

**THE CORPORATION OF THE TOWN OF GREATER NAPANEE
BY-LAW NO. 2026-0016**

**A By-Law to Regulate Sidewalk Patios and Private Patios within the Town of
Greater Napanee**

WHEREAS Section 150(1) of the *Municipal Act, 2001*, S.O. 2001, c.25 authorizes a municipality to pass by-laws for licensing, regulating and governing any business carried on within the municipality;

AND WHEREAS the Council of the Corporation of The Town of Greater Napanee deems it expedient to pass a by-law to regulate seasonal outdoor restaurant patios for the purposes of health and safety, nuisance control and consumer protection.

NOW THEREFORE the Council of the Corporation of the Town of Greater Napanee hereby enacts as follows:

PART 1 - DEFINITIONS

1.1 In this By-law,

- (a) “**AGCO**” means the Alcohol and Gaming Commission of Ontario;
- (b) “**AODA**” means the *Accessibility for Ontarians with Disabilities Act, 2005*;
- (c) “**Appeals Committee**” means the current Council of the Town of Greater Napanee, or any other body as appointed by future by-law;
- (d) “**Applicant**” means the Person who applies for a Licence under this by-law;
- (e) “**Banquet Hall**” means the use of any lot or building in which facilities are provided for the gathering of people for the purpose of catering to banquets, weddings, receptions or similar functions for which food and beverages are prepared and served, but excludes a restaurant;
- (f) “**Council**” means the Council of the Corporation of the Town of Greater Napanee;
- (g) “**County**” means the Corporation of the County of Lennox and Addington;
- (h) “**Clerk**” means the person appointed by by-law of the Town of Greater Napanee as the Municipal Clerk, and their deputies and designates;

- (i) “**Designated Area**” means an area designated for the operation of an outdoor patio or sidewalk patio;
- (j) “**Eating Establishment**” means a building or place where food and drink are prepared and offered for sale and served;
- (k) “**Highway**” has the same definition as set out in the *Highway Traffic Act*, R.S.O. 1990, c. H. 8, as amended from time to time or any successor thereto;
- (l) “**Licence**” means authorization under this by-law to operate an Outdoor Patio or Sidewalk Patio;
- (m) “**Licensee**” means a Person to whom a Licence has been issued;
- (n) “**MTO**” shall mean the Ministry of Transportation;
- (o) “**Municipality**” shall mean The Corporation of the Town of Greater Napanee;
- (p) “**Officer**” means a person appointed by Council as a municipal By-law Enforcement Officer, Provincial Offences Officer, Municipal Law Enforcement Officer, or any other individual duly appointed to enforce this By-law;
- (q) “**Pedestrian Walkway**” means an accessible pathway created to provide pedestrians with a space to walk in lieu of a sidewalk;
- (r) “**Person**” means an individual, a corporation, a sole proprietorship, an association, a business, and includes a Licensee;
- (s) “**Patio**” shall mean an outdoor area used only on a temporary, seasonal basis in conjunction with any banquet hall or eating establishment where seating accommodation is provided and where alcoholic beverages are served to the public for consumption on the premises, and includes a Private Patio and Sidewalk Patio;
- (t) “**Patio-on-Sidewalk**” shall mean a group of tables and chairs and other accessories situated and maintained on a sidewalk where meals and/or refreshments are served to the public for consumption on the premises;
- (u) “**Patio-on-Street**” shall mean as group of tables and chairs and other accessories situated and maintained on a municipal road or Highway, including parking and curb lanes, where meals and/or refreshments are served to the public for consumption on the premises;
- (v) “**Private Patio**” means a Patio that is located wholly on private property of

- an eating establishment or banquet hall;
- (w) **“Residential Area”** shall mean any location zoned R1-R6 in the Town of Greater Napanee Zoning By-law, as amended;
- (x) **“Sidewalk Patio”** shall mean a Patio that is located wholly or partially on public property and includes a Patio-on-Sidewalk and Patio-on-Street; and
- (y) **“Town”** shall mean the Corporation of the Town of Greater Napanee.

PART 2 – LICENCE APPLICATION

Application Requirements

- 2.1 Any Person who operates a Patio which is an integral part of the building structure or has received approval through the site plan process, shall be exempt from this by-law.
- 2.2 Persons wishing to operate a Private Patio or Sidewalk Patio, as defined in Part 1 of this by-law, shall submit an application in the form required by the Clerk each year that the Person wishes to operate a Patio. A complete application for a Licence must include all of the following:
- (a) A completed new application in the form required by the Clerk, which includes a declaration that the Applicant has read and agrees to abide by the regulations set out in this by-law;
 - (b) The licence fee in full, as set out in Schedule “C” of this by-law;
 - (c) If the Applicant is different from the property owner, a letter from the property owner permitting the use of their land for a Patio;
 - (d) A sketch, site plan, air photo, or satellite image clearly showing the designated area and:
 - i. The dimensions of the patio;
 - ii. Proposed entrances and exits;
 - iii. The location of all tables and chairs and number of seating;
 - iv. The location of parking, signage, and refuse containers;
 - v. For Sidewalk Patios, the location of the unobstructed Pedestrian Walkway that is compliant with AODA; and
 - vi. For Sidewalk Patios, the number of parking spaces to be used for the patio (maximum of 2);
 - (e) For Sidewalk Patios, proof of insurance that complies with Section 3.3 of this By-law and for Private Patios, proof of insurance;
 - (f) Proof of a current and valid Liquor Licence from the AGCO (if applicable); and
 - (g) Any other documentation required by the Clerk.
- 2.3 All new applications may be subject to a site inspection with Town staff to discuss the proposed location and construction of the Patio and Pedestrian Walkway.

- 2.4 For Sidewalk Patios, after an initial review is complete by the Clerk and necessary Town departments, the Applicant shall apply for and pay the fee for a Temporary Occupancy Permit from the Town's Growth and Infrastructure department if the patio is to be located on a Town-owned Highway, or from both the County of Lennox and Addington and the Town if the patio is to be located on a County-owned Highway. The approved Temporary Occupancy Permit(s) must be submitted to the Clerk before a Sidewalk Patio Licence can be issued.
- 2.5 Failure to submit a complete application with all the required information in a timely manner may delay the application process and the issuance of a Licence.
- 2.6 Patio Licences are issued based on a number of contributing factors that consider public safety and accessibility. Obtaining a Licence is not guaranteed upon submission of a complete application.
- 2.7 A renewal application may be submitted for returning applicants who are wishing to operate a Patio and received a Licence in the previous year, provided that the patio location, layout, seating, property owner and patio operator have not changed from the previous year. A complete renewal application must include all of the following:
 - (a) A completed renewal application in the form required by the Clerk, which includes a signed declaration that the proposed Patio has not changed from the previous year's approved layout;
 - (b) The application fee in full, as set out in Schedule "C", as may be amended from time to time;
 - (c) For Sidewalk Patios, proof of insurance that complies with Section 3.3 of this By-law and for Private Patios, proof of insurance;
 - (d) Proof of a current and valid Liquor Licence from the AGCO (if applicable); and
 - (e) Any other documentation required by the Clerk.

Application and Decision-Making Process

- 2.8 Applications for Patio Licences will be reviewed and processed by the Clerk.
- 2.9 Upon receipt of a new or renewal application to the Town for a Patio Licence, the Clerk shall be responsible for circulating the application to all applicable Town departments to determine if the application meets the requirements of Town By-laws and all applicable Acts or Regulations.
- 2.10 If applicable, the Clerk may circulate the application to the County and/or the MTO, to ensure compliance with their by-laws or regulations.
- 2.11 The Clerk is responsible for determining whether an application for a Patio will be

approved, in conjunction with Town staff, County staff, and/or MTO staff.

- 2.12 Approval of an application shall take the form of a Licence authorized by the Clerk, either in paper or electronic form.
- 2.13 Every Licence shall be subject to the Standard Licence Conditions as set out in Part 3 of this By-law.
- 2.14 In addition to the standard conditions established for every Licence, the Clerk may impose additional conditions based upon the unique circumstances and location of the proposed patio.
- 2.15 When reviewing applications for Sidewalk Patios, the Clerk shall consider the following:
- (a) Appropriateness of the design in terms of safety of patrons and general pedestrians, and guidelines outlined in this By-law;
 - (b) Vehicular/pedestrian traffic in the vicinity, especially at corners and intersections, including alleyways;
 - (c) Concentration of Patios to avoid congestion and ensure unimpeded access of emergency vehicles;
 - (d) Proposed design in relation to Schedule "A", attached hereto and forming part of this By-law;
 - (e) Ensuring accessibility requirements under AODA are met;
 - (f) Requiring Patio-on-Street as the mandatory design, where site conditions allow;
 - (g) Placement of permanent infrastructure (i.e. drainage, fire hydrants, utility access, etc.) as well as any streetscaping/roadway infrastructure (e.g. waste receptacles, etc.) to ensure public services will be maintained; and
 - (h) Proposed use of parking spaces.
- 2.16 When reviewing applications for Private Patios, the Clerk shall consider the following:
- (a) Ensuring accessibility requirements under AODA; and
 - (b) The proposed design in relation to Schedule "B", attached hereto and forming part of this By-law.

PART 3 – STANDARD LICENCE CONDITIONS

Sidewalk Patios

- 3.1 Sidewalk Patios and Pedestrian Walkways shall not be permitted in accessible parking spaces, fire routes, or no parking/no stopping zones.
- 3.2 The maximum number of parking spaces a Sidewalk Patio may use is two (2).

- 3.3 The Licensee of a Sidewalk Patio shall provide and maintain at their sole expense, liability and property damage insurance in the minimum amount of two million dollars (\$2,000,000.00) with the Town listed as an additional insured to protect the Town against all liability.
- 3.4 The period of operation for Sidewalk Patios shall be May 1st to September 30th of each year.
- 3.5 The Patio shall be removed in its entirety within the first 7 days of the month of October and remain removed until April 30th of the following year, subject to a renewed Patio licence.
- 3.6 Every Sidewalk Patio licence issued under this By-law shall take effect on the day it is issued or May 1st, whichever is later, and expires on September 30th in the year in which it was issued.

Private Patios and Sidewalk Patios

- 3.7 Private and Sidewalk Patios shall be subject to the following conditions:
 - (a) Private Patios may operate for a maximum of eight months per calendar year, as per the AGCO's regulations for Temporary Patios. Private Patios shall be dismantled and removed in their entirety during the months that they are not in operation. Sidewalk Patios are permitted to operate between May 1 and September 30 and must be dismantled fully between October 1- April 30.
 - (b) Every Sidewalk Patio shall comply with the design requirements contained in Schedule "A" and every Private Patio shall comply with the design requirements contained in Schedule "B" attached hereto and forming patio of this By-law.
 - (c) The Licensee shall ensure that the Patio remains in the condition in which it was approved.
 - (d) No Person shall make modifications to an approved Patio at any time, unless approved by the Clerk.
 - (e) The Licensee shall be responsible for maintaining the area and keeping it free of dust, papers and rubbish of any kind on a daily basis.
 - (f) The Licensee shall be responsible for any repairs or maintenance to damage of the Highway, Sidewalk, and/or other public property caused by the construction, installation, maintenance or removal of a Patio or Pedestrian Walkway, or caused by a patron of their Patio.
 - (g) The Licensee shall be responsible for the costs of construction of the

platform sidewalk, as well as the storage, maintenance, installation and removal of the patio.

- (h) All requirements under AODA must be met at all times by the Licensee.
- (i) All regulations prescribed by the AGCO must be adhered to by the Licensee at all times.
- (j) All regulations prescribed by the South East Health Unit must be adhered to by the Licensee at all times.
- (k) All signage, refuse containers, planters, and other furniture shall be within the designated Patio area.
- (l) The Licensee shall provide the Town with an updated insurance certificate in the event of a renewal, amendment, or extension of all or any part of the insurance within fifteen (15) business days of any such change.
- (m) Every Licensee shall at all times display their Patio Licence in a conspicuous area and shall present this Licence for inspection by any Officer upon demand.
- (n) No shelter or cover is permitted in or over Patios other than umbrellas that are constructed of fire resistant materials, and awnings, tents, or roofs only if they are in compliance with this By-law, applicable legislation, any other applicable Town By-law, and regulations including but not limited to *AODA*, the *Ontario Building Code Act* and Regulations, and the *Fire Protection and Prevention Act* and are constructed of fire-resistant materials.
- (o) A new or renewed Licence shall be required for each annual season that a Person wishes to operate a Patio.

PART 4 – ENFORCEMENT AND INSPECTIONS

- 4.1 An Officer may inspect a Patio at any time.
- 4.2 No Person shall obstruct an Officer in the exercise of an authority pursuant to this By-law.
- 4.3 Patios must be inspected by an Officer before the Patio is in operation. Patios may be constructed prior to May 1 for inspection purposes, but must not be in operation until May 1 or once a Licence is issued, whichever is later.
- 4.4 Where an Officer has reasonable grounds to believe that an offence under this By-law has been committed by a Person, the Officer may require the name, address, and proof of identity of that Person.

- 4.5 Failure to provide proof of identification satisfactory to an Officer when requested to do so pursuant to Section 4.3 of this By-law shall constitute obstruction of an Officer under Section 4.2 of this By-law.
- 4.6 No Person shall install, operate or use, or permit the installation, operation or use of a Patio unless a valid Licence has been issued for its installation, use and operation.
- 4.7 No Person shall fail to comply with any condition of a Licence.
- 4.8 No Person shall operate or permit the operation of a Patio with a suspended Licence.
- 4.9 If an Officer determines that a contravention of this By-law or of the conditions of a Licence has occurred or exists, the Officer may issue a written Order to Comply. The Order to Comply shall specify those sections of the By-law which have been contravened and shall provide seventy-two (72) hours from date of the delivery of the Order to Comply to correct the contravention, failing which the Town may correct the contravention at the expense of the Licensee.
- 4.10 Service of an Order to Comply under this By-law shall be carried out by personal service or registered mail addressed to the Licensee at the address shown as the Licensee's address on the application. Where notification is by personal service, it shall be served upon the Licensee or Licensee's agent, as appears on the application, and shall be deemed to have been served at the time of personal service. Where notification is by registered mail, it is deemed to have been served 3 days after the day the registered letter was mailed.
- 4.11 No Person shall fail to comply with an Order to Comply issued pursuant to this By-law.

PART 5 – REFUSAL, REVOCATION OR SUSPENSION

- 5.1 The refusal of all applications shall be at the discretion of the Clerk, with input from other Town departments, the County, or the MTO.
- 5.2 The Clerk may refuse an application on the basis of any one or more of the following:
 - (a) Public safety/accessibility concerns with a Private or Sidewalk Patio and/or a Pedestrian Walkway;
 - (b) Proximity to an intersection or crosswalk;
 - (c) If a business has access to private outdoor space that is already being utilized, or could be utilized as a Private Patio, and applied for a Sidewalk Patio;
 - (d) Concentration of existing/recurring patios within a section of Highway. In

the event that a Licence is not granted due to the concentration within a section of a Highway, establishments who have previously had a patio will be prioritized;

- (e) Interference with public infrastructure (e.g. utilities, streetscaping, fire hydrants, etc.);
- (f) Non-compliance with the Town's Zoning By-law, the *Ontario Building Code Act* and Regulations, the *Fire Protection and Prevention Act*, and any other applicable Act or Regulation.

5.3 The Clerk may revoke, suspend, or refuse to renew a licence where:

- (a) The Licensee is in breach of any provisions of this By-law or of any terms or conditions of a Licence issued hereunder, or of any other Town By-law or regulations or has failed to comply with any By-law Order;
- (b) An Applicant has previously had a Licence revoked, suspended, or made subject to special conditions or the Applicant has a documented history of contravention with this or other Town By-laws;
- (c) The Licensee has been found by the Clerk or an Officer to have failed to comply with any provision of this By-law;
- (d) The Licensee has been found by the Clerk or an Officer to have failed to comply with all regulations prescribed by the AGCO;
- (e) The Licensee or the Applicant is indebted to the Town by reason of outstanding taxes, fees, or any other municipal charges;
- (f) The Licensee or the Applicant, or the property on which a Patio is installed or proposed to be installed is subject to an order issued under the *Building Code Act*, the *Fire Protection and Prevention Act*, or any Town By-law; or
- (g) The Licensee has been issued three (3) or more Orders pursuant to this By-law within a six (6)-month period.

5.4 A Patio Licence issued under the provisions of this By-law may be revoked by an Officer when:

- (a) Notice has been received from any Town department or Provincial agency that the Patio is operating contrary to required standards; or
- (b) The Licensee has been served notice of non-compliance with the terms of this By-law, by an Officer.

5.5 In the event that the Clerk refuses a Patio Licence or suspends or revokes a Patio Licence, the owner or operator of such Patio may appeal to the Appeals Committee in accordance with the following procedures:

- (a) A request by the owner or operator of such Patio for a hearing under this section shall be made in writing and delivered to the Clerk within fifteen (15) days of the owner receiving the refusal decision of the Clerk.
- (b) The owner or operator of such Patio, upon payment of a hearing fee as set out in Schedule "C", as may be amended by Council from time to time, may request and is entitled to a hearing of the Appeals Committee.

- (c) Upon determination of the hearing date, the Clerk shall give notice in writing to the owner or operator that:
- i. Includes a statement of the time, date, place, and purpose of the hearing; and
 - ii. Includes a statement that if the owner or operator of such Patio does not attend the hearing, the Appeals Committee may proceed in the absence of the owner or operator of such Patio and the owner or operator will not be entitled to any further notice.
- (d) The notice of hearing referred to in this section may be given by delivering it personally or sending it by prepaid registered mail to the owner or operator of such Patio at the owner or operator of such Patio's last known address on file with the Town. When service is made by registered mail, the service shall be deemed to be made on the seventh (7th) day after the day of mailing, unless the Person on whom service is being made established that they did not, acting in good faith, through absence, accident, illness or other cause beyond their control receive the written notice until a later date.
- (e) The Appeals Committee shall hold a hearing pursuant to the provisions of the *Statutory Powers and Procedures Act* at the time, date and place set out in the notice referred to in this section and the Appeals Committee may:
- i. Exempt the owner from some or all of the Patio requirements under this By-law;
 - ii. Confirm the Patio requirements and decision of the Clerk;
 - iii. Vary the Patio requirements and impose other conditions on the granting of a Patio Licence; or
 - iv. Combine any exemption confirmation or variance as it sees fit.
- (f) An application made by the owner or operator of such Patio for a hearing under this section does not act as a stay of the decision of the Clerk which shall take effect on the day it is served or deemed served and shall continue to be effective until the Council renders a decision indicating otherwise.
- (g) If an appeal is taken, the decision of the Appeals Committee shall be final and binding.

PART 6 – OFFENCE AND PENALTY PROVISIONS

6.1 Every Person who contravenes any provision of this By-law or fails to comply with

an Order to Comply issued under this By-law, and every officer or director of a corporation who concurs in such contravention or failure to comply by the corporation is guilty of an offence and all contraventions of this By-law are designated as continuing offences pursuant to Section 429 of the *Municipal Act*.

6.2 Every Person who contravenes any provision of this By-law, and every officer or director or a corporation who concurs in such contravention by the corporation is guilty of an offence, and upon conviction is subject to the following penalties:

(a) Upon a first conviction, to a fine of not more than Five Thousand Dollars (\$5,000) for each day or part of a day that the offence continues; and

(b) Upon a subsequent conviction, to a fine of not more than Ten Thousand Dollars (\$10,000) for each day or part of a day that the offence continues.

PART 7 – VALIDITY

7.1 Where a court of competent jurisdiction declares any provision, or any part of a provision of this By-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this By-law that each and every provision of this By-law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.

PART 8 – SHORT TITLE

8.1 The short title of this by-law is the “Patio By-law”.

PART 9 - INDEMNIFICATION

9.1 The owner or operator shall indemnify and save harmless the Town, Council and municipal employees from all claims of any kind including, but not limited to, personal injury or property damage suffered by any person which the Town may suffer, incur or be held liable for resulting directly or indirectly from the issuance of Application approval under this by-law or from the actions or performance of the Owner, or that of their employees, directors or agents, under this by-law whether with or without negligence on the part of the Owner or their employees, directors and agents.

PART 10 – EFFECTIVE DATE

10.1 The provisions of this By-law shall come into force and effect on the day of final passing thereof.

PART 11 – REPEAL

11.1 That By-law 2004-0038 is hereby repealed on the date this by-law comes into

effect.

Read a first and second time and finally passed this 10th day of February, 2026.

Terry Richardson, Mayor

Jessica Walters, Clerk

By signing this by-law on _____, I Mayor Richardson confirm that I will not exercise the power to veto this by-law and the by-law is deemed approved.

TOWN OF GREATER NAPANEE Schedule "A" to By-law No. 2026-0016: Patio By-law

Requirements for Sidewalk Patios

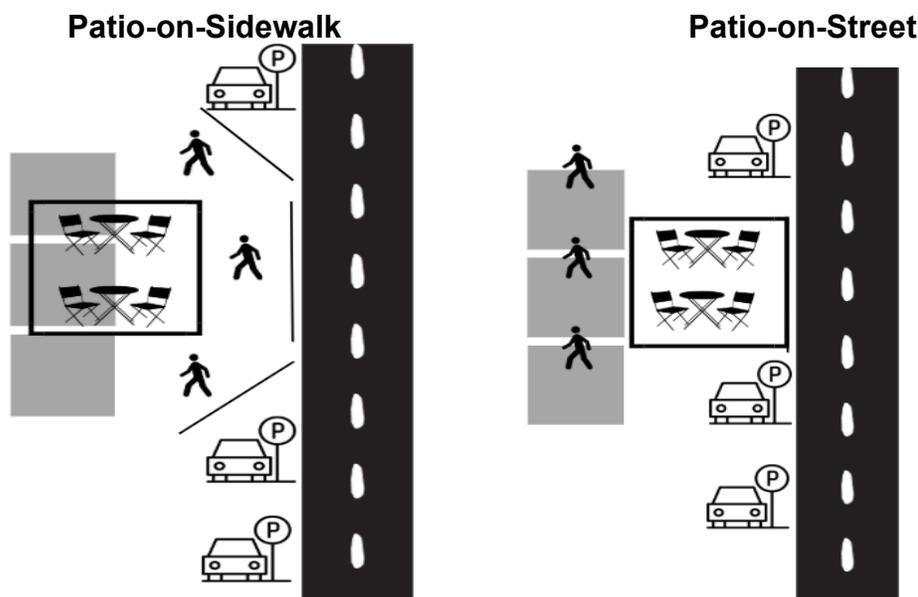
1. Design Principles

- Ensure a compatible relationship of patio design and construction with adjacent streetscapes and buildings.
- Provide required unrestricted access to public utilities and service connections, unless with the expressed consent of the owner(s) of such services.
- Provide access for emergency, service, and delivery vehicles.
- Maintain a safe, secure and comfortable environment for pedestrians.
- Mitigate any possible harmful impacts on adjacent land uses.
- Maximum of two adjacent parking spaces in front of an Applicant's business may be accessed for the proposed area.

2. Accessibility

Barrier-free access for persons with disabilities and seniors in accordance with AODA requirements at a minimum must be maintained at all times in terms of construction/addition of sidewalk patios.

Patio-on-Street is the preferred design as it is considered to be the most accessible, creating a straight line of pedestrian flow. New applicants to the sidewalk patio program must use the Patio-on-Street design where the site conditions allow. The Clerk has the discretion to waive this requirement for returning applicants who had a Licence in the previous year. Patio layouts approved before the passing of this by-law will continue to be permitted.



3. Acquiring a Sidewalk Patio

Sidewalk Patios structures (including pedestrian walkways) may be acquired in 2 ways:

1. Licensees may work with a third-party supplier to provide pre-fabricated, engineered structures.
2. Licensees may design/build their own patio in line with the specifications outlined in this By-law. Designs that are developed independently may require additional inspections by municipal staff.

4. Fences

A fence or other vertical barrier shall be used to delineate the perimeter of the Patio/Pedestrian Walkway area with the exception of access openings. The fence style and construction must permit easy visibility through the fence so that pedestrians, drivers and patrons are able to see one another, as follows:

- The width of any opening in a perimeter fence should be no greater than 8 ft. (213 cm) and no less than 4 ft (122 cm).
- The required minimum height of a fence facing the street is 3 ft. (91 cm) (or any minimum that may be required by the AGCO for licensed premises), and the maximum height of a fence facing the street is 4 ft. (122 cm).
- Fences shall be removable at all times.
- If parking spaces are being utilized, or if the Patio or Pedestrian Walkway extends into the travelled portion of a Highway, an Ontario Ministry of Transportation approved WA-33 Object Marker in the correct orientation must be attached to the outer edge of the Patio or Pedestrian Walkway to warn oncoming traffic.
- Fences should be of sturdy construction and secured in such a fashion that they will support the weight of an individual should it become necessary to use the fence to brace oneself.
- Perimeter fencing must be located at least 1 metre (3.28 feet) away from a fire hydrant.
- Final design of any fence must be approved by the Building department.

5. Awnings

- Materials should be securely fastened to a frame which is either retractable or demountable.
- Flame resistant sheltering material should be prefabricated and finished to fit the supporting structure.
- Awnings and umbrellas must be contained within the approved area of the Sidewalk Patio. Moveable umbrellas are not permitted on Patio-on-Street installations.
- If an awning exceeds 3.5 metres in width, an eaves trough system for rainwater runoff and temporary connection to appropriate storm drain must be in place and approved by the Building department.

- Material and colours should co-ordinate with the surrounding buildings and streetscape elements. They should generally contribute to the design theme of the street.
- Final design of any awning must be approved by the Building department through a separate building permit process. A building permit is required for any awning, unless it is being supplied by a third-party vendor who is supplying the patio with engineered stamped drawings with the patio and awning.

6. Platforms

- All decking or platforms should be sectional so as to be easily removable for storage off-site at the conclusion of the season or should repairs or modifications be required during the program.
- All decking and platforms must be constructed of cut lumber with spaces between each board for drainage. Boards shall be a maximum of 8" wide. Materials which create a solid surface but are not anti-slip (e.g. plywood) will not be accepted as a platform or decking material.
- Anti-Slip Tape or Anti-Slip Decking Strips must be installed on the flat, solid surface of the pedestrian walkway.
- Platforms should be supported by posts or ground beams which meet the requirements of the Ontario Building Code.
- The platform structure should not obstruct regular site drainage. A storm water bypass shall be created on both ends of the Patio or Pedestrian Walkway with a clearance of 51 mm (2 inches) from the concrete gutter.
- Skirting should be applied to the exposed side of the platform to screen structural elements.
- All exposed parts of extended walkways should be distinctive in colour and/or texture to demarcate the Sidewalk/patio boundary and the transition between surfaces - a brown or other wood-stain finish is recommended.
- The top edge of the curb along the outside of the extended walkway jutting out into the adjacent parking space shall be painted a bright colour - preferably white or yellow - so as to provide greater visibility to passing traffic and provide a visual reference to patrons of the presence of the edge of the platform.
- Where there is to be direct access from Sidewalk to Sidewalk Patios and barrier-free access is not available, a ramp should be provided within the deck at a maximum slope of 1:12 (8%) over a maximum length of 9 metres, or as provided for in the Ontario Building Code.
- Spaces between platform decking should be no more than 1 cm in width so as not to allow canes, walkers, wheels or other mobility assistance devices from becoming lodged or stuck between them.
- Patio umbrellas are prohibited on all Patio-on-Street establishments as they may shift and impede access and visibility on the road. Umbrellas are only permitted on Patio-on-Sidewalk establishments, provided they do not impede access or visibility and are secured to prevent injury or damage caused by

- their blowing into traffic, patrons, pedestrians or windows.
- Final design of any platform must be approved by the Building department.

7. Furnishings

- All signage, refuse containers, planters, and other furniture shall be within the designated area.
- The premises shall not be used or furniture positioned in such a manner as to obstruct exit from the restaurant.
- Chairs and tables shall be kept clear of all existing doorways, Sidewalks and laneways adjacent to the Patio in the interests of public safety.
- The number of patio chairs and tables must be limited to leave reasonable space for access, in line with AODA requirements.
- All patio objects must be removed from the public sidewalks and parking spaces outside of the operating period each year.

8. Lighting

- All exterior lighting should be task-oriented and should not spill into abutting private property or interfere with the public thoroughfare.
- Lighting should be demountable with no exposed cables or energized fixtures.
- Lighting design should co-ordinate with patio furnishings and streetscape design.
- Patio entrances and patio-to-restaurant entrances, with or without stairs, shall be clearly illuminated when necessary.

9. Plant Materials

- There shall be no removal of permanent plantings.
- Container plantings are encouraged but should be readily removable from the site and must respect all other guidelines concerning visibility, accessibility and safety.
- Any planters should be integral with fence and deck structures to maintain a compatible design relationship and shall not infringe on external pedestrian flow.

10. Signage

- All signage must comply with the Town's Sign By-law.
- Advertising of any kind is not permitted on municipal property unless a sign permit has been issued.
- A menu stand may be displayed at the entrance within the patio provided it does not obstruct access, encroach on required entrance or walkway widths or obscure patron/pedestrian visibility.
- A-Frame "sandwich board" signs are not permitted on any part of the Extended Walkway or Sidewalk Patio and cannot encumber the walkway or reduce required walkway widths when positioned in the public boulevards.
- Signage may be posted indicating that bicycles and other items are not permitted to encumber the walkways at any time.

11. Timelines & Noise

- Private Patios may operate for a maximum of eight months per calendar year, as per the AGCO's regulations for Temporary Patios. Private Patios shall be dismantled and removed in their entirety during the months that they are not in operation.
- Patios in or directly adjacent to a Residential Area must be cleared and closed by 11:00 p.m. All other patios must be cleared and closed by 12:00 midnight.
- Patios in or directly adjacent to a Residential Area must ensure mitigation efforts are imposed if they have amplified sound, including amplified music or entertainment.
- Licensees may elect to remove tables, chairs, planters or any other permitted materials from the Patio when not in use but are not required to do so.
- The applicant shall be responsible for removing and storing all structures offsite outside of the seasonal permit period.

12. Transitions, Grading and Pavers

- Decking, paving stones or other approved platform materials should be durable, non-slip, skid-proof and easily maintained in a safe, clean and unobstructed condition.
- Transitions between the existing sidewalk/patio area and the extended walkway must be painted yellow to provide a visual reference of the surface change.
- Extended walkway platforms must be installed so that their elevation is flush with the existing Sidewalk where the transition occurs.
- The grade of extended walkway decking must be between 1-4% towards the street to facilitate drainage and provide a sufficiently level surface for pedestrians.
- Notwithstanding the general guidelines herein, all grading is subject to the approval of the Chief Building Official or designate.

13. Refuse Receptacles

- Garbage containers are not permitted within patio areas, but portable service carts may be used for collection and transportation to the interior restaurant.
- The applicant agrees to keep the premises free from dust, refuse, animal waste, and litter of any kind.

14. Patio Fire Safety

- Where the design guidelines contained herein are in conflict with the Ontario Fire Code, Ontario Building Code or other relevant codes or legislation, the stricter requirements for fire and life safety will prevail.
- Patios/Pedestrian Walkways cannot be within 1-metre of fire hydrants or other critical utilities/connections.
- Chairs and tables made of combustible materials (wood, plastic, etc.) may not be stored against the building overnight.
- Owners are required to maintain appropriate egress from the patio at all times in case of fire in the building.

- Barbeques, open flames and other flame-producing equipment are not permitted on Sidewalk Patios.
- Patio heaters that are safety-certified and meet the requirements of the TSSA are permitted on patios.
- An appropriate fire extinguisher should be readily visible and accessible in the immediate vicinity of the Sidewalk Patio.
- All other applicable rules and regulations concerning outdoor patio fire safety as referenced in the Ministry of Community Safety and Correctional Services: Technical Guidelines and Reports, shall be adhered to at all times.

15. Smoking/Vaping

- There shall be no smoking or vaping permitted on Sidewalk Patios due to their proximity to open entrances to the building and to other patrons of the establishment.

TOWN OF GREATER NAPANEE
Schedule “B” to By-law No. 2026-0016: Patio By-law

Requirements for Patios on Private Property

1. No portion of the designated area shall be located on a Highway or any part thereof.
2. A patio on private lands shall:
 - (a) Be cleared and closed by 12:00 midnight, unless in or directly adjacent to a Residential Area, in which case the Patio must be cleared and closed by 11:00 p.m.;
 - (b) If in or directly adjacent to a Residential Area, ensure mitigation efforts are imposed if they have amplified sound, including amplified music or entertainment;
 - (c) Be set back a minimum of 2 metres from a fire hydrant or fire department connection and shall not obstruct the use of the hydrant or fire department connection in any way;
 - (d) Have a perimeter surrounding the patio, made from any combination of fencing, landscape planters, roping or other decorative methods as approved by the Town, provided they are secured without endangering any underground utilities. However, the patio shall not be enclosed by any structure other than the fence unless otherwise approved by the Town. The fence shall not enclose nor impede any portion of a required fire access route and shall be easily removable for emergency or operational needs;
 - (e) Not position furniture in such a manner as to obstruct exits from the restaurant;
 - (f) Keep chairs and tables clear from all existing doorways and sidewalks adjacent to the patio in the interests of public safety;
 - (g) Have all signage, refuse containers, planters, and other furniture within the fenced patio area;
 - (h) Have signage at designated exit points to ensure alcohol does not travel outside of designated spaces;
 - (i) Not permit smoking and/or vaping;
 - (j) Adhere to all applicable health and safety requirements inclusive of current provincial and local public health guidelines;
 - (k) Where the patio is elevated above grade on a structure, the height of the deck surface should be no greater than one (1) metre;
 - (l) Be barrier-free and in compliance with AODA and any and all other Municipal and Provincial regulatory requirements as may be applicable, including compliance with Fire Code and Building Code requirements and the Town’s Zoning By-law;
 - (m) The capacity of any new patio, or extended patio space where the licensee has an existing licensed patio, allows for a minimum of 1.11 square metres per person which determines the maximum capacity of premises to which

the *Building Code Act*, 1992 and the *Fire Protection and Prevention Act*, 1997 applies;

- (n) Be permitted to have lighting subject to review and approval of the method of wiring/source of power. Where permitted, lighting shall be installed to avoid glare and light spill to adjacent properties, roads and public areas;
- (o) Ensure any signage is in compliance with the Town's Sign By-Law;
- (p) Be permitted to include umbrellas or awnings provided a minimum vertical clearance of 2.4 metres above grade is provided and maintained without interfering with other furniture/safe passage;
- (q) Be prohibited from causing removal of or damage to any municipal street tree. No Person shall use a municipal street tree for the purpose of securing patio fencing or attaching cables, awnings or other paraphernalia associated with a patio; and
- (r) Store all patio objects, structures and other materials off-site outside of the permit period.

TOWN OF GREATER NAPANEE
Schedule “C” to By-law 2026-0016: Patio By-law

Licence Fees

Item	Description	Fee
1	Appeal to Council of a Patio Refusal/Suspension/Revocation	\$125.00
2	New Application Fee – Sidewalk Patio	\$100
3	Renewal Application Fee – Sidewalk Patio	\$75
4	New and Renewal Application Fee – Private Patio	\$50

Note: Additional fees, as specified in the Town’s Fees and Charges By-law, may be required for Public Patios if a Temporary Occupancy Permit is required.

TOWN OF GREATER NAPANEE
Schedule “D” to By-law No. 2026-0016: Patio By-law

Set Fines for Infractions under Part I, Provincial Offences Act

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
1	Fail to comply with approved layout	S. 3.7 (c)	\$200.00
2	Unauthorized modification to patio	S. 3.7 (d)	\$250.00
3	Failure to keep patio area clean	S. 3.7 (e)	\$150.00
4	Failure to include required accessibility feature	S. 3.7 (h)	\$350.00
5	Extend Patio furniture or accessories outside designated approved area	S. 3.7 (k)	\$250.00
6	Failure to display licence or present licence to an Officer	S. 3.7 (m)	\$200.00
7	Obstructing an Officer in the execution of their duties	S. 4.2	\$600.00
8	Operate a Patio without a Licence	S. 4.6	\$500.00
9	Failure to comply with a condition of a Licence	S. 4.7	\$400.00
10	Operate a Patio with a suspended Licence	S. 4.8	\$500.00
11	Fail to comply with an order	S. 4.11	\$250.00
12	Fail to display object marker	Schedule A, S. 4	\$150.00
13	Cause or permit improper lighting on Sidewalk Patio	Schedule A, S. 8	\$125.00
14	Cause or permit amplified sound on Sidewalk Patio without appropriate mitigation measures	Schedule A, S. 11	\$250.00
15	Operate Sidewalk Patio at prohibited time	Schedule A, S. 11	\$350.00
16	Smoke or permit smoking on Sidewalk Patio	Schedule A, S. 15	\$150.00
17	Operate Private Patio at prohibited time	Schedule B, S. 2(a)	\$350.00
18	Cause or permit amplified sound on Private Patio without appropriate mitigation measures	Schedule B, S. 2(b)	\$250.00
19	Smoke or permit smoking on Private Patio	Schedule B, S. 2(i)	\$150.00

20	Cause or permit improper lighting on Private patio	Schedule B, S. 2(n)	\$125.00
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NOTE: The general penalty provision for the offences listed above is Section 61 of the *Provincial Offences Act*.