

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 Jan.01, 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 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 bylawenforcement@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 on 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 March 1 to October 15 of current year.

Restaurants & Bar 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 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.

Applicants shall submit an 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.

Floor Plan of Washroom Facilities

Applicants must submit floor plan of washroom facilities, indicating water closets.

Patio Seating Floor Plan & 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 legible (a close-up view is also satisfactory).

Applicant shall submit accurate, scaled plan clearly illustrating full dimensional details and specifications of the patio floor layout, including all furniture, 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.

Technical Specifications and Exact Locations of Proposed Patio Heaters

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

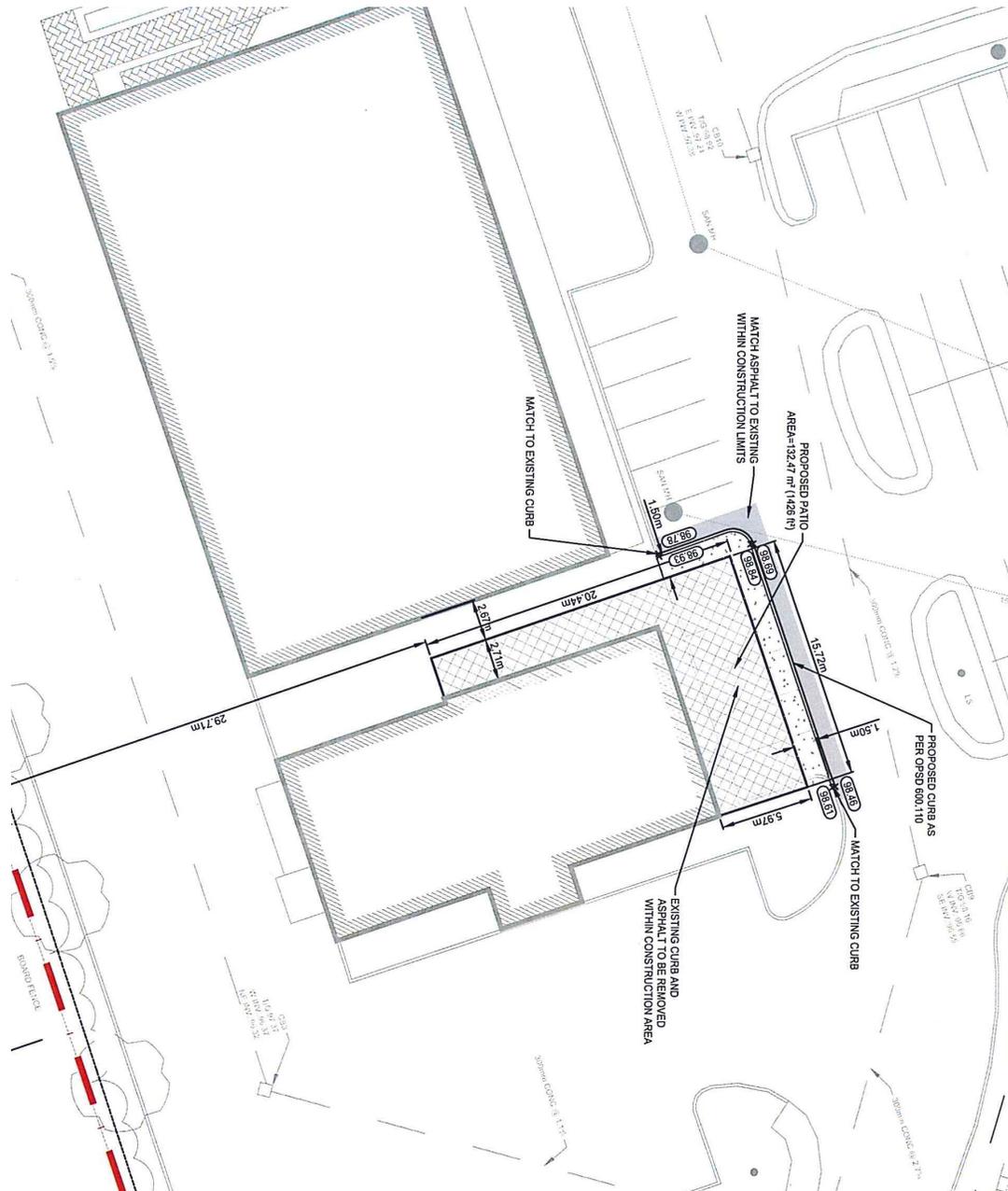
Additional Requirements

- Copy of current Health Department Approval***
- Copy of current Liquor Licence, clearly displaying Licence Number***
- Approval from Owner if tenant***
- 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, naming Town as additional insured, and 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 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

Patio heaters ignition sources may exist on outdoor patios upon approval. 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

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.

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:

Municipal Law Enforcement & Licensing	Angela Stewart <i>Coordinator, Municipal Law Enforcement & Licensing Services</i>	astewart@cobourg.ca
Planning Department	Victoria Heffernan <i>Development Review Manager</i>	vheffernan@cobourg.ca
Building Department	Dave Hancock <i>Chief Building Official</i>	dhancock@cobourg.ca
Fire Department	Aaron Blair <i>Chief Fire Prevention Officer</i>	ablair@cobourg.ca
Public Works Department	Jeff Collins <i>Roads and Sewers Manager</i>	icollins@cobourg.ca
Municipal Law Enforcement & Licensing	Kevin Feagan <i>Bylaw Enforcement & Licensing Manager</i>	kfeagan@cobourg.ca

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