

COVID-19 Temporary Patio Guidelines for 2022

The Ontario government has developed the [COVID-19 Response Framework: Keeping Ontario Safe and Open](#) (Framework). The Framework ensures that public health measures are targeted, incremental and responsive to help limit the spread of COVID-19. Under the Framework when restaurants, bars, and other food and drink establishments (i.e. wineries, breweries and distilleries) can open for dining in outdoor areas, such as patios, curbside, parking lots and adjacent premises, the Alcohol and Gaming Commission of Ontario (AGCO) is permitting liquor sales licensees, to temporarily extend or add a temporary physical extension of their licensed premises until 3:00 a.m. on January 1, 2023. The temporary extension is subject to certain conditions, including municipal approval.

The following is a series of guidelines to follow for the establishment of Temporary Outdoor Patios in the Town of Tecumseh to ensure public health and safety is maintained, and a process for obtaining municipal approval:

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 2 m (6 ft.) is maintained between groups or patrons.
3. Smoking of tobacco or cannabis and vaping of any substance is prohibited on and within 9 m (29.5 ft.) 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 3:00 am on January 1, 2023; 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 and the Province's Framework.
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 maintained**. 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.
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 2.1 m (7 ft.) above the walking surface.
12. Temporary patios shall be open to the air as per the Province's Framework.
13. Portable toilets are not permitted.
14. The perimeter of the temporary patio shall be delineated with any combination of fencing, landscape planters, roping or other decorative methods as approved by the Town provided they are secured without endangering any underground utilities.
15. A minimum 1.5 m (5 ft.) clearance from fire department connections and hydrants must be maintained on a temporary patio.
16. A fire extinguisher (minimum 2A-10BC) must be available within 15.2 m (50 ft.) of any part of the temporary patio.
17. When the perimeter is barricaded, a temporary patio with capacity for more than 60 people must have two separate exits.
18. CSA-certified electric or propane patio heaters (with max 20 lb. tank) are permitted where located at least 3 m (10 ft.) 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.

19. The capacity of the temporary patio allows for at least 1.11 sq. m. (12.0 sq. ft.) per person.
20. Owners shall provide their liquor license for confirmation, if requested by the Chief Building Official.
21. 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.
22. 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.