

The Corporation of the Town of Tecumseh

By-Law Number 2020 - 48

Being a by-law to adopt Guidelines for Temporary Patio and Patio Expansions and delegate authority for inspection of Temporary Patio and Patio Expansions

Whereas the hospitality sector has been closed to both dine-in and patio service in accordance with the Province's Emergency Orders issued in relation to the COVID-19 pandemic

And Whereas area restaurants and bars are preparing for re-opening, once permitted under the Ontario's Framework for Re-opening the Province for a gradual, staged approach to reopening the province, restarting the economy and easing the restrictions put in place to stop the spread of the COVID- 19 outbreak;

And Whereas the Ontario Government has amended Regulation 719 under the Liquor Licence Act (LLA) to provide flexibility for liquor sales licensees (e.g. licensed bars and restaurants) to temporarily extend their physical premises or by adding a new patio once they are again permitted to welcome patrons on-site and until January 1, 2021;

And Whereas as a result of a regulation change, licensed establishments may create a patio adjacent to their premise or increase the size of their patio once they are permitted to welcome patrons on-site;

And Whereas as a condition of being permitted to create a patio adjacent to their premise or increase the size of their patio, licensed establishments must ensure they have municipal approval and meet all other applicable requirements;

And Whereas to help facilitate this reopening for businesses in the Town of Tecumseh, guidelines have been prepared for the establishment of Temporary Outdoor Patios to maintain public health and safety, in addition to the health and safety guidelines issued by Ontario, the Alcohol and Gaming Commission of Ontario and the Windsor Essex County Health Unit for the restaurant and food services sectors;

And Whereas section 23.1 of the Municipal Act, 2001, authorizes Council to delegate its power and duties;

And whereas Council considers it to be in the Corporation's best interest to delegate authority to the Chief Building Official, or designate, to inspect temporary patios and require adjustments to the patio in order to achieve compliance with the Corporation's Guidelines;

And whereas Council considers it to be in the Corporation's best interest to delegate authority to the Clerk to execute a letter to the Alcohol and Gaming Commission of Ontario (AGCO) indicating that the municipality has no objection to a temporary patio or patio extension;

And Whereas under section 5 of the *Municipal Act 2001, S.O. 2001 c.25*, the powers of a municipality shall be exercised by its Council by by-law;

Now Therefore the Council of The Corporation of The Town of Tecumseh enacts as follows:

1. **That** the COVID-19 Temporary Patio and Patio Expansion Guidelines, appended hereto as Schedule A be adopted;
2. **That** the Chief Building Official, or designate, be authorized to inspect temporary patios and require adjustments to the patio in order to achieve compliance with the COVID-19 Temporary Patio and Patio Expansion Guidelines;
3. **That** the Clerk be authorized to execute a letter to the Alcohol and Gaming Commission of Ontario indicating that the municipality has no objection to a temporary patio or patio extension;
4. **And that** this by-law shall come into force and take effect upon the date of the third and final reading thereof.

Read a first, second, third time and finally passed this 23rd day of June, 2020.

Gary McNamara, Mayor

Laura Moy, Clerk