

General Conditions for All Temporary Patio Permits (2023)

A. Undertakings of the Applicant

The applicant agrees and undertakes to:

1. Comply with all relevant and applicable:
 - a) provincial legislation, regulations and Orders, including but not limited to the Emergency Management and Civil Protection Act, Building Code Act, Fire Protection and Prevention Act, Accessibility for Ontarians with Disabilities Act, Liquor Licence Act, Liquor Control Act, and all Regulations and Codes established thereunder, including the Fire Code and the Building Code;
 - b) any recommendations and Orders of the Provincial Medical Officer of Health and the Simcoe Muskoka District Health Unit;
 - c) Town By-laws and Orders, including but not limited to Traffic By-law 2014- 91, Noise By-law 2008-083, Accessible Parking By-law 2019-22, Signs By-law 2011-023 and Road Use By-law 2017-79 (for a complete list of Town by-laws, [click here](#));
2. Obtain the written consent of the owner of the privately-owned property permitting the proposed temporary patio, in advance, a copy of which is to be maintained and provided to the Town upon request.
3. Obtain and comply with all requirements of the AGCO with respect to any liquor license on the temporary patio or extension of any existing liquor license, if applicable.
4. Permit access to Town and Simcoe Muskoka District Health Unit staff for the purpose of inspections and determining compliance with the Temporary Patio Permit and subsequent enforcement thereof.
5. Assume all liability and/or cost incurred by the Town as a result of construction of the temporary patio and to indemnify and save harmless the Town from any and all claims arising from the temporary patio until it is removed.
6. Construct and maintain the temporary patio in accordance with the following patio parameters:

B. General Patio Parameters

1. Temporary patios must be removed no later than October 10, 2023 or termination of the program. Permission to install a temporary patio for the 2023 season does not entitle a business/person to any right or expectation to be able to install a patio in subsequent seasons.
2. No bicycles, strollers, etc. are permitted to be chained or locked onto a temporary patio fencing.
3. Temporary patio furnishings, fences, and other temporary patio improvements must be removable and not permanently fixed in place. All objects must be contained within the approved patio area.
4. The perimeter of the temporary patio must:
 - a) be made of a physical barrier, such as a fence, to form a fully enclosed perimeter
 - b) meet the requirements of the Alcohol and Gaming Commission of Ontario (AGCO), if applicable and must be not less than 1.07 metres in height as per AGCO regulations
 - c) be supported by metal foot plates and shall not be designed to penetrate the surface of the pavement or sidewalk (i.e. no bolts/brackets). Alternative supports may be used such as planters, weights, etc.
 - d) not extend outside the permit area or be attached to trees, street elements or utilities.
5. A solid barrier and/or curb-stop shall be installed where a patio is adjacent to any vehicle movement areas.
6. When the perimeter is barricaded, a temporary patio with capacity for more than 60 people must have two separate exits.
7. CSA-certified electric or propane patio heaters (with maximum 20lb tank) are permitted where located at least 3m (10ft) away from tree branches, buildings or umbrellas and operated in accordance with the manufacturer's directions and not stored on the road right-of-way when not in use.

8. The following are not permitted in or on temporary patios:
 - a) outdoor theatrical performances, audiovisual presentations, live music, concerts or shows
 - b) cooking of food
 - c) drink preparation
 - d) platforms, decks or stages
 - e) portable toilets
 - f) solid, gel, or liquid fuel fire features
 - g) tents, roofs or more than two solid sides
9. Umbrellas must stand at least 2.1m (7ft) above walking surface.
10. Temporary patios must maintain the following minimum separations from utilities:
 - a) gas assets or meters: 0.6 m
 - b) utility Vaults: 1.5 m
 - c) fire department connections and hydrants: 1.5 m
11. A fire extinguisher (minimum 2A-10BC) must be available within 15.2 m of any part of the temporary patio.
12. Temporary patios shall not encroach on any part of the following areas:
 - a) any required accessible parking spaces unless alternative accessible parking spaces are provided in accordance with the Town's Accessible Parking By-law
 - b) any parking aisles or driveways that blocks access or egress to the parking lot
 - c) adjacent walkways or sidewalks that provide access to the building or temporary patio areas
 - d) barrier-free accesses to or from the patio or building entrances/exits or washrooms

- e) fire or emergency access or designated fire routes
 - f) 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.
 - g) any existing easements, unless written consent from the other party(s) to that easement are obtained, in advance, a copy of which is to be maintained and provided to the Town upon request.
13. The applicant is responsible for all maintenance and repair of the temporary patio, including perimeter, barricades and fencing and may be required to undertake alterations or repairs as required by the Town to maintain safety and accessibility.
14. Failure to comply with the requirements set out in these General Conditions or any order to remedy related thereto may result in the revocation of the Temporary Patio Permit. 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.