12, s. 6
- Patio delineation must be easily identifiable and accessible. Ends of the Patios (facing on coming foot traffic) should contain a tactile or solid surface that can be felt with a cane to guide pedestrians with low vision or blindness around the Patio.

*****The above referenced Guidelines, as well as additional information, resources and links are available on the City's website at: www.thunderbay.ca/patio***

Schedule “A” Checklist for Sidewalk Patio

☐ **SITE PLAN** to show & dimension the following:

- *Location of the Patio area (show business and access to business with measurements)
- *Width of sidewalk
- *Number of tables and chairs and proposed seating layout including other furniture/fixtures
- *Ends of length of Patio must contain some sort of visual warning for people with low vision or blindness.
- *Description of delineation method used (ie. Posts and rope, posts and rail, tape, etc.)
- *Unobstructed sidewalk walkway between patio and building (Minimum 1.5 m wide)
- *Planters, trees, bollards/guards, light posts, poles, signage, bust stops, parking meters, hydrants, etc.

☐ **ADDITIONAL INFORMATION:**

- *Completed Certificate Insurance (Form on next page)
- *Written confirmation that occupant load will not be increased by added patio seating.
- *WSIB Certificate
- *Eating Establishment License Number
- *If the Applicant is a tenant, permission from the Landlord is required.

Schedule “B” Land Use Fees

For the first year of the three year term, the initial rate will be \$164.00 plus HST, totaling \$185.32 for the 2025 season.

Land use fees for subsequent year(s) beyond 2025 may be subject to change.