

COVID-19 TEMPORARY PATIO GUIDELINES

The Ontario Government announced the gradual reopening of businesses, services and public spaces as progress is made in the fight against COVID-19. Once the Windsor Essex County Health Unit Region is allowed to move into Stage 2 of the reopening, restaurants, bars, and other food and drink establishments (i.e. wineries, breweries and distilleries) can open for dining in outdoor areas only, such as patios, curbside, parking lots and adjacent premises.

In order to help facilitate this reopening for businesses in the Town of Tecumseh, the following is a series of guidelines to follow for the establishment of Temporary Outdoor Patios to ensure public health and safety is maintained.

1. Temporary patios shall only be permitted for existing restaurants, bars and other food and drink establishments.
2. Existing and temporary patios must adhere to all current provincial and local public health guidelines related to COVID-19, tables and chairs shall be arranged so that a minimum distance of 2m (6ft) is maintained between groups or patrons.
3. Smoking of tobacco or cannabis and vaping of any substance is prohibited on and within 9m (29.5ft) of a patio where food and drink is served in accordance with the Smoke-Free Ontario Act, 2017 (SFOA). Business owners must comply with all SFOA regulations and should consult with the Tobacco and Vaping Enforcement Officer at the local public health unit.
4. Install signage at designated exit points to ensure alcohol does not travel outside of designated spaces.
5. Temporary patios permitted under this guideline shall extend no later than January 1, 2021; however, the Municipality may terminate these permissions upon 24 hours notice.
6. The business owner is responsible for obtaining all relevant permissions, including but not limited to the Alcohol and Gaming Commission of Ontario and their landlord.
7. Outdoor theatrical performances or audiovisual presentations, live music concerts or shows must be in compliance with the Town of Tecumseh Noise By-law.
8. Required on-site parking may be used for a temporary patio. The required number of designated Accessible Parking Spaces must remain available for parking use and designated fire routes and sight triangles must be avoided. A reasonable number of standard parking spaces should be maintained to serve patrons and the use of legal on-street parking may be taken into account as part of this consideration.

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9. Accessibility must be maintained to, and throughout, the temporary patio, including meeting the Accessibility for Ontarians with Disabilities Act, 2005 and related regulations. The design and placement of the temporary patio shall ensure that the safe movement of pedestrians and vehicles is accommodated on the property in the vicinity of the temporary patio.
10. Temporary patios must not extend in front of adjacent tenant spaces, exits, or beyond business frontage without written permission from affected adjacent property owners and tenants; this includes any overhanging elements.
11. Umbrellas must stand at least 2.1m (7ft) above the walking surface.
12. Temporary patios must be open to the air.
13. Platforms, decks, stages and portable toilets are not permitted. Optional temporary patio perimeter fencing, planters, or barriers approximately 1.2m (4ft) high are permitted, provided they are secured without endangering any underground utilities.
14. A solid barrier approximately 1.2m (4ft) high shall be installed where a patio is adjacent to any vehicle movement areas.
15. Cooking of food and drink preparation is not permitted on temporary patios.
16. A minimum 1.5m (5ft) clearance from fire department connections and hydrants must be maintained on a temporary patio.
17. A fire extinguisher (minimum 2A-10BC) must be available within 15.2 m (50ft) of any part of the temporary patio.
18. When the perimeter is barricaded, a temporary patio with capacity for more than 60 people must have two separate exits.
19. CSA-certified electric or propane patio heaters (with max 20lb tank) are permitted where located at least 3m (10ft) away from tree branches, operated per the manufacturer's directions and not stored on the road right-of-way when not in use. Solid-, gel- or liquid-fuel fire features are not permitted.
20. For licenced establishments that do not have an existing licenced patio, the capacity of the temporary patio shall not exceed the posted occupancy of the indoor area indicated on your liquor licence or 1.11 sq. m. (12.0 sq. ft.) per person, whichever is the lessor.

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21. For licenced establishments that have an existing licenced patio, the capacity of the combined area of the existing and temporary patios shall not exceed the posted occupancy of the indoor area indicated on your liquor licence or 1.11 sq. m. (12.0 sq. ft.) per person, whichever is the lessor.
22. For unlicensed establishments that do not have an existing patio, the capacity of the temporary patio shall not exceed the posted occupancy of the indoor area, or 1.11 sq. m. (12.0 sq. ft.) per person, whichever is the lessor.
23. For unlicensed establishments that have an existing patio, the capacity of the combined area of the existing and temporary patios shall not exceed the posted occupancy of the indoor area or 1.11 sq. m. (12.0 sq. ft.) per person, whichever is the lessor.
24. Owners shall provide their liquor licence for confirmation, if requested by the Chief Building Official.
25. The Chief Building Official is authorized to inspect all temporary patios and require adjustments to the patio in order to address compliance with these Guidelines.
26. Patios may not encroach onto Town owned lands without the consent of the Town by way of a written Encroachment Agreement. All costs associated with the Agreement are to be borne by the business owner [i.e. legal, maintenance, barricades, fencing, restoration, etc...]

Business owners desiring to expand their outdoor patios are to submit a site plan drawn to scale illustrating the location, limits and dimensions of the temporary patio, and all associated features (i.e. barricades, fencing, tables, chairs) for the Town Administration to review and ensure compliance with these guidelines, as well as track for ongoing compliance purposes.

An inspection may be required prior to opening the temporary patio for use.