

Town of Perth			
Temporary Patio Policy			
Subject:	Temporary Patio Policy	Effective:	April 19, 2022
		Replaces:	N/A
Issued	Development Services	Approval:	By-law No. 2022-5XXX

PURPOSE

To establish a policy to allow for the temporary encroachment of Patios on municipally owned property.

DEFINITIONS

“**Patio**” means ”a group of tables, chairs and other accessories situated and maintained on municipally owned property for the use and consumption of food and beverages including alcoholic beverages sold to the public from, or in, an adjoining or adjacent indoor food and beverage located adjacent to the business.

“**Temporary**” means that the equipment set up for the patio is set up in the spring and removed in the fall.

RESPONSIBILITY

It is the responsibility of the Chief Administrative Officer (CAO) and Town’s Development Services Department to ensure compliance with this Policy.

POLICY STATEMENT

1. General Provisions

- 1.1. Anyone wishing to setup a Temporary Patio on municipally owned property must complete and submit an Application for a Temporary Patio to Town Staff. Once the application is approved, the Town will issue a permit.
- 1.2. The application must be accompanied by a diagram with the outside dimensions of the patio, including the amount of sidewalk space still available for pedestrian passage. Other information to be included is garbage can locations, flower barrel locations, fire hydrants, light poles, trees, and bike racks.
- 1.3. Town Staff shall review the application to ensure the erection, installation, or maintenance of the encroachment, does not:

- 1.3.1. Interfere with the Town's intent and purpose in holding the Town owned land;
 - 1.3.2. Interfere with the 1.5 metre minimum clear width required for exterior passageways;
 - 1.3.3. Create an unsafe condition;
 - 1.3.4. Create liabilities for which the Town cannot assign full responsibility to the owner of said encroachment;
 - 1.3.5. Create a situation that is contrary to any Town By-law, Town Policy or Resolution, or any Provincial or Federal regulation or legislation;
 - 1.3.6. Interfere with work, plans, efforts, or initiatives of the Town to maintain Town owned lands; or
 - 1.3.7. Interfere with any utility or other similar installation located on Town owned lands.
- 1.4. The application will be approved for one calendar year and a new application will be required for each subsequent year.
 - 1.5. Patio operators must carry the following general liability insurance:
 - 1.5.1. Minimum of \$5,000,000 if serving Alcohol; or
 - 1.5.2. Minimum of \$2,000,000 if not serving alcohol.

As part of the application process, a Certificate of Insurance must be provided naming the Town of Perth as additional insured.

- 1.6. Music or other entertainment provided for patrons of a temporary Patio shall not be amplified or create a nuisance to abutting property owners. The Town reserves the right to revoke permits, without reimbursement of fees, where this nuisance occurs. Nuisance may include, but shall not be limited to, police reports of loud, boisterous, or unreasonable noise, offensive language or other disruptive behaviour.
- 1.7. The Town and all public utility agencies retain the right of access to the approved temporary patio area for the installation, maintenance and repair of pipes, cables, wires, poles, hydrants, etc., as necessary. In case of emergency, no notice will be given. For scheduled work, a minimum notice of forty-eight (48) hours will normally be given.
- 1.8. The Town retains a right of access over, to and upon a temporary patio area for emergency vehicle access
- 1.9. Decking requires approval through the permitting process.

- 1.10. A temporary patio shall be operated for no longer than the operating hours of the principle use to which it is accessory, and in any event must be closed not later than 11:00 p.m. on any given night, unless granted permission from the Town as an endorsed special event and operating not later than 1:00 a.m.
- 1.11. All temporary patios must be enclosed by a barrier to define where it stops and the sidewalk starts. The barrier details shall be included in the application. If serving alcohol, barriers must comply with AGCO requirements.
- 1.12. Patio operators shall maintain the patio area, and the immediately adjacent area, in a clean and safe working condition at all times. Operators shall not permit garbage, waste or unsanitary material to accumulate in the patio area. Refuse containers are not permitted within the patio area. All entrances, driveways, parking areas, and walkways shall be maintained in a safe condition.
- 1.13. Lighting of a patio shall be permitted provided all lighting is task oriented and will not spill onto abutting properties or interfere with the vehicular travel lanes. All lighting shall be contained within the patio area.
- 1.14. No signs or advertising within a patio shall be permitted with the exception of a menu and no smoking sign(s).
- 1.15. The months of operation shall be April 1st through October 30th unless otherwise approved.
- 1.16. Propane Heaters are permitted on a patio provided they are installed and operated in accordance with the manufacturer's instructions.
- 1.17. Where patios are located in proximity to intersections, staff will review the proposal to ensure that vehicular and pedestrian safety is maintained. Patios may require alterations to ensure safety.

FEES

An administrative fee will be required to obtain the annual permit. The fee will be as per the Town's Fees and Charges By-law.

APPLICATION

The Temporary Patio Application will be administered by Town Staff and will be modified as required within the context of this Policy.

ATTACHMENTS

None.