

## **Guidelines for Temporary Patios in the Public Right-of-Way**

### **a) General Business Requirements**

Temporary patios shall only be permitted for restaurants and bars in possession of a valid 2020 or 2021 business operating license.

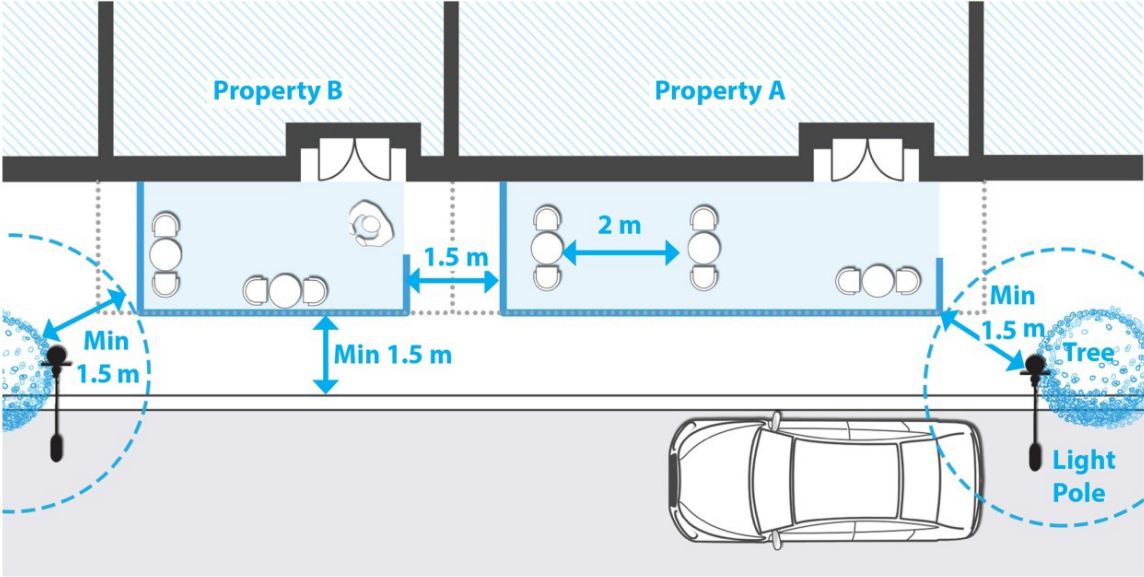
- As announced by the AGCO, licensed establishments may create a patio adjacent to their premise or increase the size of their existing patio without applying for licenses or paying a fee for a temporary extension, providing they have municipal approval and meet all other applicable requirements.
- Patio and any overhanging elements must not extend in front of adjacent tenant spaces without written permission from the affected neighbouring property owner/tenants.

### **b) Safety Requirements**

- The Applicant is to ensure that the Patio meets all safety, accessibility, operation, functioning and physical distancing requirements. Further, table and seating options that accommodate people of all abilities must be available.
- Patio's beginning and end must be offset 0.75 m (2.5 ft) from the property line in order to provide 1.5 m (5 ft) total clearance between adjacent patios or parking spaces.
- A clear path of pedestrian travel of 1.5 m (5 ft) minimum must be maintained on the sidewalk.
- All patios located within the curb lane/on-street parking lane must have a temporary ramp installed to facilitate pedestrian access to the adjacent raised sidewalk/curb and the Applicant is responsible to ensure all ramp(s) meet accessibility requirements.
- Patio furniture must maintain a minimum 1.5 m (5 ft) clearance from an above-ground obstruction.
- The perimeter of the temporary patio must maintain a minimum 0.5 m (1.6 ft) clearance from at-grade utilities (such as maintenance holes and storm drains).
- Existing and temporary patios must comply with all provincial legislation, and the advice and instructions of Peel Public Health officials, including matters regarding physical distancing, cleaning and/or disinfecting.
  - To facilitate physical distancing, tables and chairs shall be arranged so that a minimum distance of 2 m (6.5 ft) is maintained between groups or patrons.
  - Signage must be posted at patio entrances and exits promoting physical distancing.
- All cooking must take place inside the existing licensed restaurant area.

- Patio must not have electrical, sprinkler or gas utility connections.
- Patio must be free and clear of the transit-related pedestrian landing pad area 15 m (50 ft) by 2 m (6.6 ft) and ensure that an accessible connection to the sidewalk is maintained.
- For any on-street impacts to an existing bus stop, associated bus bay and taper requirements should be met. Specific distances will be determined during the application process as they are dependent on the location.
- Temporary patios near intersections must maintain a minimum 6.0 m (19.7 ft) radius clearance from the edge of the curb. The Applicant must ensure safe sight line distance is provided if the patio is located adjacent to an intersection.
- Temporary fencing should be installed by the Applicant to ensure pedestrian safety.
  - Temporary planters can substitute railings for delineation.
  - Fences must have an open appearance and should be secured without damaging or drilling into the sidewalk, roadway or curb.
  - Patio elements (tents, heating devices, umbrellas, planter boxes, signs, sandwich boards, etc.) must not overhang or extend beyond the fenced area.
  - The height of all fencing and railings must be as follows:
    - Adjacent to the street/vehicular traffic: 1.2 m (3.9 ft) from the top of the walking or road surface.
- Temporary fencing to meet AGCO requirements must also be met by the applicant as applicable.
- Patio access cannot be through a business kitchen or employee-only areas.
- A temporary patio must have two separate exits when it is barricaded with fencing or railings and has a capacity for more than 60 people.
- Business name and logo may appear on fencing, but other banners and signs are generally prohibited, as described in the Sign By-law 0054-2002.
- Patio umbrellas are allowed for sun shade, must stand at least 2.1 m (6.9 ft) above the walking surface, and must not extend past the fencing.
- Patio service shall be stopped by 11:00 p.m. unless otherwise extended by the City, as per noise limits described in the Noise Control By-law 360-79. Amplified sound is not permitted to extend past 5:00 p.m.
- There must be access to a fire extinguisher within 15.2 m (50 ft) of any part of the patio, and the patio must maintain a 5.0 m (16.4 ft) clearance from fire hydrants, and a 0.5 m (1.6 ft) clearance from fire department connections.

- The Applicant shall remain solely responsible and liable for all maintenance and repairs to the temporary patio.
- The Applicant shall be responsible for clearing all snow and/or ice from the Patio including the entry and exit points for the Patio and Restaurant.



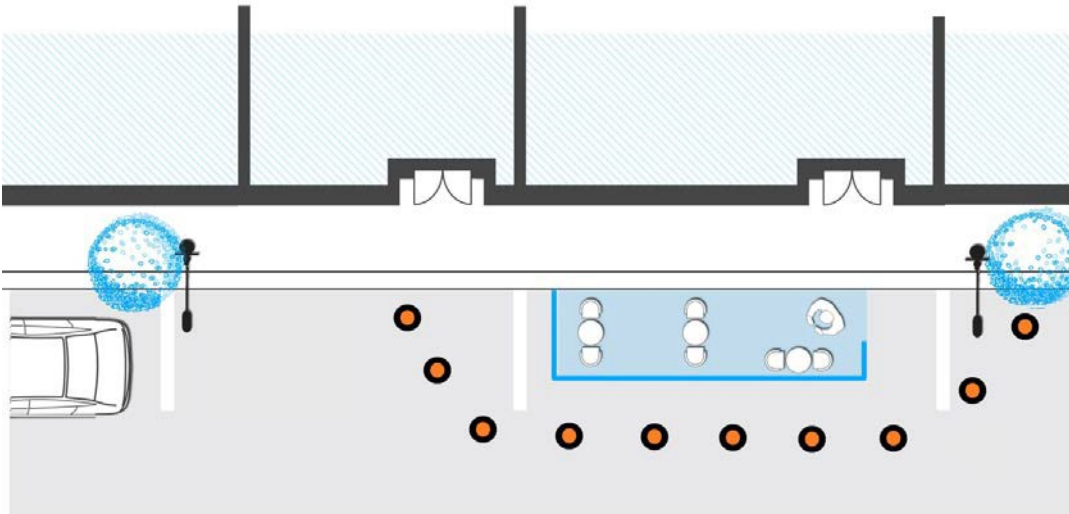
**c) Additional Safety Requirements**

Temporary patios can be located in front or to the side of an establishment within the municipal road right-of-way, including municipal on-street parking spots, boulevards, and curb lanes. Patios will not be permitted in spaces with parking restrictions or in special zones (bus lane, loading zone etc.). In addition, the patio may be located in adjacent municipal parking lots.

- Patios cannot be located at an existing bus stop and the associated bus stop tapers.
- If the patio is located within the curb lane/municipal on-street parking lane, the City will provide all necessary traffic safety barriers. The Applicant will be responsible for providing the necessary ramps.
- If temporary relocation of the sidewalk to the curb lane/municipal on-street parking lane is required, the City will provide the necessary ramps.

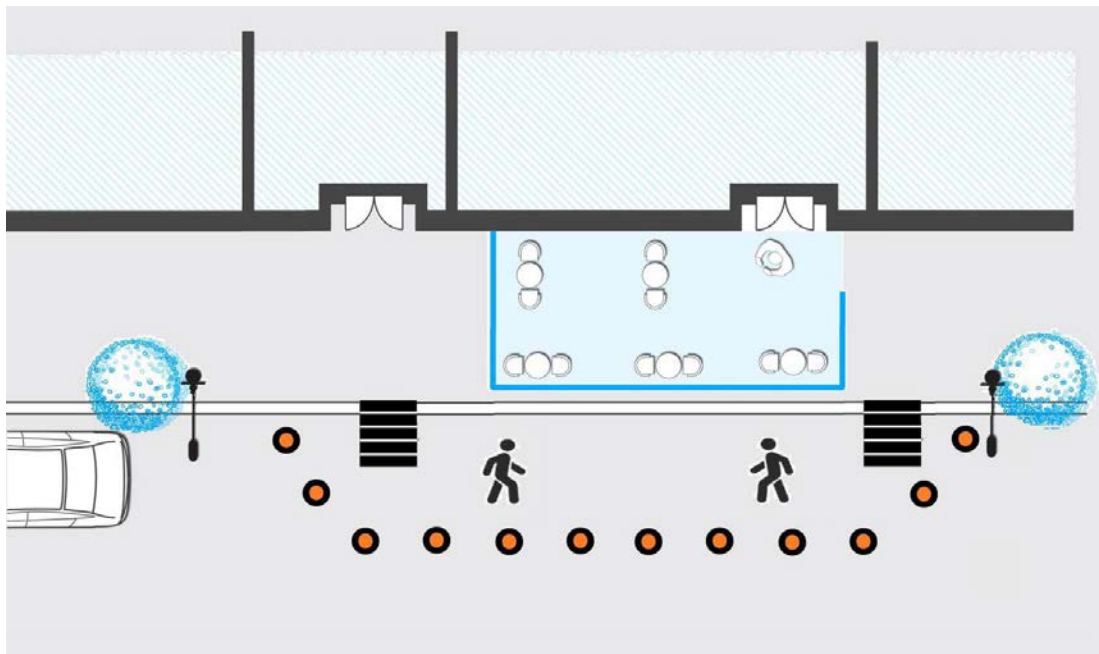
**1. Example of patio in the curb lane/on-street parking lane**

- Type of barrier or traffic control devices will be determined by the City (e.g. concrete barrier wall or traffic barrels).

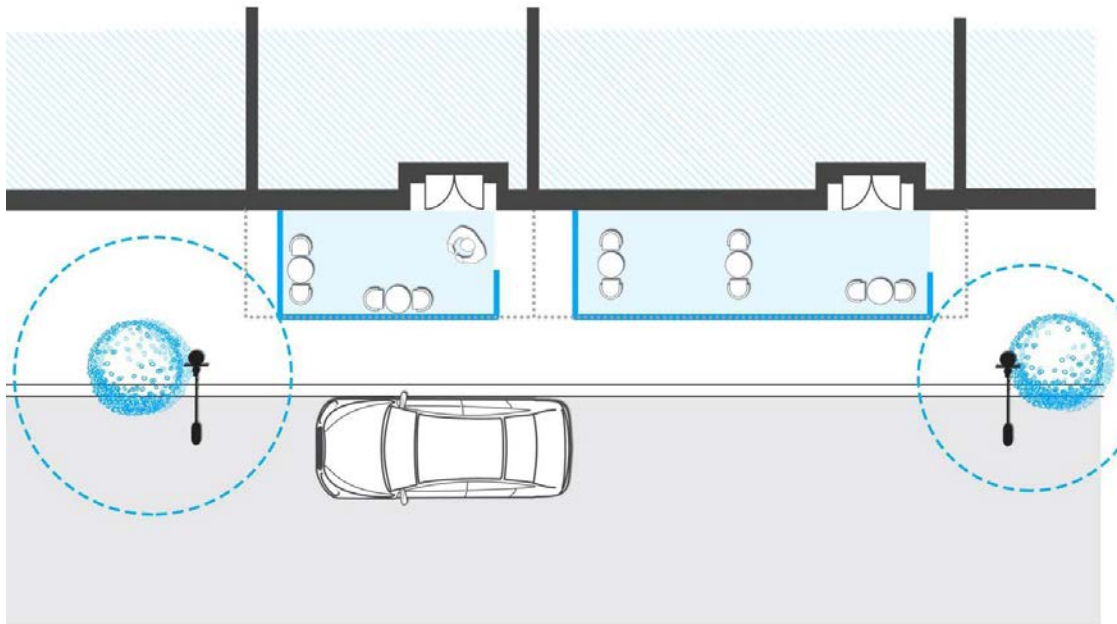


**2. Example of patio on the existing sidewalk/boulevard and sidewalk relocated to the curb lane/on-street parking lane**

- Type of barrier or traffic control devices will be determined by the City (e.g. concrete barrier wall or traffic barrels).



### 3. Example of patio on the existing sidewalk/boulevard with the sidewalk maintained



#### d) Specific Requirements for Temporary Tents/Covered Areas on Temporary Patios

Express written permission from the City is required before setting up a temporary tent or covered area (“tent”) on a temporary patio. Please note this applies to existing permit holders and any new applications.

If you are proposing to set up a tent on a temporary patio, please provide the following information as part of the permit request:

1. Sketch of the location of tent including measurements.

Applicants must comply with the following conditions with respect to tents on temporary patios. All tents on temporary patios are subject to inspection and enforcement by the City.

- Temporary tents must not impede sight lines or full visibility of the roadway for vehicles, pedestrians and cyclists.
- If a temporary tent is less than 60m<sup>2</sup> (645.8 sq.ft) in size and located 3.0 m (9.8 ft) from other structures (including other temporary tents) a building permit will not be required.
- Temporary tents must have at least two (2) full sides open to the outdoors at all times and must not be substantially blocked in any way by walls or other impermeable physical barriers.
- For public safety and accessibility reasons, nothing may be drilled or affixed to the sidewalk or roadway.
- Installed, operated and maintained in accordance with the manufacturer’s specifications;
- Properly secured to adequately protect against wind and other potential weather hazards.
- Notwithstanding any previously granted permissions, a fire fuelled heating appliance is not permitted to be located underneath a tent or partially enclosed area.
- The tent shall meet “Flameproofing Treatment” requirements of the Ontario Fire Code.

## e) Specific Requirements for Heating Devices on Temporary Patios

Express written permission from the City is required before using a heating device on a temporary patio. All proposed heating devices on temporary patios are subject to Fire Department approval. Please note this applies to existing permit holders and any new applications.

[Patio Heater Safety Guidelines](#) prepared by the Technical Standards & Safety Authority (TSSA) state that propane and natural gas patio heaters are designed for outdoor use only, and are not to be used indoors or within an enclosed structure such as a tent. Compliance with these guidelines by restaurant owners will be critical for their patron's safety.

If you are proposing to use a heating device on a temporary patio, please provide the following information as part of the permit request:

1. Sketch of the location of heating device(s) and distance from any tent(s) and surrounding structures/buildings;
2. Specify type and number of heating device(s); and
3. Specify location of fire extinguisher(s).

Applicants must comply with the following conditions when using a heating device on a temporary patio. All heating devices on temporary patios are subject to inspection and enforcement by the City.

- Open-air fires (e.g. bonfires, solid, gel or liquid fuel burning) and table top heating devices are prohibited.
- If located outside of any tent/covered area, the following heating devices are permitted to be used on a temporary patio:
  - Enclosed CSA-certified propane patio heaters (with a maximum 9 kg (less than 20 lbs) tank).
  - Gas fired commercial tent heaters which pump heat into a tent.
  - With a minimum of 1.0 m (3.3 ft) of clearance (or per manufacturer's instructions) from the base of the unit to any combustible material (e.g. tent walls, tablecloths, paper products, etc.).
- Only commercial grade and professionally installed electric heaters are permitted underneath a tent/covered area. Electrical installations are subject to an Electrical Safety Authority (ESA) inspection.
- All heating devices on a temporary patio must be:
  - In compliance with the requirements of the Ontario *Technical Standards and Safety Act, 2000*;
  - CSA/ULC-certified;
  - Installed, operated and maintained in accordance with the manufacturer's specifications;
  - Equipped with an anti-tilt feature that automatically shuts off the heater;
  - Free-standing, with a minimum height of 160 cm;
  - Located at least 3.0 m (9.8 ft) away from tree branches, with the base of the unit at least 1.0 m (3.3 ft) away from any combustible material or in accordance with the manufacturer's instructions, whichever is greater;
  - Placed on a non-combustible solid and stable surface (i.e. not on grass or uneven sidewalk); and
  - Properly secured to adequately protect against wind and other potential weather hazards.
- A heating device on a temporary patio shall not be:
  - Located under a fire escape or adjacent to an exit;
  - Placed in a location that obstructs an entrance/exit or access to any firefighting equipment (e.g. fire hydrants or Siamese connections);

- Underneath a combustible structure (i.e. canopies, awnings, tents, wood framework), with the exception of commercial grade and professionally installed electric heaters;
  - Attached to trees, utilities or other City equipment or infrastructure; or
  - Stored on the roadway or sidewalk when not in use.
- For public safety and accessibility reasons, power cords or electrical wires for heating devices must not cross a municipal sidewalk or roadway.
  - Propane or other fuelled heating appliances:
    - Shall not be stored indoors;
    - The maximum allowable propane cylinder size is a single 9 kg (less than 20 lbs) tank (approximately 10 hours of operation);
    - A heater must not be moved while the flame is open (ensure the gas supply is properly shut off and the unit is cool before relocating);
    - A maximum of one (1) day's supply of propane may be kept on site; and
    - All manufacturer requirements for the safe transportation, operation and storage of fuel must be followed.