

## Temporary Outdoor Patio Extensions

The Government of Ontario has amended *Regulation 746/21* pursuant to *Ontario Regulation 352/22* under the *Liquor Licence and Control Act, 2019* establishing a new framework for temporary outdoor patios.

Effective January 1, 2023, municipalities may, if the following requirements are met, approve a temporary outdoor physical extension of a premises which is located in the municipality and to which a by-the-glass endorsement applies that is immediately adjacent to the premises.

- *There is no condition on the licence prohibiting a patio.*
- *The licensee is able to demonstrate sufficient control over the area to which the extension would apply.*
- *The capacity of the area to which the extension would apply allows for at least 1.11 square metres per person.*
- *The licensed premises would not be subject to a temporary outdoor physical extension for more than a total of eight months in a calendar year.*

The following municipal requirements must also be met:

- *Patios cannot be located in the minimum required parking spaces in accordance with the Zoning By-law.*
- *The combined occupant load limit for the interior dining area and the exterior outdoor patio, combined, shall not exceed the posted occupant load limit established for the interior dining area only. All occupant load requirements shall comply with the Ontario Building Code.*
- *Approved fencing is required for all outdoor patio extensions. All furnishings are to be maintained within the approved fencing.*

If you have an existing **APPROVED** outdoor patio (licensed or unlicensed) as part of your business with **NO EXTENSIONS, AND** your existing **APPROVED** outdoor patio is **NOT** on municipal property, you **DO NOT** require further municipal approvals. However, you must comply with all relevant requirements imposed by other levels of government.

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## Temporary Outdoor Patio/Liquor License Extension Permit Application Process

The Municipal Law Enforcement and Licensing Department will be the point of contact and responsible for the application process for temporary extensions of outdoor patios. All communication directly related to outdoor patio extensions shall be sent through the [patios@cobourg.ca](mailto:patios@cobourg.ca) email address.

All those businesses wishing to apply to extend their outdoor patio must do the following:

1. Complete the application form in full and submit all required documentation outlined below. (All information as outlined in this package must be provided upon receipt of application). Incomplete applications may not be accepted.
2. Once all the required information is completed and the application form accurately completed, the Town will circulate the package to the following departments for comment and approval:
  - Building Department
  - Planning Department
  - Public Works Department
  - Fire Department
  - Municipal Law Enforcement & Licensing
3. Once all departments have reviewed the application package, the applicant will be granted a Temporary Outdoor Patio Extension Permit, for the period of March 1 to October 15 of current year.

**Restaurants & Bars must adhere to the current Municipal, Provincial, Federal, and Local Health Department requirements and/or restrictions.**

### Temporary Outdoor Patio Extension Checklist

#### **Site Plan**

A site plan is important to identify the location of the patio relative to other key features on the property. It is necessary to ensure that the space is properly planned, is safe, and meets all other applicable laws in effect, such as the Zoning By-law, Ontario Building Code, Ontario Fire Code and Municipal Patio By-laws.

Applicants shall submit an accurate, scaled plan. An original development site plan or survey is preferred, however if one is unavailable, a hand-drawn site plan is acceptable. The plan shall provide dimensions clearly illustrating existing and proposed conditions, such as buildings, parking spaces, driving aisles, sidewalks, all patio dimensions/setbacks/floor area calculations, fire routes, accessible ramps and/or other similar facilities to meet the needs of persons with physical challenges (see sample Site Plan attached).

If existing parking spaces are to be utilized for any part of the proposed patio, a calculation of the Gross Floor Area (GFA) of the existing uses/buildings on the property is required to demonstrate compliance with the parking provisions of the Zoning By-law.

A written description should accompany the above plans to clearly outline the nature and extent of the proposed patio extension.

#### **Floor Plan of Washroom Facilities**

Applicants must submit a floor plan of all washroom facilities, indicating the number of water closets and urinals.

#### **Patio Seating Floor Plan and Details**

A patio seating floor plan is important to illustrate the physical structures of the patio space. The patio seating floor plan may be incorporated onto the Site Plan provided it is complete and legible. A supplemental close-up view is also acceptable.

Applicants shall submit accurate, scaled plans clearly illustrating full dimensional details and specifications of the patio floor layout. These shall include all furniture, decking (if applicable), aisles, access and exit points, physical barriers (i.e., plexiglass, bollards, barricades, etc.), perimeter fencing/railings, landscaping, as well

as accessible ramps and/or other similar facilities to meet the needs of persons with physical challenges, as applicable (see sample Patio Seating Floor Plan attached).

- ❑ ***Technical Specifications and Exact Locations of Proposed Patio Heaters***

*(Refer to OUTDOOR PATIO FIRE SAFETY section)*

NOTE: Patio heaters are not permitted during the months of June, July & August.

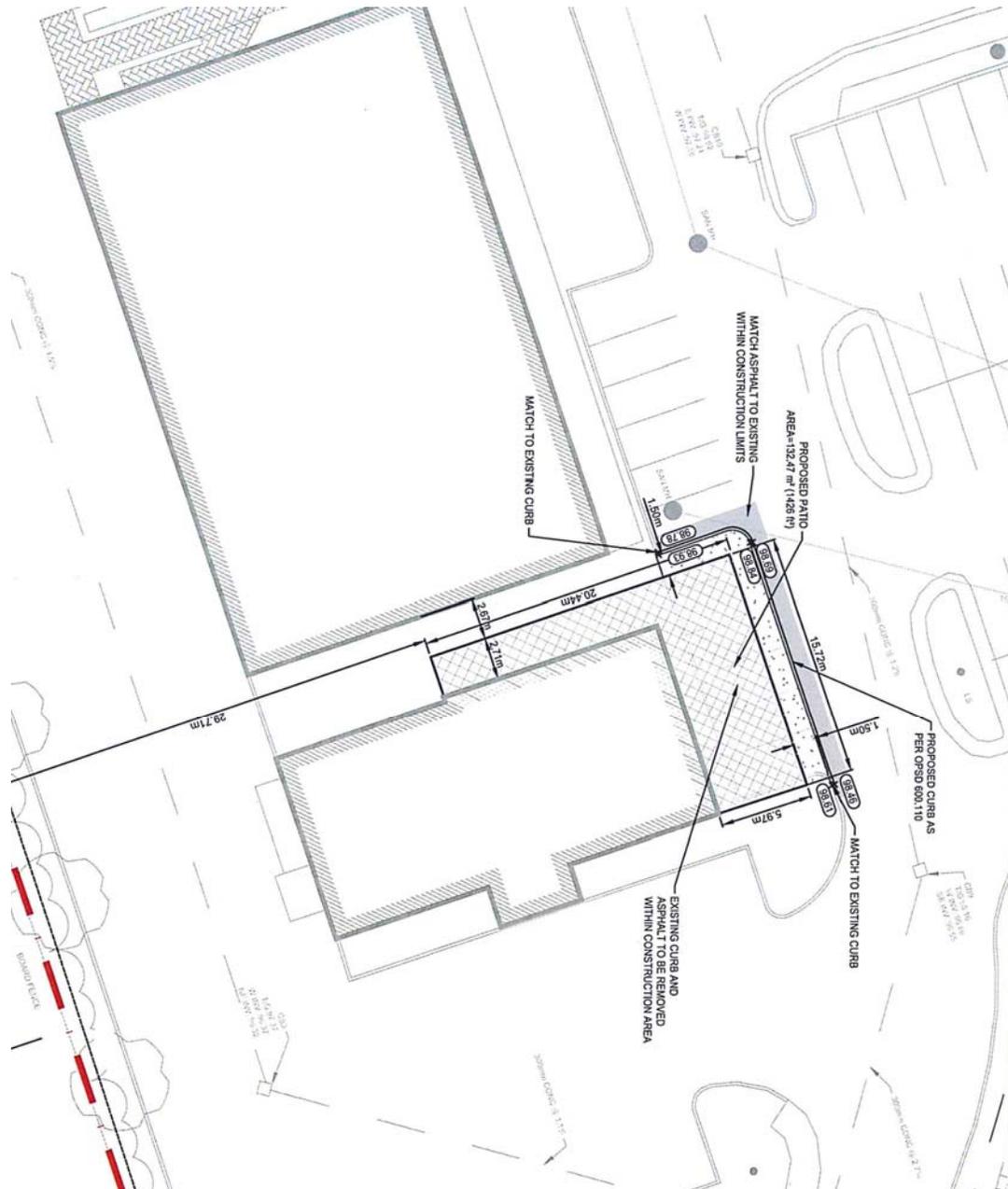
### ***Additional Requirements***

- ❑ ***Copy of current Health Department Approval.***
- ❑ ***Copy of current Liquor Licence, clearly displaying licence number.***
- ❑ ***Written approval from the property owner if the applicant is a tenant.***
- ❑ ***Acknowledgement that the applicant has read and understood the TSSA Patio Heaters Safety Guidelines.***
- ❑ ***Acknowledgement that the applicant has read and understood this Restaurants and Bars in Cobourg - Outdoor Patios document.***

***If the proposed temporary patio extension is located on municipal property, the applicant shall further provide the following:***

- ❑ ***Proof of \$2 million liability insurance, naming the Town as additional insured, and a minimum of 30 days' notice of any change/cancellation to policy.***
- ❑ ***Signed Indemnity Agreement***

### Site Plan Example:





## **OUTDOOR PATIO FIRE SAFETY**

### **Owner / Operator Obligations**

Outdoor patios may pose a significant fire risk to the public. Building owners and operators have an obligation to ensure the adequacy of fire safety precautions and compliance with the Fire Protection and Prevention Act and the Ontario Fire Code at their premises and to ensure that appropriate measures are implemented to mitigate any fire safety risk. Factors for consideration and issues to be addressed shall include the following:

- Provision for adequate emergency egress routes to facilitate evacuation of the maximum anticipated occupant load for the patio area. Egress considerations including the appropriate number, size and placement of exits, clearly identified with signage and lighting, as warranted.
- Control of potential ignition sources in the patio area and along the emergency egress route, such as smoking materials, candles and other open flames, temporary wiring, improperly secured lighting components, and heating appliances.
- Availability of fire protection equipment for the outdoor patio, such as fire extinguishers.
- Accurate and approved occupant load limits.

### **Means of Egress**

To ensure the safe egress of occupants from an outdoor patio, a clear exit path must be established and maintained. This is particularly critical where required exit doors from the building open into/through the outdoor patio space. The outdoor patio arrangements must allow for all occupants to evacuate through the patio space to a safe area away from the building without restrictions or delay. Restrictions may include a gate that does not swing in the direction of exit travel or have proper release hardware. Adequate lighting of the means of egress should also be taken into consideration.

### **Sources of Ignition**

Patio heaters may be approved for use on outdoor patios. However, as they may provide a potential ignition source, careful placement and operation of these devices is required to ensure the safety of occupants, both inside and outside the building.

### **Fuel-fired Heating Appliances**

- Provide adequate ventilation directed away from building openings to allow products of combustion to escape.
- Ensure the safe operation of outdoor appliances by providing a stable and level surface in a location safe from potential damage or tampering.
- Ensure the safe handling and storage of flammable gas cylinders.
- Provide adequate clearance from any other combustibles, such as wooden fences or walls, roof overhangs, trees with low branches, tablecloths and decorations.
- Maintain sufficient separation from egress pathways so that a fire at the appliance will not compromise the egress pathway.
- Use only appliances that bear the mark of an accredited approval agency, such as CSA, ULC, CS Blue Flame, etc. to indicate compliance with recognized safety standards. Ensure that the location and operation of each appliance is consistent with the information provided on the affixed listing label.
- All fuel-fired appliances shall be subject to T.S.S.A. approval.

### **Other Ignition Sources**

- Avoid any unsafe use of decorative or festive-type lighting utilizing extension cords or other temporary wiring.
- All electrical extension cords, devices and accessories shall only be used for their intended design, purpose and location.
- Provide adequate separation of open flames from all combustibles, such as wooden fences or walls, roof overhangs, trees with low branches, tablecloths and decorations.

### **Draperies and Enclosures**

The use of canopies, curtains, or rain screens may present a fire hazard depending on the extent of the enclosure and materials used. Enclosures can impede the dissipation of combustion products, which can be very hot and increase the risk of carbon monoxide poisoning. They can also obstruct the evacuation of occupants from the patio in the event of an emergency.



# Restaurants and Bars in Cobourg

## *Outdoor Patios*

### **Fire Protection Equipment**

Every patio shall be provided with at least one portable fire extinguisher with a minimum rating of 2A10BC, that is kept freely accessible at all times. Portable fire extinguishers shall be installed so that the top of the extinguisher is not more than 1.5 m above the floor.

### **Fire Department Access to Buildings**

Fire access routes, fire hydrants and fire department connections shall be kept clear and free of obstructions at all times.

### **Occupant Load Limits**

The Town of Cobourg Occupant Load Certificate provided for the premises shall be posted in a conspicuous location.

With the addition of this and/or any other approved outdoor seating, the applicant is responsible for ensuring their indoor capacity, as approved by the Town's Building & Fire Departments, is not exceeded at any time, including, but not limited to, cases of inclement weather.

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### CONTACT INFORMATION

Pre-consultation with the applicable Department is highly recommended before submitting your application. Contact information is as follows:

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Municipal Law Enforcement & Licensing	<b>Angela Stewart</b> <i>Licensing Administrator</i>	<a href="mailto:patios@cobourg.ca">patios@cobourg.ca</a>
Planning Department	<b>Vanessa Reusser</b> <i>Development Review Manager</i>	<a href="mailto:vreusser@cobourg.ca">vreusser@cobourg.ca</a>
Building Department	<b>Dave Hancock</b> <i>Chief Building Official</i>	<a href="mailto:dhancock@cobourg.ca">dhancock@cobourg.ca</a>
Fire Department	<b>Steve Koomen</b> <i>Chief Fire Prevention Officer</i>	<a href="mailto:skoomen@cobourg.ca">skoomen@cobourg.ca</a>
Public Works Department	<b>Ted Sokay</b> <i>Roads and Sewers Manager</i>	<a href="mailto:tsokay@cobourg.ca">tsokay@cobourg.ca</a>
Municipal Law Enforcement & Licensing	<b>Kevin Feagan</b> <i>Bylaw Enforcement &amp; Licensing Manager</i>	<a href="mailto:kfeagan@cobourg.ca">kfeagan@cobourg.ca</a>

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