

## **Application for Outdoor Patio on Private Property**

If you are an eating establishment and/or tavern and would like to operate an outdoor patio on private property, please complete the following application.

### **Zoning Compliance**

Please note that all outdoor patio applications on private property must meet all applicable requirements outlined in the Town of Fort Erie Zoning By-law. Some highlights of the requirements include the following:

- The outdoor patio must be associated with an eating establishment and/or tavern;
- No part of any outdoor patio shall be located within 20 metres of a residential zone;
- The seating capacity cannot exceed 50% of the seating capacity of the eating establishment and/or tavern with which the patio is associated;
- No outdoor patio can be constructed that would remove on-site parking spaces required by the Zoning By-law.

For a full list of requirements please refer to [section 6.50](#) of the Town's Zoning By-law.

### **Terms of Approval**

Should this application be approved, the outdoor patio may operate for up to eight (8) months total in a calendar year.

### **Conditions of Approval and Inspection**

Should this application be approved, occupancy is permitted on the date of the approval subject to the conditions of the approval. Inspection may follow after approval and, should the outdoor patio not pass the inspection, the approval may be suspended and/or revoked, and occupancy may be prohibited until such time as compliance is achieved to the satisfaction of the Town.

### **Outdoor Patio on Municipal Property**

If you would like to operate your outdoor patio on municipal property (i.e. sidewalks, municipal parking stalls, etc.), please contact Planning and Development Services at 905-871-1600 ext. 2517 or 2521.

### **Completed Applications**

All items must be completed and submitted prior to approval.

For inquiries and completed applications, please send to Economic Development and Tourism Services – [edts@forterie.ca](mailto:edts@forterie.ca) | 905-871-1332 or at Town Hall (1 Municipal Centre Drive, L2A 2S6)

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### ***Applicant Contact Information:***

1. Name: \_\_\_\_\_

2. Address: \_\_\_\_\_

3. Email: \_\_\_\_\_

4. Phone Number: \_\_\_\_\_

### ***Business Information:***

5. Business Name: \_\_\_\_\_

6. Business Contact and Phone Number: \_\_\_\_\_

7. Business Address and Postal Code: \_\_\_\_\_

### ***Please Reply as Necessary to the Following Questions:***

8. Is the business address listed in Question #7 the location of the proposed outdoor patio?

a) ☐ Yes ☐ No

b) If No to 8a) above, please provide the address for the proposed outdoor patio: \_\_\_\_\_  
\_\_\_\_\_

9. Is the proposed patio located on ***private property***?

a) ☐ Yes ☐ No

b) If Yes to 9a) above, are you the owner of the property where the outdoor patio is proposed?

☐ Yes ☐ No

c) If No to 9b) above, please provide a letter from the Owner of the property authorizing you to apply for an outdoor patio on private property (See Appendix "2" for an example).

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10. Is the proposed patio located on **public property**?

- a) ☐ Yes ☐ No

b) If Yes to 10a) above, please contact the Planning and Development Services Department at 905-871-1600 ext. 2517 or 2521.

11. Do you have a valid business licence from the Town of Fort Erie?

- a) ☐ Yes ☐ No

b) If Yes to 11a) above, please provide your Business Licence Number: \_\_\_\_\_

c) If No to 11a) above, please contact the Economic Development & Tourism Services Department via phone at 905-871-1332 or via e-mail at [edts@forterie.ca](mailto:edts@forterie.ca).

12. Do you have a valid Liquor Licence from the Alcohol and Gaming Commission (AGCO)?

- a) ☐ Yes ☐ No

b) If Yes to 12a) above, please include the following information and answer the following questions:

- i. Please provide a copy of your current liquor licence;
- ii. Is your proposed outdoor patio a reallocation of some or all of your licenced seats from inside to outside (no increase in total seating capacity licenced by the AGCO)?  
☐ Yes ☐ No
- iii. If No, please advise how many more seats are proposed within the proposed outdoor patio, that exceed the existing licenced eating capacity from AGCO:  
\_\_\_\_\_

iv. Please identify the number of licenced seats:

- Proposed Inside: \_\_\_\_\_
- Proposed Outside: \_\_\_\_\_
- TOTAL: \_\_\_\_\_

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c) If No to 12a) above, please provide the following information and answer the following questions:

i. Please identify the number of seats:

- Proposed Inside: \_\_\_\_\_
- Proposed Outside: \_\_\_\_\_
- Total: \_\_\_\_\_

ii. Do you intend to serve alcoholic beverages on your proposed patio?

☐ Yes

☐ No

- If Yes, your application for an outdoor patio will be delayed pending the issuance of a valid liquor licence from the AGCO. Please refer to the AGCO's website for further information on obtaining a liquor licence.

13. Adequate washroom facilities for both the eating establishment and/or tavern are required for outdoor patios. Please provide the following information regarding washroom facilities at your establishment:

- Number of washrooms, including the number of toilets and urinals:

\_\_\_\_\_

14. Please indicate the months which you plan to be operational:

*\*Note: the outdoor patio may operate for up to eight (8) months total in a calendar year*

\_\_\_\_\_

15. Are you intending to erect a temporary tent and/or covering over your proposed outdoor patio?

a) ☐ Yes

☐ No

b) If Yes to 15a) above, please refer to the 'Fire and Building Regulations for Outdoor Patio on Private Property' in Appendix 3.

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16. Do you intend to use heaters on your proposed patio?

a) ☐ Yes ☐ No

b) If Yes to 16a) above, please refer to the 'TSSA Patio Heater Safety Guidelines' in Appendix 4.

17. Please provide a site plan **to scale and in metric**, outlining the layout of the proposed outdoor patio. Please refer to Appendix 1 for an Site Plan Example.

### **Requirements Checklist:**

☐ Completed Application Form;

☐ For leased, private-property, businesses provide the landowner's written authorization;

☐ Copy of current liquor licence from the AGCO with indoor and outdoor seating capacity (if applicable);

☐ Sketch of Site Plan – identifies proposed size and dimensions of patio area, tables and chairs, detail of fencing, barriers, tenting/coverings and materials to be used. Please refer to Appendix "1" as reference.

☐ Submit all materials via email to Economic Development & Tourism Services at [edts@forterie.ca](mailto:edts@forterie.ca)

As the applicant, I confirm that this application is in conformance with all of the Town's Regulations. I have attached to this application the information required in this Checklist. Further, I understand and agree that all materials used in the construction of the patio area is fully removable and that the area will be restored to its original condition by the end of the eight (8) month approval.

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I understand that this application form is a public document and that any and all information contained in it, including personal information as that term is defined in the Freedom of Information and Protection of Privacy Act of Ontario, and is open for inspection by the public.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Questions regarding this application may be directed to the following: [edts@forterie.ca](mailto:edts@forterie.ca)

**Appendix 1 – Site Plan Example**

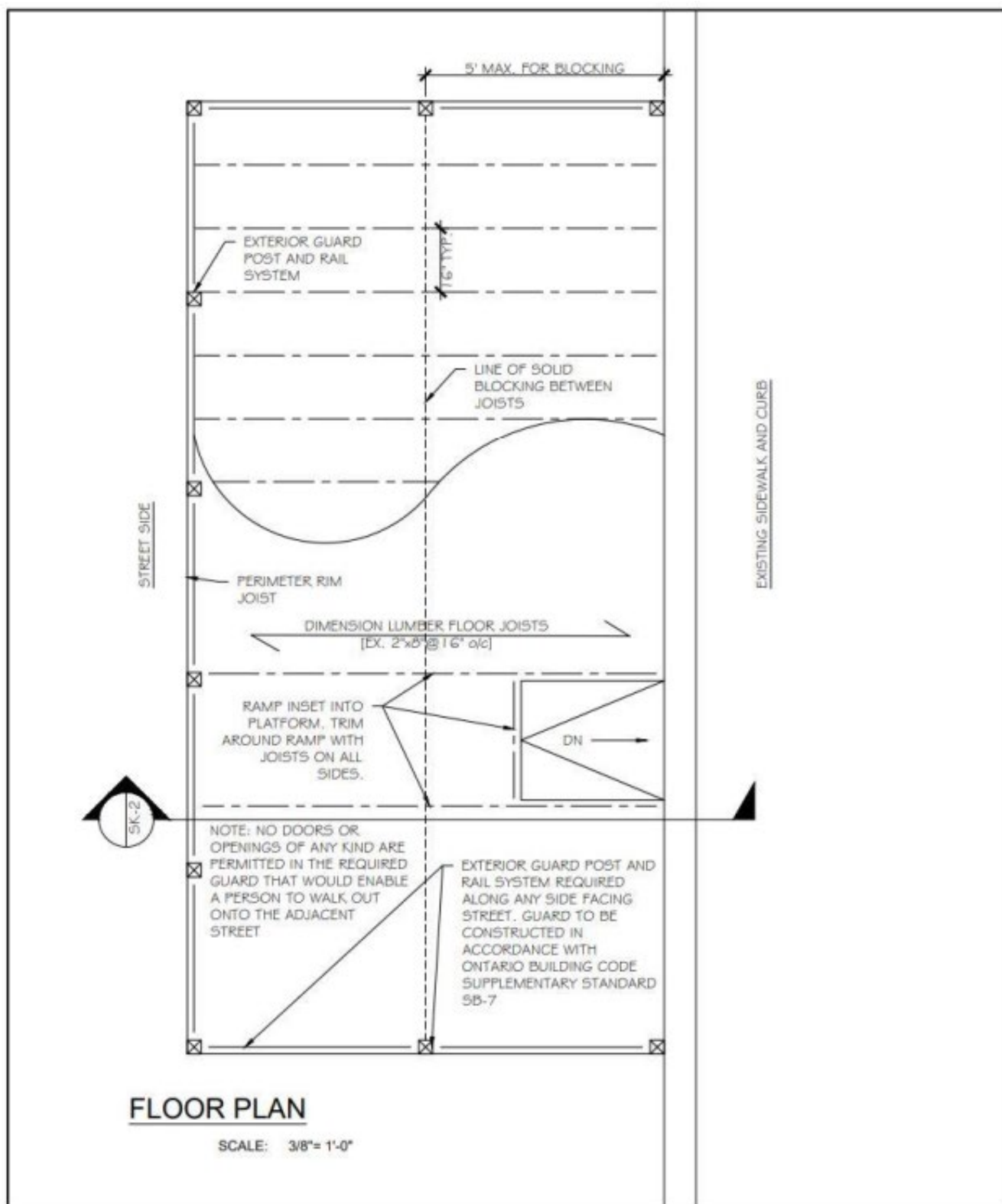
**Appendix 2 – Property Owner's Letter of Authorization**

**Appendix 3 – Fire and Building Regulations for Outdoor Patio on Private Property**

**Appendix 4 – TSSA Patio Heater Safety Guidelines**

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### Appendix 1 – Site Plan Example



## **Application for Outdoor Patio on Private Property**

### **Appendix 2 - Property Owner's Letter of Authorization**

If the applicant is not the owner of the land that is subject of this application, the authorization set out below must be completed by the owner(s). All registered owners must complete the authorization form for it to be valid.

I/We the undersigned, being the registered owner(s) of the land that is subject to this application

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Property Owner's Name(s)

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(Legal description and/or municipal address)

Hereby authorize

---

First Name

Last Name

Company (if applicable)

To make this application on the property known municipally as

For which I am/we are the registered owner(s).

Signature\_\_\_\_\_ Date\_\_\_\_\_



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### **Appendix 3 - Fire and Building Regulations for Outdoor Patio on Private Property**

#### **OUTDOOR PATIOS**

##### **Owner / Operator Obligations**

Outdoor patios may pose a significant fire risk to the public. Building owners and operators have an obligation to ensure the adequacy of fire safety precautions and compliance with the Fire Protection and Prevention Act and the Fire Code at their premises, and to ensure that appropriate measures are implemented to mitigate any fire safety risk. Factors for consideration and issues to be addressed may include the following:

- Barbecues must have a clearance of 1 meter to combustible structures in all directions horizontally and be at least 3 meters below a combustible overhang of any type. Open grills must be same but 4 meters below.
- Provision of adequate emergency egress routes to facilitate evacuation of the maximum anticipated occupant load for the patio area. Egress considerations include having the appropriate number, size and placement, clearly identified with signage and lighting, as warranted.
- Control of potential ignition sources in the patio area and along the emergency egress route, such as smokers' articles, candles and other open flames, temporary wiring, improper insecure lighting components, and heating and cooking appliances.
- Availability of fire protection equipment for the outdoor patio, such as fire extinguishers.
- Accurate and approved occupant loads.

##### **Means of Egress**

To ensure the safe egress of people from an outdoor patio, a clear path must be maintained. This is particularly critical where required exit doors from a building open into/through the outdoor patio space. The outdoor patio arrangement must allow all occupants to evacuate through the patio space to a safe place away from the building, without restrictions or delay (e.g. such as a gate that does not swing in the direction of exit travel or should have release hardware). Adequate lighting of the means of egress should also be taken into consideration.

##### **Sources of Ignition**

A wide variety of ignition sources may exist on outdoor patios, including patio heaters, barbeques and food warming appliances. Careful placement and use of these products are required to ensure the safety to occupants both inside and outside the building.

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### **Appliances**

- Provide adequate ventilation, away from building openings, to allow products of combustion to escape.
- Ensure safe appliance use, outdoors only on a stable level surface in a location not subject to damage or tampering.
- Have appropriate handling and storage of gas (propane and natural gas) cylinders.
- Provide separation from any other combustibles, such as wooden fences or walls, roof overhang, trees with low branches, tablecloths and decorations.
- Maintain sufficient clearance from egress pathways so that a fire at the appliance will not prohibit using the egress pathway.
- Use only appliances that bear an approval agency mark, such as the CS Blue Flame mark, to indicate compliance with recognized safety standards. Ensure that the use is consistent with the listing.
- Open-flame appliances cannot be used inside tents with or without walls and any electric heating appliances must follow manufacturer directions for its specific use.

### **Other Ignition Sources**

- Avoid the use of decorative or festive-type lighting with extension cords or other temporary wiring.
- Ensure electrical devices, lighting and wiring are listed for exterior use.
- Provide separation of open flames from any combustibles, such as wooden fences or walls, roof overhang, trees with low branches, tablecloths and decorations
- Candles or similar open flames are not permitted.

### **Tents, Canopies and Overhangs**

All tents must be certified to CAN/ULC-S109, "Flame Tests of Flame-Resistant Fabrics and Films", or [NFPA 701](#), "Fire Tests for Flame Propagation of Textiles and Films". You will need to prove this before erecting the tent. If walls are to be put up, then an emergency exit must be identified.

There also cannot be any devices that produce a flame, like barbecues, patio heaters, etc. in the tent.

### **Draperies and Enclosures**

Any tents or enclosures must display the Fire Resistance Rating for the material of which it is constructed. The use of canopies, curtains, or rain screens may present a fire hazard, depending upon the extent of the enclosure and materials used. Enclosures can impede the dissipation of combustion products, which can be very hot, and increase the

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risk of carbon monoxide poisoning. Further, they can obstruct the movement of people away from the patio in the event of an emergency.

Discuss the proposed use of canopies or enclosures with the Chief Fire Official **before** installing them.

### **Fire Protection Equipment**

The patio shall have at least one fire extinguisher, with a minimum rating of 2A10BC, accessible at all times. The extinguisher shall be installed so that the top of the extinguisher is not more than 1.5 m above the floor and visible from all directions.

### **Fire Department Access to Buildings**

Fire access routes, fire hydrants, sprinkler and standpipe connections shall not be obstructed.

### **Occupant Load**

The occupant load of the restaurant does not allow for groups of patrons from the patio to enter inside during inclement weather if doing so will exceed the approved occupant load of the indoor dining area.

### **Evacuation Procedures**

Sufficient staff on-site shall be sure to assist in evacuation of all patrons that have been using the patio area during any fire emergency.

- The owner/operator shall have sufficient staff trained in evacuation of any area of the restaurant in case of any fire emergency during all operating hours.

\*Refer to OFM-TG-03-2007 Outdoor Patio Fire Safety and Ontario Fire Code O. Reg. 213/07, Division B and Ontario Building Code O. Reg. 350/06, Division B



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**Appendix 4 – TSSA Patio Heater Safety Guidelines**