

COUNCIL REPORT

To: Mayor and Council

From: Administration

Date: April 22, 2025

Subject: License to Use – Purple Bicycle Patio

RECOMMENDATION:

THAT Council approves a three-year license to use agreement with The Purple Bicycle for the purposes of operating an outdoor patio area in the District-owned parking lot directly outside their establishment;

AND THAT the Chief Administrative Officer be authorized to execute the agreement and any related documentation.

BACKGROUND:

The District received a letter from Cara Bowen, Owner and Operator of The Purple Bicycle, requesting permission to construct a 15-foot x 30-foot barricade to enclose an outdoor patio in part of the parking lot directly out front of their new location at 13-600 Mackenzie Boulevard (attached). The Purple Bicycle previously held a license-to-use agreement for the same purpose outside their previous location at 520 Mackenzie Boulevard.

Staff conducted a review of the request to assess the proposed use in consideration of suitability, health and safety, and necessity of use. Staff also discussed the use with other departments and agencies to ensure all operational and safety considerations have been made. The following is a summary of the responses:

Agency	Response
Northern Health Authority	No comments received.
DOM Fire Department	The Fire Department conducted a site visit and had no concerns and only stipulated that the front entrance must always be free and clear for emergency access.
DOM Operations - Public Works	Public Works conducted a site visit and expressed that their only request be that the patio not be put up before the District has had a chance to sweep the sidewalk and parking lot each year and that an additional stall be blocked off on either side (with a cone/rope) to allow a safety buffer for traffic and for bike storage.

The parking lot is municipally owned and under the *Community Charter* is defined as a "highway". Under section 35 (11) of the *Community Charter*, Council may grant a licence of occupation or a permit relating to any public thoroughfare (highway) that is under municipal jurisdiction. A licence of occupation (license to use) sets out the purpose, term and conditions of use for municipal land that a licensee must follow as well as broad legal requirements to protect the municipality from any liability incurred during the use.

Administration has drafted a License to Use agreement for Council's review. The agreement outlines that:

- The use is for the sole purposes of an outdoor patio.
- The patio can only be in place from April to October of each year of the agreement.
- A parking stall on either side adjacent to the patio must be blocked as an added safeguard and for bike racks.
- The barricade and any improvements must be inspected and approved by the District.
- The licensee must hold \$2 million commercial general liability and name the District as an additional insured on the policy.
- The public walkway must be kept free and clear at all times.

A letter from the Purple Bicycle and a copy of the draft agreement is attached to this report for consideration.

BUDGETARY IMPACT:

In alignment with other license-to-use agreements with private organizations in the community, a license fee of \$94 will be charged for the use of the space.

COUNCIL PRIORITIES:

Economic Vitality

- The District is a leader on efforts aimed at diversifying the community's economy, supporting local businesses, and attracting new investment to the community. Diversification, a strong business sector and new investment are key to our economic vitality.

RESPECTFULLY SUBMITTED:

Emily Kaehn, Director of Corporate Services

Reviewed By: Corporate and Financial Services

Approved By: Chief Administrative Officer