

Restaurants & Bars

As access to indoor facilities may be limited and/or restricted, Restaurants & Bars are encouraged to open for dining in outdoor areas. Restaurants & Bars may be able to supplement their outdoor areas, such as patios, curbside, parking lots and adjacent premises, with a Municipally Approved Temporary Extension.

Liquor sales licensees **who wish to temporarily extend the physical size of their existing licensed patio, or temporarily add a new licensed patio** are authorized to do so, if all the following criteria are met:

- The physical extension of the premises is adjacent to the premises to which the licence to sell liquor applies.
- **The municipality in which the premises is situated does not object to an extension.**
- The licensee can demonstrate sufficient control over the physical extension of the premises.
- There is no condition on the liquor sales licence prohibiting a patio.

IS A TEMPORARY OUTDOOR PATIO EXTENSION RIGHT FOR YOU?

Does your Restaurant/Bar have an existing **APPROVED** Outdoor Patio (Licensed or Unlicensed); and you are **NOT** proposing any **EXTENSIONS**; **AND**, your existing **APPROVED** Outdoor Patio is **NOT** on Municipal Property?

If you answered YES to ALL conditions, then you are NOT required to apply for a TEMPORARY OUTDOOR PATIO Permit. However, you still must comply with Federal, Provincial, and Local Health Department requirements.

Are you proposing a new Patio?

Are you proposing extending your previously **APPROVED** Patio?

Is your proposed Patio on Municipal Property?

If your answer is YES to any of these questions, then you are required to apply for a TEMPORARY OUTDOOR PATIO Permit, ANNUALLY.

Disclaimer Note: This Document is constantly evolving. While we make every effort to ensure that the information is complete and accurate, there may be items of clarification required or other supporting information that is discovered during the review process by the Town and/or external agencies -- the Town reserves the right to correct, modify and/or add to the information and materials as the process moves forward.

Temporary Outdoor Patio/Liquor License Extension Permit Application Procedure:

The Government of Ontario has introduced new measures to support liquor sales licences in temporarily extending their patios of an already licensed area (indoor/outdoor) in a permanent establishment in order to safely reopen for business.

The Government has amended Regulation 719 under the *Liquor Licence Act* (LLA) to provide flexibility for liquor sales licensees (e.g. licensed bars and restaurants) to temporarily extend their physical premises beyond 14 days **provided they have municipal approval and meet certain requirements**.

In order to be eligible for a temporary patio extension, licensees must have a valid liquor sales licence and be permitted to open and welcome patrons on-site under the province's phased reopening process.

In addition, the following requirements must be met:

1. The physical extension of the premises is adjacent to the premises to which the licence to sell liquor applies;
2. **The municipality in which the premises is situated has indicated it does not object to an extension;**
3. The licensee is able to demonstrate sufficient control over the physical extension of the premises;
4. There is no condition on the liquor sales licence prohibiting a patio; and,
5. The capacity of any new patio, or extended patio space where the licensee has an existing licensed patio, does not exceed 1.11 square metres per person.
6. The licensee is required to develop their own Workplace Safety Plan [Develop your COVID-19 workplace safety plan | Ontario.ca](#) **Approval of this Protocol by the Municipality does not absolve the Applicant of the requirement to meet provincial and health department requirements.**
7. With the addition of this and/or any approved outdoor seating, the licensee is responsible for ensuring their indoor capacity, as approved by the Municipality's Building & Fire Departments, is not exceeded at any time, including, but not limited to, cases of inclement weather.



Restaurants and Bars in Cobourg

Outdoor Patios

Temporary Outdoor Patio/Liquor License Extension Permit Application

The Municipal Clerk's Office will be responsible for the application process and be the point of contact 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 email address.

All those businesses wishing to apply to extend their Outdoor Patio, must do the following:

1. Complete the Application Form in full. **ALL** required documentation as outlined below must accompany your Application.
2. Once all the required information is received 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
3. Once all Departments have reviewed the Application Package, the Municipal Clerk will provide the applicant with a letter of non-objection to the extension of the proposed extended licensed area.

ALL PATIO APPLICATIONS MUST BE RENEWED ANNUALLY.

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

Restaurant 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 greater property and to ensure that the space is properly planned, is safe and meets other applicable laws in effect, such as the Zoning By-law, Ontario Building Code, Ontario Fire Code and municipal Patio By-laws.

- accurate, scaled plan (original development site plan or survey preferred, however if one is unavailable, a hand-drawn site plan is acceptable) with dimensions clearly illustrating existing and proposed conditions, such as existing building(s), parking spaces, driving aisles, sidewalks, all patio dimensions/setbacks/floor area calculations, Fire Routes (if known), accessible ramps and/or other similar facilities to meet the needs of persons with physical challenges – see attached *Site Plan example*
- 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/building(s) 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
- Photographs should accompany your Site Plan.

□ **Patio Seating Floor Plan & Details**

A patio seating floor plan is important to illustrate the occupancy distancing and relationships between patrons, staff and physical structures of the patio space. The patio seating floor plan may be incorporated onto the Site Plan provided it is legible (a close-up view is also satisfactory).

- accurate, scaled plan clearly illustrating full dimensional details and specifications of the patio floor layout, including all furniture and separations, decking (if applicable), aisles, access/exit points, physical barriers (ie. plexiglass, bollards, barricades), perimeter fencing/railings, accessible ramps and/or other similar facilities to meet the needs of persons with physical challenges, landscaping (if applicable) – see attached *Patio Seating Floor Plan example*.

Fencing

Fencing is required for all Patios on Municipal Property.
Give specifics as to the type, dimensions, colour, material (i.e., rope, wood), etc.
Include drawings, illustrations, and photographs.

Technical Specifications and Exact Locations of Proposed Patio Heaters

Patio Heaters are NOT permitted the months of June, July & August.

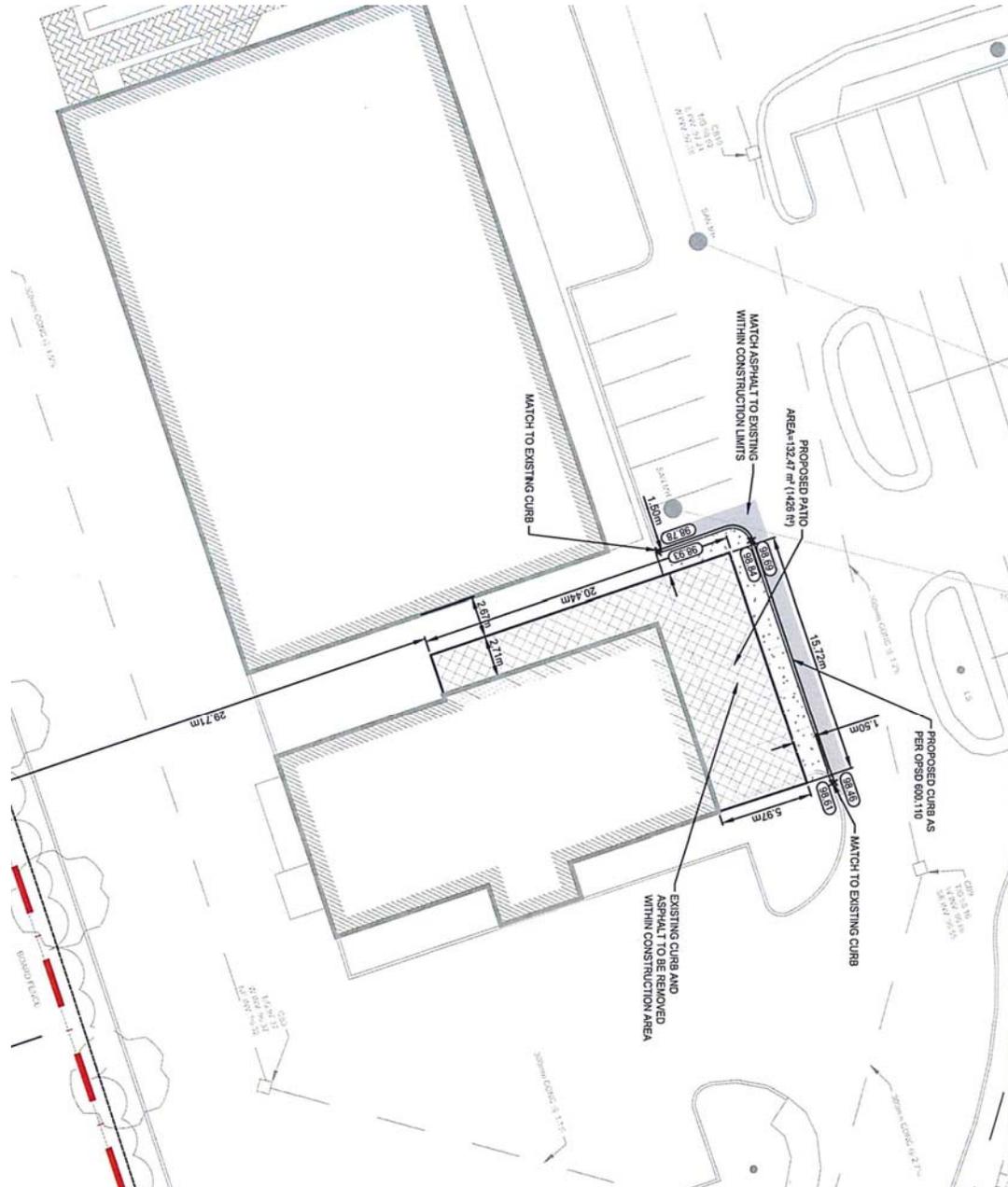
Additional Requirements

- Copy of current Health Department Approval** (*Legible photograph of Posted Approval will do*)
- Copy of current Liquor Licence, clearly displaying Licence Number** (*Legible photograph of Posted Approval will do*)
- Approval from Owner, if tenant**
- Safety Plan Checklist** [COVID-19 safety checklist for workplaces | Ontario.ca](https://www.ontario.ca/en/health/safety-checklist-for-workplaces)
A safety plan is required to be prepared and made available upon request.
Guidelines can be accessed from the Ministry of Labour, Training & Skills Development, [Develop your COVID-19 workplace safety plan | Ontario.ca](https://www.ontario.ca/en/health/develop-your-covid-19-workplace-safety-plan) .
Checklist must be completed and submitted with your Application.
- Acknowledgement that the Applicant has read and understood the TSSA Patio Heaters Safety Guidelines** [151 TSSA SFSS PDF v2.1 Aug26 2020 \(cobourg.ca\)](#)
- 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 will have to further provide the following.

- Proof of \$2 million liability insurance**
- Signed Indemnity Waiver**

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 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 address may include the following:

- Provision of adequate emergency egress routes to facilitate evacuation of the maximum anticipated occupant load for the patio area. Egress considerations include having the appropriate number, size and placement, 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 smokers' articles, candles and other open flames, temporary wiring, improper insecure lighting components, and heating and cooking appliances.
- Availability of fire protection equipment for the outdoor patio, such as fire extinguishers.
- Accurate and approved occupant loads.

Means of Egress

To ensure the safe egress of people from an outdoor patio, a clear path must be maintained. This is particularly critical where required exit doors from a building open into/through the outdoor patio space. The outdoor patio arrangements must allow all occupants to evacuate through the patio space to a safe place way from the building, without restrictions or delay (e.g. such as a gate that does not swing in the direction of exit travel or should have release hardware). Adequate lighting of the means of egress should also be taken into consideration.

Sources of Ignition

A wide variety of ignition sources may exist on outdoor patios, including patio heaters, barbeques and food warming appliances. Careful placement and use of these products are required to ensure the safety to occupants both inside and outside the building.

Appliances

- Provide adequate ventilation, away from building openings, to allow products of combustion to escape
- Ensure safe appliance use, outdoors only on a stable level surface in a location not subject to damage or tampering.
- Have appropriate handling and storage of gas (propane and natural gas) cylinders
- Provide separation from any other combustibles, such as wooden fences or walls, roof overhang, trees with low branches, tablecloths, and decorations.
- Maintain sufficient clearance from egress pathways so that a fire at the appliance will not prohibit using the egress pathway.
- Use only appliances that bear an approval agency mark, such as the CS Blue Flame mark, to indicate compliance with recognized safety standards. Ensure that the use is consistent with the listing.

Other Ignition Sources

- Avoid any unsafe use of decorative or festive-type lighting with 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 separation of open flames from any combustibles, such as wooden fences or walls, roof overhang, trees with low branches, tablecloths, and decorations
- All open flame tabletop units shall be approved by Cobourg Fire Department on a case by case basis, based on professional/experienced Inspection by the Cobourg Fire Department under the Ontario Fire Protection and Prevention Act, 1997.

Draperies and Enclosures

The use of canopies, curtains, or rain screens may present a fire hazard, depending upon 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. Further, they can obstruct the movement of people away from the patio in the event of an emergency.



Restaurants and Bars in Cobourg

Outdoor Patios

Fire Protection Equipment

The patio shall have at least one fire extinguisher, with a minimum rating of 2A10BC, accessible at all times. The extinguisher 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, sprinkler and standpipe connections shall not be obstructed.

Occupant Load

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

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

CONTACT INFORMATION

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

Legislative Services	Angela Stewart <i>Licensing Administrator</i>	patios@cobourg.ca
Planning Department	Robert Franklin <i>Planning Manager</i>	rfranklin@cobourg.ca
Building Department	Dave Hancock <i>Chief Building Official</i>	dhancock@cobourg.ca
Fire Department	Aaron Blair <i>Fire Safety Officer</i>	ablair@cobourg.ca
Public Works Department	Laurie Wills <i>Public Works Director</i>	lwills@cobourg.ca

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