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## BWG COVID-19 Temporary Patio Program

### Private Patio Guidelines

The BWG COVID-19 Temporary Patio Program is designed to provide restaurant and bar owners operating in Bradford West Gwillimbury (BWG) with an opportunity to establish temporary outdoor patios (“patios”), as a means of assisting in their recovery from the economic impacts of the COVID-19 pandemic and take advantage of the summer weather to offer outdoor dining to their customers.

This guide provides you with the information you need to open or expand your patio on private property for the purposes of offering food or drink to the public, pursuant to the Government of Ontario’s Phase 2 Framework and the BWG COVID-19 Temporary Patio Program. For anyone interested in utilizing either public or private property to expand business operations unrelated to food and drink establishments, please contact the Office of Economic Development directly to discuss further at 905-775-5366 ext. 1310 or [ecdev@townofbwg.com](mailto:ecdev@townofbwg.com).

As part of the program, Owners of dining establishments who wish to participate must first **complete the Undertaking and Acknowledgement Form below.**

If your patio is wholly contained on private property (e.g. parking lot, plaza or other area NOT on Town-owned property, roadways or sidewalks), **once your Undertaking and Acknowledgement Form is complete, you may open your patio.** Inspections and enforcement meant to ensure compliance with the Program requirements and provisions of the applicable legislation may take place at any time.

Please also note that, as the Province and the Town continue to respond and adapt to the changing COVID-19 pandemic, regulations and conditions concerning this program may change without notice.

Please stay informed by checking the Town’s Economic Development website (<https://www.gotobwg.ca/covid-19-business-resources/>) and the Government of Ontario’s website (<https://www.ontario.ca/page/emergency-information>) for updates and new information.

### Pre-Opening Recommendations:

The Simcoe Muskoka District Health Unit has published guidance for reopening a food premise for outdoor dining. (<http://www.simcoemuskokahealth.org/docs/default-source/COVID-/covid-19-framework-re-guidelines-for-re-opening-a-food-premises-for-outdoor-dining-for-posting.pdf>).

The Ministry of Labour has provided health and safety guidance for the Restaurant and Food Services Sector. (<http://www.ontario.ca/page/resources-prevent-covid-19-workplace>).

These guidance documents supplement, but do not replace, guidance from Simcoe Muskoka Health Unit about food safety, or the Ontario Food Premises Regulations.

### **OWNER'S ACKNOWLEDGEMENT AND UNDERTAKINGS RE: BWG COVID-19 TEMPORARY PATIO PROGRAM**

Please complete all applicable sections. Note that outdoor patios and expanded retail space require Town approval whether on private property or on public property and thus it is an offence to open a patio without first submitting to the Town a complete Acknowledgement and Undertakings form.

Business Name\*

Establishment Owner\*

Phone\*

Email\*

Check here to confirm that you are the Owner of the Establishment\*

Address\*

Patio Location (with respect to front door) \*

Patio Description (e.g. barriers, fencing, number of tables/chairs etc.) \*

Gross Floor Area of Patio (sq. ft.) \*

## Limitation

The undersigned understands and acknowledges that the BWG COVID-19 Temporary Patio Program permits the extension or construction of a patio in accordance with provincial regulations and recommendations of public health officials is on a time limited basis during the period ending on the earlier of November 1, 2020 or the day upon which the Program ends.

Notwithstanding the foregoing, permission to operate the 'Temporary Patio' becomes null and void if the applicant should fail to meet the requirements set out in this form and other applicable documents, in which case, the Town will have the right to take any action it deems necessary to repair the patio structure or to reinstate the site to its original condition for public protection at the expense of the applicant. In all cases the decision of the Town is final.

By clicking here, I confirm that I have read and understand the Limitations provided above.\*

By clicking here, I confirm that I acknowledge and agree that this Program is operated on a time limited basis, at the end of which my Patio will be removed.\*

## Undertakings

The undersigned undertakes to:

1. Comply with all relevant and applicable:

- provincial legislation, regulations and Orders, including but not limited to the Emergency Management and Civil Protection Act, R.S.O. 1990, c. E.9, the Building Code Act, 1992 S.O. 1992, c. 23, as amended, the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, as amended, the Liquor Licence Act, R.S.O. 1990, c. L.18, as amended, and the Liquor Control Act, R.S.O., 1990, c. L.19 and all Regulations and Codes established thereunder, including the Fire Code and the Building Code;
- the recommendations and Orders of the Provincial Medical Officer of Health and the Simcoe Muskoka District Health Unit;
- Town By-laws and Orders, including but not limited to Traffic 2014-91, Noise 2008-083, Accessible Parking 2019-22, Signs 2011-023 and Road Use 2017-79 (for a complete list of Town by-laws visit: <https://bradfordwestgwillimbury.civicweb.net/filepro/documents/562>);
- the 'Conditions' outlined in Schedule A.

2. Ensure that the Patio is removed and the property restored upon the earlier of:

- November 1, 2020 or

- The completion of the BWG COVID-19 Temporary Patio Program.
3. Obtain the written consent of the owner of the privately-owned property permitting the proposed patio, in advance, a copy of which is to be maintained and provided to the Town upon request.
  4. Permit access to Town and Health Unit staff for the purpose of ensuring compliance with this Program and enforcement thereof.
  5. Agree to assume all liability and/or cost incurred by the Town as a result of temporary patio to maintain the identified Permit area and to indemnify and save harmless the Town from any and all claims arising from the temporary patio or retail expansion until it is removed.
- By clicking here, I confirm that I have read and understand, acknowledge and agree to the Undertakings provided above.\*

#### **Schedule A - Conditions**

1. Existing and temporary patios/sales spaces must adhere to all provincial and local public health guidelines related to COVID-19, tables and chairs, racks and other appurtenances shall be arranged so that a minimum distance of 2m (6ft) is maintained between groups or patrons.
2. The business owner is responsible for obtaining all relevant permissions, including but not limited to the AGCO and their landlord.
3. Outdoor theatrical performances or audiovisual presentations, live music concerts or shows are not permitted. Any other usage must be in compliance with the Town of Bradford West Gwillimbury Noise By-law 2008-083.
4. 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.  
(<https://bradfordwestgwillimbury.civicweb.net/filepro/documents/562?preview=111046>)
5. Temporary patios/sales spaces shall not encroach into any required accessible parking spaces. Accessible parking signs shall be mounted on a wall surface or mounted on a post, pillar, or other suitable surface and be located:
  - Centred on the Accessible Parking Space and at a height of 47 in. from the ground to the bottom edge of the sign (this is to ensure visibility when approaching in a vehicle);

- Accessible Parking Signs shall comply with the content as illustrated below (these are typical and universally used signs that can be obtained from many vendors and should already be installed at the plaza)



6. Temporary patios shall NOT occupy any parking aisle or driveway that blocks access or egress to the parking lot.
7. Walkways/sidewalks adjacent to and providing access to buildings shall not be used for temporary patio/sales space.
8. Umbrellas must stand at least 2.1m (7ft) above the walking surface.
9. Platforms, decks, stages and portable toilets are not permitted. Optional temporary patio/sales space perimeter fencing, planters, or barriers are permitted, provided they are secured without endangering any underground utilities.
10. There must be demonstrated demarcation and sufficient control over the temporary patio by way of physical barriers to ensure the safety of patrons from adjacent activities and to ensure compliance with Liquor Control requirements, if applicable.
11. Where fencing is used, same shall:
  - Be weighted by footplates or stable mass planter boxes;
  - Shall not extend beyond the area of the temporary patio, or attached to trees, Town property or utilities, etc.

12. A solid barrier and/or curb-stop shall be installed where a patio/sales space is adjacent to any vehicle movement areas.
13. Existing easements shall be maintained unless written consent from the other parties to that easement are obtained, in advance, a copy of which is to be maintained and provided to the Town upon request.
14. Patio minimum separations from utilities
  - a. Gas assets or meters: 0.6m
  - b. Utility Vaults: 1.5m
15. A minimum 1.5m (5ft) clearance from fire department (siamese) connections and hydrants must be maintained on a temporary patio/sales space.
16. A fire extinguisher (minimum 2A-10BC) must be available within 15.2 m (50ft) of any part of the temporary patio.
17. Cooking of food and drink preparation is not permitted on temporary patios/sales spaces.
18. The number of patrons is limited to a maximum of 100% of the occupancy of the indoor establishment, subject to maintaining a minimum distance of two metres (6 ft.) between patrons from different households and a minimum of 1.11 square metres (11.95 sq. ft.) per person.
19. When the perimeter is barricaded, a temporary patio/sales space with capacity for more than 60 people must have two separate exits.
20. 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.
21. Town Staff are authorized to inspect all temporary patios and require adjustments to the patio in order to address compliance with these Guidelines and Conditions. Failure to comply with an order may result in the revocation of this permit. The decision of the Town is final.
22. Temporary patios shall NOT compromise barrier-free access to or from the patio entrances/exits, washrooms and/or designated barrier-free spaces.
23. Temporary patios shall NOT compromise fire or emergency access or designated fire routes.

24. Temporary patios shall NOT compromise access for Town Staff, County Staff or utility companies who may need access for repair or maintenance of facilities, structures or otherwise, such as fire hydrants and connections, electricity elements, natural gas connections, trees/plants, pipes, cables, wires, poles, waste/recycle bins, etc.
25. Temporary patios shall NOT contain fixed or permanent structures, furnishings, etc.
26. Temporary patios shall only contain temporary shelter, such as umbrellas or shade screens, but shall NOT contain tents, roofs, etc.

By clicking here, I confirm that I have read and understand, acknowledge and agree to the Conditions provided above.\*

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Signature of Applicant