

CITY OF ST. CATHARINES SEASONAL TEMPORARY COMMERCIAL PATIO GUIDELINES

March 2025

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Introduction

The City of St. Catharines is committed to supporting the business community in innovative and efficient ways that align with the best practices of comparator municipalities. Since 2014 the City has supported the creation of temporary commercial patios, in varying capacities, on both municipal and private property to support local bars, restaurants and cafes and will continue to do so through the 2025 patio season.

The City of St. Catharines Seasonal Temporary Commercial Patio (STCPatio) Reviewers is a team of City staff from various municipal divisions who ensure that all patio applications have the necessary requirements, permissions, and insurance in place to operate efficiently and safely.

This document provides guidelines for STCPatios on municipal and private property for the 2025 season. The information included within this document ensures that safety, functionality and design standards are explained, which are the minimum requirements expected that restaurants and bars must meet to operate an STCPatio. Please be sure to review these guidelines carefully and plan ahead to ensure full compliance.

Terms and Conditions

Included in this section is an overview of the Terms and Conditions of the STCPatio Program. More detail on each of the items included in this section can be found throughout this document.

Seasonal Temporary Commercial Patios on Municipal Property

The following terms and conditions will apply for STCPatios on municipal property:

- i) STCPatios on municipal property may include patios on sidewalks, alleyways, parks, boulevards or other municipally owned property, where appropriate.
- ii) STCPatios on municipal road allowance may include patios on roadways or on-street parking spaces, where appropriate.
- iii) Patios on Regional Roads (includes Ontario Street, Geneva Street and Welland Avenue) will require additional approvals from the Niagara Region.
- iv) Applications for STCPatios are to be submitted to the Economic Development and Tourism Section under the Economic Development and Government Relations Division on an annual basis. Applications will be circulated for cross-department review and approval.
- v) Patios to be permitted to operate annually from April 1st to October 31st only.
- vi) STCPatios will not be permitted to operate more than 8 months out of the calendar year, as per AGCO requirements.

- vii) STCPatios are required to follow all applicable public health requirements including regional and municipal by-laws and Provincial orders.
- viii) The STCPatio shall not obstruct or interfere with pedestrian safety, accessibility, emergency services, public transit, access to surrounding businesses, deliveries, pick-ups, City and public utility infrastructure or maintenance work.
- ix) Applicants are solely responsible for the management and operation of approved STCPatios.
- x) A valid Refreshment Stand/Restaurant business licence is required and must remain in good standing for the entirety of the proposed operational period of the STCPatio. Establishment operators are required to submit renewals and pay on or before the expiry date in accordance with [By-law 2005-318](#).
- xi) Patio operators must provide proof of commercial general liability insurance in the minimum amount of \$5 million. Coverage endorsed to include the Corporation of the City of St. Catharines as additional insured. A Certificate of Insurance naming the Corporation of the City of St. Catharines as additional insured must be provided to staff and attached to the file.
- xii) Applicants are required to submit a Patio Site Plan for the proposed patio location.
- xiii) Applicants who are tenants must receive written consent from building owner or property manager as part of the application.
- xiv) If the establishment has a valid liquor license issued by the AGCO. The physical extension of the STCPatio serving alcohol must be adjacent to the premises to which the licence to sell liquor applies.
- xv) Applicants who receive approval for a liquor license extension from the City of St. Catharines are required to notify the AGCO, via the iAGCO portal, and receive confirmation prior to operating/
- xvi) A new occupant load will not be set for the STCPatio. The STCPatio will act as an extension of the existing occupant load of the building.
- xvii) The patio shall be compliant with the Accessibility for Ontarians with Disabilities Act (AODA), where applicable.
- xviii) Applicants who are approved for patios must enter into a counter-signed Legal Agreement with the City of St. Catharines prior to the start of patio construction or operation.

- xix) Electrical power cords or any other devices that cross the travelled portion of the right of way are not permitted.
- xx) Temporary patios shall not obstruct any utility infrastructure or access to utility infrastructure. The applicant shall be responsible for clearance of any debris and overall maintenance to ensure normal operation and unimpeded access.
- xxi) Patios located in on-street parking spaces will generally be limited to occupying one parking space. Requests for more than one space will be considered on a case-by-case basis and approval will be at the discretion of Engineering, Facilities and Environmental Services staff.
- xxii) Construction, maintenance and operation of the temporary patio shall be the responsibility of the applicant. Operators will be responsible for the management and logistics of any approved temporary patio, including ensuring that they are staffed at all times when open, to ensure proper use, cleaning, and operation as required.
- xxiii) Applicants will be required to cover all costs associated with patios located in the municipal right of way, including on-street parking spaces, that require the installation of additional barricades, traffic control devices, lane markings, signage, etc. which will be determined by City of St. Catharines staff.

Seasonal Temporary Commercial Patios on Private Property

STCPatios on private property, including parking areas of commercial plazas and malls will be subject to the following terms and conditions:

- i) STCPatios may be permitted in any commercial area of the City of St. Catharines where applicable zoning allows.
- ii) Applications for STCPatios are to be submitted to the Economic Development and Tourism Section under the Economic Development and Government Relations Division on an annual basis. Applications will be circulated for cross-department review and approval.
- iii) STCPatios are required to follow all applicable public health requirements including regional and municipal by-laws and Provincial orders.
- iv) The STCPatio shall not obstruct or interfere with pedestrian safety, accessibility, emergency services, public transit, access to surrounding businesses, deliveries, pick-ups or fire service connections.
- v) Patios will be permitted to operate annually from April 1st to October 31st only.
- vi) STCPatios will not be permitted to operate more than 8 months out of the calendar year, as per AGCO requirements.

- vii) Applicants are solely responsible for the management and operation of approved STCPatios.
- viii) A valid Refreshment Stand/Restaurant business licence is required and must remain in good standing for the entirety of the proposed operational period of the STCPatio. Establishment operators are required to submit renewals and pay on or before the expiry date in accordance with [By-law 2005-318](#).
- ix) The establishment must have a valid liquor license issued by the AGCO. The physical extension of the STCPatio serving alcohol must be adjacent to the premises to which the licence to sell liquor applies.
- x) Applicants who receive approval for a liquor license extension from the City of St. Catharines are required to notify the AGCO and receive confirmation prior to operating.
- xi) Applicants are required to submit a Site Plan for the proposed patio location. Being temporary in nature, formal Site Plan review will not be required.
- xii) A new occupant load will not be set for the STCPatio. The STCPatio will act as an extension of the existing occupant load of the building.
- xiii) An STCPatio will not be interpreted to affect the parking supply for the purposes of minimum parking requirements, enforcement of this is to be waived annually within the scope of this program.
- xiv) If the patio is requested to be located within the accessible parking spaces for the business, the equivalent number of accessible spaces must be established elsewhere on the site in as close proximity to the principle entrance as possible.
- xv) STCPatios must be created as temporary uses that include no permanent fixtures or any alterations that would require a Building Permit.
- xvi) The patio shall be aligned with the Accessibility for Ontarians with Disabilities Act (AODA) and shall be barrier free accessible where the existing establishment is barrier free accessible.
- xvii) Construction, maintenance and operation of the temporary patio shall be the responsibility of the applicant. Operators will be responsible for the management and logistics of any approved temporary patio, including ensuring that they are staffed at all times when open, to ensure proper use, cleaning, and operation as required.

1.0 PROCESS

2.0 OPERATIONAL REQUIREMENTS

3.0 DESIGN GUIDELINES

4.0 IMPLEMENTATION

Types of Temporary Patios

Location

- Private Property
 - At grade
 - Constructed
- Municipally Owned Property
 - Sidewalk
 - On-Street Parking Space
 - Boulevard
 - Alleyway
 - Parks
 - Must be at grade
- Regional Right-of Way
 - Requires approval from the Region of Niagara

Patios on Regional Roads (includes Ontario Street, Geneva Street and Welland Avenue) will require approvals from the Regional Municipality of Niagara.

STCPatio approvals on either municipal or private property will be granted for the 2025 season between April 1st and October 31st only.

How to Apply

1. Visit the Seasonal Temporary Commercial Patios webpage to become familiar with the program information included.
2. Complete the Application for a Seasonal Temporary Commercial Patio in its entirety, all questions are mandatory. Once complete, send the document and all supporting documentation to TemporaryPatios@stcatharines.ca.
 - a. All patio operators are required to submit an application or request for renewal annually and pay the corresponding fees.
3. A Patio Site Plan Drawing must be submitted with your application and must include: dimensions of the patio/dining area, location of entrances/exits from the building and from the patio/dining area, location of any fire department connection and municipal fire hydrant, any utility infrastructure, planters, a clear unencumbered mobility access of minimum 2m, type of material being used for perimeter fencing, etc.
 - Note: Guidelines including access to public thoroughfare from all building exits and from the patio, 1m (3') clearance around fire hydrant and fire department connections, no exits can be obstructed is required.

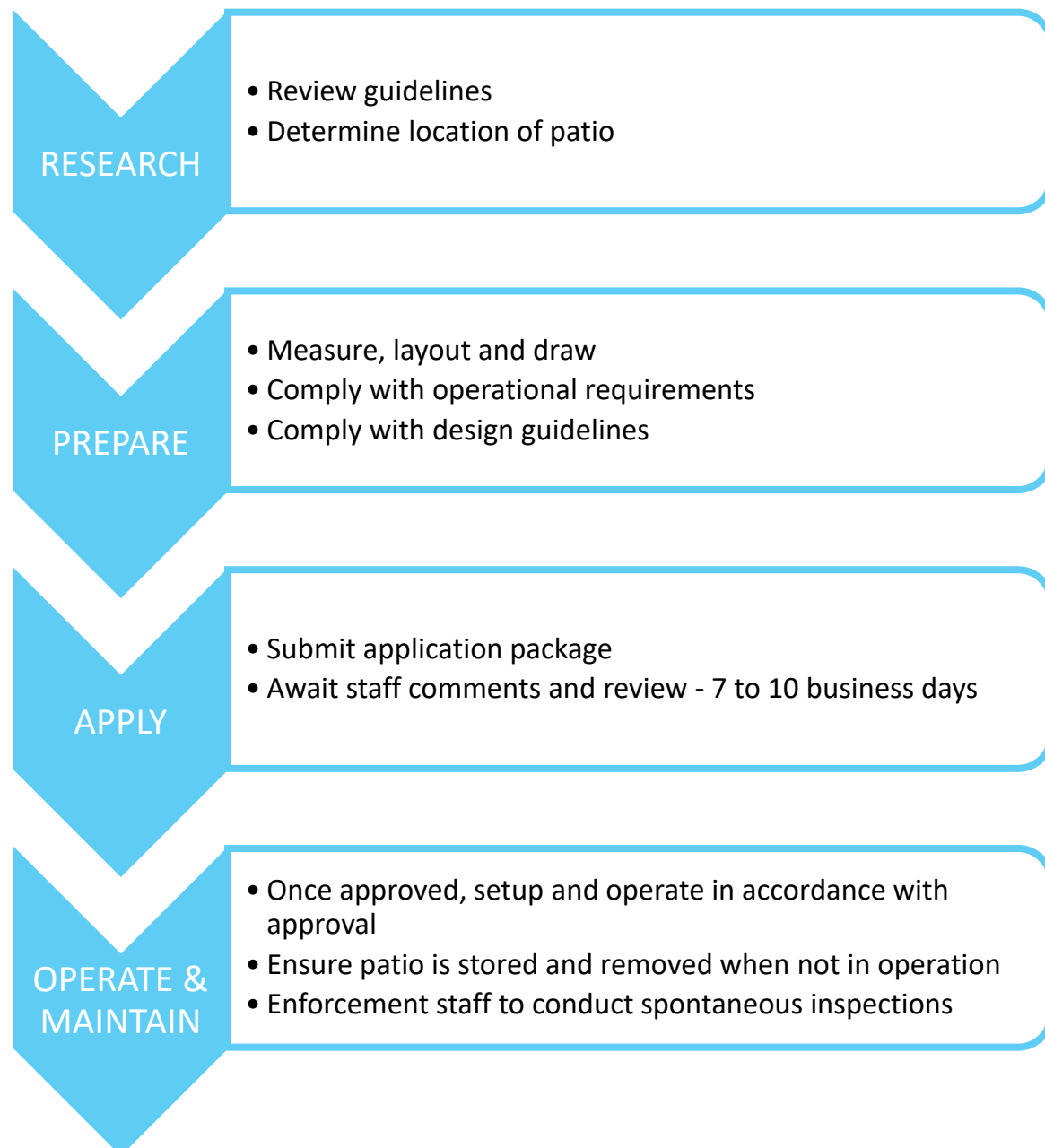
4. If the applicant of the STCPatio is not the owner of the building/property where the patio will be located then a Property Owners' Authorization must be submitted with the application.

5. For any STCPatio on the municipal right of way, in an on-street parking space or occupying municipal property a Certificate of Insurance naming the Corporation of the City of St. Catharines must be provided with application submission.

It is recommended that STCPatio Program Applicants connect with the team prior to submitting. Sometimes elements of an application are not required and the team can determine this. The STCPatio Program Team can be reached at

TemporaryPatios@stcatharines.ca.

Applicant Process



Program Fees

Aligning with comparable municipalities across Ontario, the City of St. Catharines will be updating the annual Rates and Fees by-law to include fees specific to the STCPatio Program. For 2025, the fees for STCPatios will be as follows:

Seasonal Temporary Commercial Patio Application Fees

- Municipal Property - **\$255.00**
- Private Property – **\$204.00**

Municipal Property Space Utilization Rates

- Municipal Property Lease (sidewalk, boulevard, alleyway, roadway, etc.) per square metre - **\$46.50**

NOTE: At their meeting on January 22, 2024, Council passed a motion directing:

“That the 2024-2026 Operating Budget be increased to reduce Business License Fees and Patio Fees by 50% for 2024 and 2025, and 25% for 2026...”

Operational Requirements

Location

The STCPatio must be directly adjacent to the applicant business. Extensions to neighbouring properties or in units may be permitted with the written consent of the neighbouring property owner.

STCPatios within the municipal right of way, including on-street parking spaces and municipal property must be located on streets where there is existing on-street parking or surplus pavement width. If a patio is located within an on-street parking space, the patio is to have a maximum width of 1.83 metres (6 ft) - which is narrower than a typical on-street parking stall.

STCPatios within the municipal right of way, including on-street parking spaces and municipal property must be at least one parking space away from an intersection or driveway, except where “bump outs” are found.

STCPatios must not be placed in front of a fire hydrant or within 1m (3 ft.) of a hydrant or fire connection, designated loading zone, or in designated accessible parking spaces.

STCPatios should not obstruct surface drainage or access to public utility equipment such as Bell/cable boxes, pedestals, vaults, utility hole / hand hole covers, Bell/hydro poles. City equipment such as pay & display machines, traffic signal poles, street light standards, traffic sign poles, hand hole covers, sewer drains & covers, fire hydrants, benches, bike racks, waste receptacles, etc. cannot be obstructed. City owned trees can be located within a STCPatio.

Locations that have higher pedestrian volumes and low vehicle operating speeds are preferred. The City will evaluate any candidate site for potential traffic and safety impacts and required site improvements. If a location is determined to have traffic and/or safety concerns, this could negate the use of the space – this would be solely at the discretion of the City of St. Catharines.

Each application will be reviewed for impacts to surrounding businesses and residences. The City will evaluate any candidate site for proximity to residential neighbourhoods, historical experience or other concerns. If concerns arise or are flagged staff will work with the applicant to attempt to find a solution that minimizes impacts to surrounding community. The interpretation of concerns and issues is at the sole discretion of the City of St. Catharines.

Permission

If the proposed STCPatio operator leases their bar/café/restaurant establishment, they must obtain written permission from the owner of the building/property in order to ensure consent and alignment between parties.

If the STCPatio operator wishes to utilize municipal property a License Agreement, “City of St. Catharines Patio Permit (2025)”, with the City of St. Catharines must be obtained. This agreement will set out the applicants’ obligations and conditions of operation.

STCPatios may be installed and operated between April 1st and October 31st each calendar year during the term of the agreement. Patios are not permitted to operate more than 8 months of the year under AGCO requirements.

Agreement

The establishment owner/patio operator is required to submit an application detailing plans of the proposed STCPatio to the City’s Economic Development and Tourism Section. Applications must demonstrate compliance with the Design Guidelines included within this document.

STCPatio operators will be required to obtain approval and enter into a License Agreement, “City of St. Catharines Patio Permit (2025)”, with the City of St. Catharines, which will set out their obligations and conditions of operation.

The License Agreement, “City of St. Catharines Patio Permit (2025)”, with the City will reflect the Operational Requirements and Design Guidelines and requires payment of applicable fees as per the City’s Schedule of Rates and Fees (fees reduced by 50% for 2025). Additionally, provision of necessary liability insurance, maintenance of the premises, and any other matters which the Corporation deems necessary will be included within the agreement. Failure to comply with these conditions will result in termination of the agreement.

The STCPatio operator is required to enter into a license agreement for a term not to exceed one (1) year, and may be terminated by the City upon 30 days written notice.

Insurance

If the STCPatio is to be located on the municipal right of way, including on-street parking spaces or municipal property (i.e. sidewalk, road allowance, boulevard, alleyway), the patio operator will provide and maintain evidence of at least \$5M in comprehensive liability insurance for property damage, personal injury and public liability on the lands, naming the Corporation of the City of St. Catharines.

A valid Certificate of Insurance must be written on the comprehensive basis and contain the following:

- Name of Insurer (the insurance company);
- Policy number and Term of Policy;
- Type of Policy: General Liability Policy containing public liability and property damage insurance including personal injury liability, blanket contractual liability, liquor liability (if applicable), non-owned automobile liability and products-completed operations, with respect to the Licensed Area and the Permit Holder's use of the Licensed Area, with coverage including the activities and operations

conducted by the Permit Holder and those for whom the Permit Holder is in law responsible and containing a severability of interests clause and cross-liability clause;

- Limit of Policy: \$5 million per occurrence;
- Named Insured (must be the Legal Name of Business that is listed on the Patio Application);
- Description of the Temporary Patio and activities to be insured;
- Dates of patio operation (include set up and take down dates);
- Location of Patio (i.e. road closure, list of all roads that are being used, alleyway, etc.);
- The Corporation of the City of St. Catharines, 50 Church Street, St. Catharines, ON, L2R 7C2 is added as an 'Additional Insured';
- A provision requiring that at least thirty (30) days' written notice be given to the City in the event that such insurance coverage is terminated or changed in any manner; and
- Signature of insurance provider or broker.

Liability & Maintenance

STCPatio operators will be responsible for the installation and on-going maintenance of the patio.

STCPatio operators are responsible for removal or storage of patio and furnishing outside of regular business hours and permitted patio operation season. All elements of the patio must be removed annually by 4:30pm on November 1st.

STCPatio operators shall ensure that their seasonal temporary commercial patios do not interfere with the free and safe passage of persons using the road allowance and shall always maintain the area and keep the abutting municipal property in a good and safe condition.

The STCPatio operator acknowledges that they have physical possession or care and control of the seasonal temporary commercial patio and the lands abutting. The STCPatio operator shall take such care as in all the circumstances of the case that is reasonable to see that persons entering on the premises, and the property brought on the premises by those persons are reasonably safe while on the premises.

The maintenance requirements shall include, but not be limited to: washing/sweeping the patio daily, watering all plants, and promptly removing any garbage or graffiti. Additionally, early or late in the patio season as weather dictates, the clearing of snow and ice, as well as salting or sanding the premises and the abutting land for the safe passage of persons entering the temporary patio.

The STCPatio operator and approved applicant agree to defend, indemnify and save harmless the City from and against all actions, causes of action, interest, claims, demands, costs, damages, expenses, or loss howsoever arising which the City or the

Establishment may bear, suffer or be put to by reason of any damage to property or injury or death to any person as a result of the temporary patio.

Business Licence

All participating establishments must have a Refreshment Stand/Restaurant Business License in good standing as per the requirement outlined in City of St. Catharines By-law 2005-318 respecting the issuing of business licenses.

Liquor Licence

Business owners that wish to serve alcohol on their STCPatio must ensure that they have a valid liquor license issued by the Alcohol and Gaming Commission of Ontario (AGCO) at the time of application to the City of St. Catharines.

In November 2022, the AGCO amended Regulation 746/21 under the *Liquor Licence and Control Act*, 2019 establishing a new framework for temporary outdoor physical extensions (temporary patios), which took effect January 1, 2023. These changes impact liquor sales licence holders and manufacturer by-the glass endorsement holders.

In order to obtain permission to sell alcohol on a temporary patio, liquor sales licensees and manufacturers that hold a by-the-glass endorsement will require municipal approval. Upon obtaining approval from the municipality, liquor license sales licensees and manufacturers that hold by-the-glass endorsements will be required to notify the AGCO by making a submission on the iAGCO portal before selling or serving liquor on temporary patios.

In addition to these new requirements, temporary patios may only operate for a maximum of eight months per calendar year. The City of St. Catharines will support patio operation from April 1st to October 31st annually.

The AGCO will no longer accept applications or otherwise approve temporary patios for licensees located in municipalities, requests will be facilitated through the STCPatio Program process.

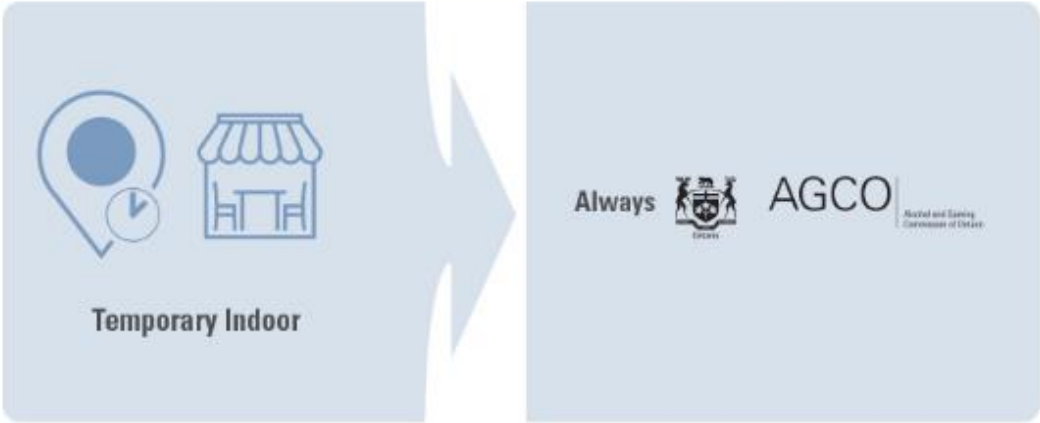
Capacity

The STCPatio approval shall not change the existing occupancy load of the food or beverage establishment as set out in the AGCO approval. The Planning and Building Services Division will not set a new occupant load for a temporary commercial patio. Based on the intent of the program, there is no ability to alter the existing occupant load of the buildings and applications that do not adhere to this will not be considered for approval.

Authority Overview

Where to seek approval for a physical extension of a licensed premises





Zoning Compliance

All patio applications under the STCPatio Program must meet applicable requirements outlined in the [City of St. Catharines Comprehensive Zoning By-law 2013-283](#). As per this by-law, patios would be permitted on properties that are zoned: Agricultural, Commercial, Employment and Mixed Use.

Patio Site Plan Review

A STCPatio on municipal or private property will require Patio Site Plan Drawings to be submitted with the application and reviewed through the City's Planning Department.

Patio Site Plan drawings should include the following:

- Drawings to scale, with dimensions in metric units
- Municipal address included, all streets labelled
- Location of property boundaries identified
- All existing and proposed structures shown (including tents and awnings)
- Size of proposed outdoor seating area and capacity identified
- Location of all City infrastructure / equipment such as pay & display machines, traffic signal poles, street light standards, traffic sign poles, hand hole covers, sewer drains & covers, benches, bike racks, waste receptacles, etc. The location of all public utility equipment such as Bell/cable boxes, pedestals, vaults, utility hole / hand hole covers, Bell/hydro poles, etc. must also be included.
- Location of any patio and building entrances and their widths (i.e. doors, gates) indicated
- Accessible pathway (sidewalk, entrance access) identified
- If any fencing or barriers are proposed, identify the proposed location, type of barrier and height of barrier
- Location of any fire department connection

Noise and Sound Amplification

Although the STCPatio may be approved, it does not permit outside amplified music / sound. Each temporary patio must remain in compliance with the City of St. Catharines By-law to Regulate Noise ([95-198](#)) and the corresponding amendment ([2015-60](#)).

The By-law to Regulate Noise (95-198) would continue to be in place and would not be unprecedented by participants in the Temporary Commercial Patio program. According to Section 3 (1):

The following noises are, in the opinion of the Council of the Corporation of the City of St. Catharines, likely to disturb the inhabitants of the City of St. Catharines when the sounds occur during the times set below:

- (a) The operation of any electronic device or group of connected electronic devices incorporating one or more loudspeakers or other electro-mechanical transducers and intended for the production, reproduction or amplification of sound between 23:00 hours one day and 07:00 hours the next day, such that the sound amplified by the device or devices is clearly audible within a residential unit with the windows closed, other than the one in which the device or devices is located.
- (b) That the operation of any electronic device or group of electronic devices incorporating one or more loudspeakers or other electro-mechanical transducers, and intended for the production, reproduction or amplification of sound in a public place such that the sound amplified by the device or devices is clearly audible within a residential unit with the windows closed, between 23:00 hours one day and 07:00 hours the next day.
- (c) The operation of any auditory signalling device including but not limited to the ringing of bells or gongs or the blowing of horns or sirens or whistles or the production, reproduction or amplification of any similar sounds by electronic means between 23:00 hours one day and 07:00 hours the next day except where required or authorized by law or in accordance with good safety practices;
- (d) Yelling, shouting, hooting, whistling, singing or the playing of musical instruments in such a manner as to make a sound clearly audible within a residential unit, or, in the case of yelling, shouting, hooting, whistling, singing or the playing of musical instructions which takes place within a residential unit such that the
- (e) sound generated by the yelling, shouting, hooting, whistling, singing or the playing of musical instruments is clearly audible within a residential unit with the windows closed, other than the one in which the sound originates, between 23:00 hours one day and 7:00 hours the next day;

3.0 DESIGN GUIDELINES

Design Guidelines

Use of Municipal Right of Way

Applications for patios within the municipal right of way must comply with the Ontario Traffic Council's Restaurant Patio Guidelines within the Right of Way (April 2022).

Requirements for safety equipment and measures as outlined in this document are the responsibility of the applicant as part of the application submission. The City will not be providing safety barriers to applicants under the STCPatio program.

Clearway

An unobstructed pedestrian clearway with a minimum width of 2 metres (6.56 feet) shall be maintained at all times as a throughway or to pass by the STCPatio, between the patio and the building or any physical obstructions.

An unobstructed right-of-way of 2m (6.56 ft) should be maintained between the STCPatio and the curb or roadway any other physical obstructions such as a street light, traffic signal or sign pole, tree, fire hydrants, bus shelters, waste receptacles, street furniture or utility pedestals, vaults and/or poles.

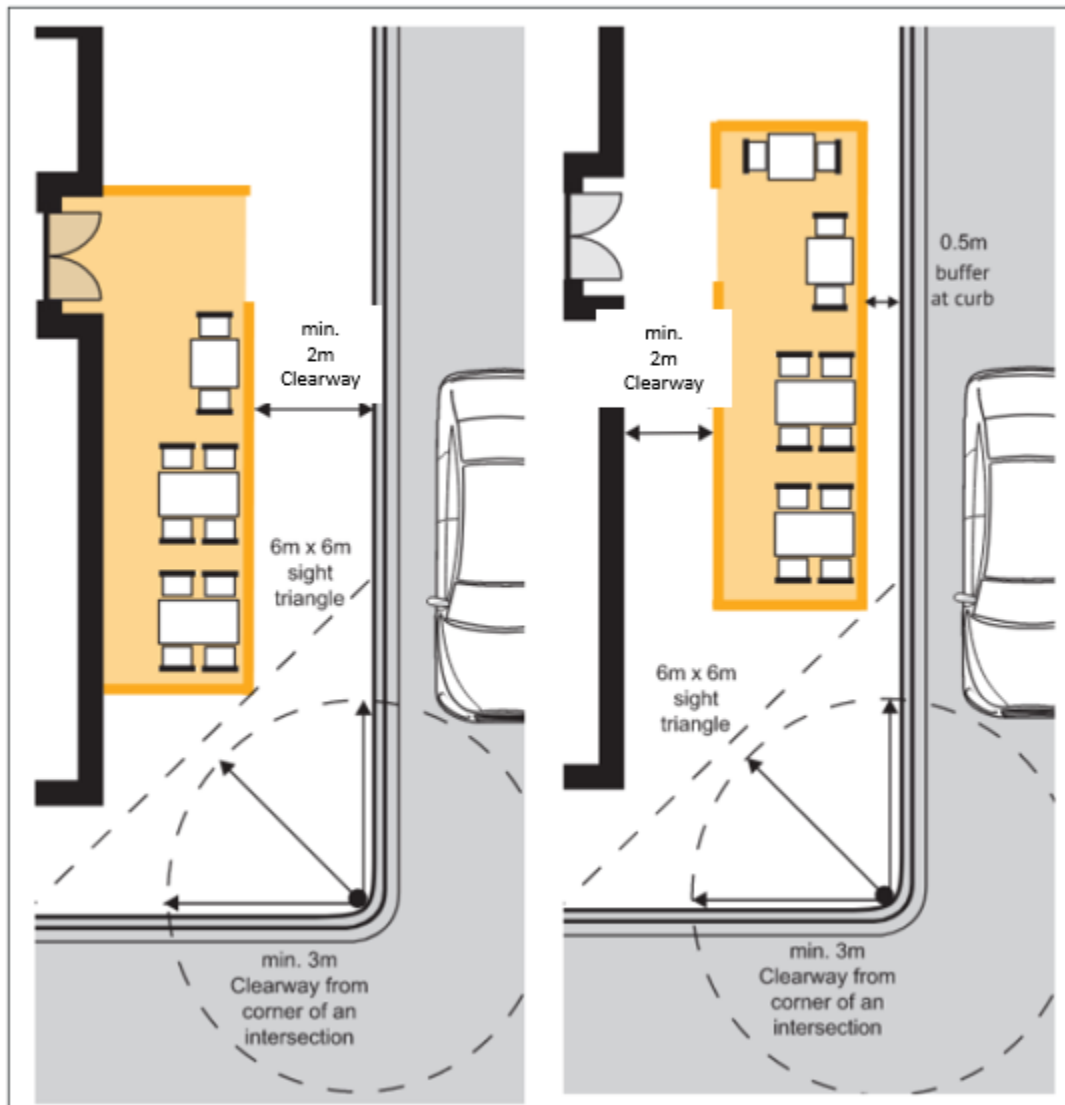
No STCPatio may obstruct a fire hydrant, fire route, fire department connection, or emergency exit nor pose any other safety risk.

The STCPatio area must be compliant with [Accessibility for Ontarians with Disabilities Act \(AODA\)](#) standards and cannot obstruct an accessible travel path. There must also be an accessible travel path from the patio to an accessible washroom where the establishment is barrier free.

If an STCPatio is located within any private parking area, there should be no staff or patrons crossing any roadways or parking spaces between the business and patio area.

The sidewalk patio operation will generally be confined to an area immediately adjacent to the street curb/main use building.

Clearway Example Diagram



Accessibility

Establishment operators that apply to STCPatio Program are to ensure their patio design, operation and construction aligns with the Accessibility for Ontarians with Disabilities Act (AODA) where applicable and already barrier free.

Each STCPatio operator is responsible for ensuring compliancy with the [Accessibility for Ontarians with Disabilities Act \(AODA\)](#).

STCPatios must be semi-permanent, meaning the configuration does not change on a daily basis.

STCPatios must have at least one opening with a minimum width of 1.1 metre (3.5 feet) to a maximum of 2 metres (6.56 feet) wide. Entrances must be located so as not to interfere with access to adjoining properties.

Gated entrances to patios may be considered on a site-specific basis and should open outwards from a patio without interfering with City sidewalks, accessible travel paths, or traffic lanes.

The patio area shall be wheelchair accessible. This may require the patio operator to design the patio and construct at grade or install a ramp for patrons to navigate curbs.

Perimeter Fence

The limits of a licensed patio must be distinguishable. Suitable boundaries include solid barriers such as decorative fencing, panels, planters, metal railing or other options that may be reviewed and approved by staff. The use of chain link, stanchion or rope fencing is not permitted. Perimeter fencing is to be portable, to insure for easy removal for the “off” season. To be stored off-site when not in use.

Perimeter fencing shall not obstruct vehicular or pedestrian sightlines. The fencing shall not block access to neighbouring properties.

Perimeter fencing adjacent/parallel to a live lane of traffic shall be sturdy and made of a hard material such as: wood, metal, composite, plastic, etc.

Fence posts shall be free-standing with fence posts supported on removable plates. The plates shall not extend beyond the perimeter of the fence or pose any hazard to pedestrians.

Perimeter fencing shall be placed so as not to obstruct adequate pedestrian access and public passage between the STCPatio area and any street or laneway, or any physical obstructions such as trees, utility poles, fire hydrants, bus shelters, waste receptacles, street furniture, and the like.

Perimeter barriers shall have a height of minimum 1.06 metres (3.5 feet) to a maximum 1.2 metres (4 feet). These height limitations include all planters, signage, barriers, etc.

If the STCPatio is located adjacent to a traffic lane, drive aisle, or active parking area, a perimeter barrier must be installed (at the expense of the applicant) a minimum 0.5 metres setback from vehicular activity.

If any part of the patio fencing is near the pedestrian clearway, the fencing must have a solid base, cane-detectable base (for someone using a white cane), spaced no more than 0.3m apart. Fencing near a sidewalk should also have a colour contrasted to the sidewalk to make it easily identifiable to pedestrians.

Construction

The patio must have modular construction so that it can be easily installed and removed. It should be constructed of wood, composite decking or steel (or any combination of these materials).

Patios located on municipal roadways or in on-street parking spaces will be required to be constructed with a platform that should be flush with the sidewalk or curbside sidewalk patio as possible, while maintaining wheelchair access.

Platforms shall be designed and signed off by a licensed architect or engineer, who will confirm that the platform and fence are sturdy will be able to withstand the anticipated lateral loads. This requirement applies to parking lane or patios on a municipal roadway only.

Posts, signs and other features may not be secured to City sidewalk by use of screws, nails, or other fasteners that pierce or damage the surface of the concrete, unless approved by Municipal Works staff at time of application review.

The platform shall be designed so as not to obstruct surface drainage and will include maintenance hatches to any catch basins or other services underneath the platform.

The applicant must demonstrate deck and/or ramp supports that provide for a minimum separation of 0.45 m from the curb face.

The designer shall utilize only high quality, durable and attractive materials, which will substantially enhance the quality and attractiveness of the street.

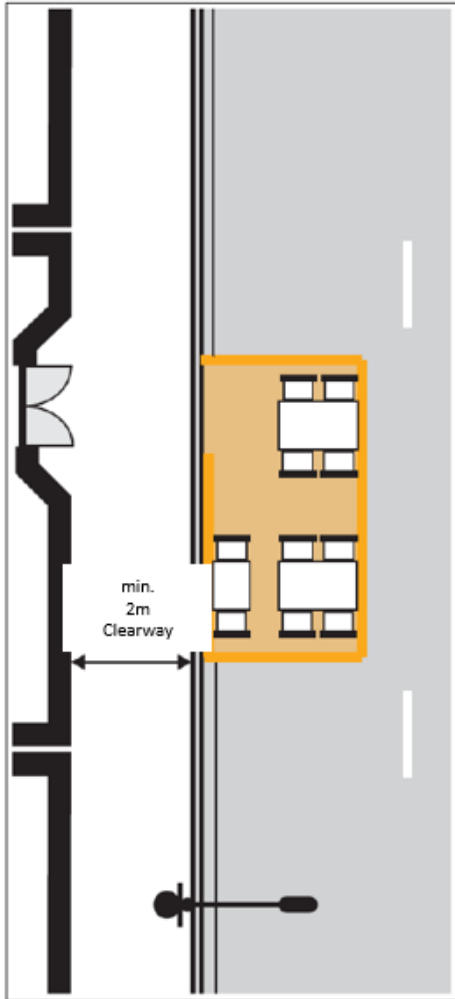
The City may require additional road safety measures to be installed. This will be at the expense of the approved applicant.

Patio Surface

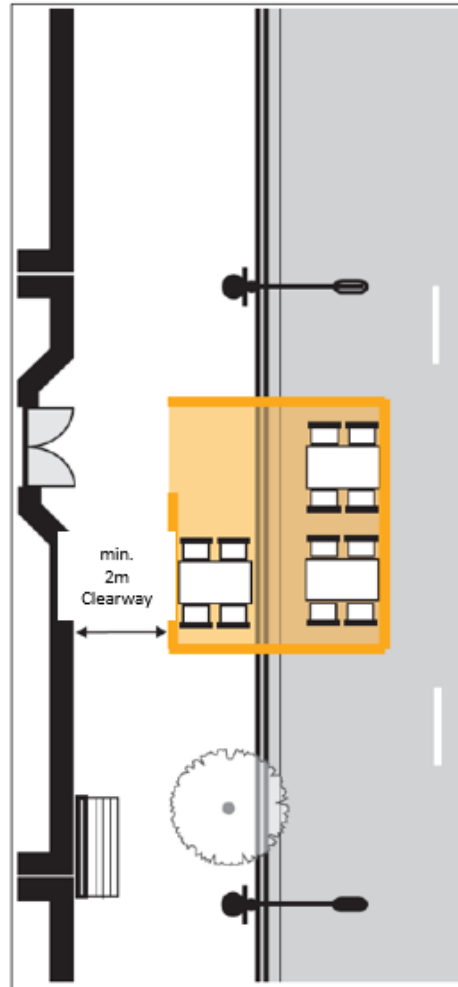
Shall be the same elevation as the adjacent sidewalk.

Constructed of durable, easily maintained material such as wood or composite decking, concrete or interlocking pavers.

Outdoor carpeting is permitted.



Patio in an unprotected On-Street parking space or curb lane



Boulevard and On-Street Patio Combination

NOTE: Required roadside protection not shown on plans

Furniture

Contained entirely within patio area and be easily movable. Benches and bike racks may, however, be permanently built into the platform.

Aerial awnings and umbrellas to be constructed of a flame-retardant material.

Aerial awnings and umbrellas shall not project beyond the perimeter fence and shall maintain a vertical clearance of at least 2.1 m (7 ft) above patio floor in pedestrian aisles.

Umbrellas shall not encroach into the roadway or sidewalk or interfere with vehicle or pedestrian sightlines. A minimum 0.5m setback is required.

Lighting

Lighting, other than that affixed to the building must be removable, and directed toward the patio, so as not to cause any undue glare or interference with use of the abutting properties or the public thoroughfare.

Lighting shall conform to applicable Ontario Building Code Standards.

Lighting shall not be connected to City outlets or power sources unless approved by City Staff.

Electrical power cords or any other devices that cross the travelled portion of the right of way are not permitted.

Landscape Material

While planters and baskets are encouraged, landscaping may not encroach into any traffic lane or accessible travel path. These must be contained within the approved outdoor patio area size.

Perimeter landscaping is encouraged, but should be of a temporary, removable nature.

Landscaping will most commonly be provided through wood or metal perimeter planter boxes, but alternative approaches may be considered.

Each platform will also include vertical elements (i.e. planters, umbrellas) to improve visibility for vehicles.

Signage

All signage must be contained within the area of the approved patio. Signage shall not be placed in the City sidewalk or roadway.

Signage shall not be affixed to the patio perimeter fencing.

Heaters

If considering the use of portable heaters on an STCPatio, review the [Patio Heater Safety Checklist for Restaurant Owners](#) document prior to any operation.

Portable heating devices, including fueled heating appliances like propane patio heaters, are permitted as long as they:

- Meet federal and provincial safety requirements
- Are installed and stored in accordance with the manufacturer's instructions
- Are removed from public property (i.e. sidewalks or on-street parking spaces) when the patio is not in use

For more information, refer to the [Technical Standards and Safety Authority Guidelines](#) for safe use of heaters on outdoor patios.

Portable Heating Device

If installing a portable heating device, it must:

- Be certified by CSA / ULC
- Meet the requirements of TSSA Act 2000²
- Be designed for outdoor use only
- Have an anti-tilt feature that automatically shuts off the heater
- Be free-standing, with a minimum height of 160 cm
- Table-top heating appliances are not permitted

Portable heaters can be installed in the following locations on the temporary patio:

- On a non-combustible solid surface (i.e. not on grass or uneven sidewalk)
- Out of the wind
- With a minimum of one-metre clearance from the base of the unit to any combustible material

Do not install portable heaters in the following locations:

- Under fire escapes
- Within a means of egress or adjacent to an exit
- Underneath a combustible structure (i.e. canopies, awnings, tents, wood framework)
- Beside or obstructing firefighting equipment like fire hydrants or Siamese connections
- Near or attached to trees, utilities or other street elements
- No electrical wires should be placed on the pedestrian walkways

Fuelled Heating Appliance

If installing a fueled heating appliance:

- Do not store it outdoors
- Have a maximum of one day's supply of propane on site
- Have a propane tank that does not exceed a single nine-kilogram tank (approximately 10 hours of operation)
- Do not move it while the flame is open; ensure the gas supply is properly shut off and the unit is cool before relocating
- Follow all manufacturer safety requirements for the safe transportation, operation and storage of fuel

Open Air Burning and Cooking

Open air fires and open-air cooking fires are prohibited on temporary commercial patios. This includes fire pits, wood fired appliances or any similar device.

Natural gas or propane cooking appliances can be used and must meet the following regulations:

- Appliance must be listed for use in Canada, outdoor cooking and for commercial cooking
- Designed for outdoor use and must meet all applicable requirements of the [Technical Standards and Safety Authority](#)
- If under a tent must be a rated canopy/tent that must use flameproofing/fire resistance and will require documentation from the tent supplier
- Must have a minimum three-metres clearance from combustibles and building openings
- One fire extinguisher with a minimum of a 2A10BC rating must be provided
- Propane tanks shall not be stored inside a building, on a roof, under, on, or within three metres of any window, air intake, fire-escape, stairway, ramp, or door used as a means of egress from a building

All fire safety requirements are subject to inspection and approval from the St. Catharines Fire Services.

TSSA Requirements

Any STCPatio that uses heaters, propane fuelled appliances, fire pits, open air burning and cooking, etc. must comply with all TSSA requirements.

Tents

All Tents

- Smoking and open flame devices (i.e. propane heaters) shall not be used under any tent
- No hay/straw or similar combustible materials or decorations under a covered/tented area
- Shall not project into or within 0.5 m of any live traffic lane
- Shall not obstruct vehicle or pedestrian sight lines
 - Be mindful of adjacent traffic lanes and on-street parking
 - Positioning of tents subject to review by the City for the purposes of evaluating potential impact
- Shall not be enclosed.
 - A minimum 2 sides shall remain open, otherwise the area will be considered interior space.

- The tent will be required to be designed to handle area snow loads as per the Ontario Building Code.
 - the Province recently introduced new sentence 4.1.6.14 into the Ontario Building Code for tents stating that: “Snow removal by mechanical, thermal, manual or other means shall not be used as a rationale to reduce design snow loads.”

Maximum Requirements for Tents

- STCPatios are temporary in nature and will not be approved with any elements that require a building permit

Tents must NOT be:

- more than 60 m² in aggregate ground area (645 sq. ft.),
 - tents installed side-by-side or multiple tents on the same property are considered one tent and their aggregate areas are used
- attached to a building, and/or
- constructed less than 3m from other structures and less than a 3m setback from the property line

4.0 IMPLEMENTATION

Installation

Once approval is received from the City and a counter-signed Legal Agreement is executed AND permission (if applicable) is received in writing from the AGCO, the patio may be constructed and installed in accordance with the approval.

Ensure access is maintained to all entrances, fire department connections, fire hydrants, utilities and the pedestrian clearway is maintained on all sidewalks and pedestrian paths.

Maintenance

STCPatio operators will be responsible for the installation and on-going maintenance of the patio which includes removal and storage of patio or furnishings outside of regular business hours and in the winter months.

STCPatio operators shall ensure that their temporary patios do not interfere with the free and safe passage of persons and shall at all times maintain the area, and the abutting municipal property in a good and safe condition.

Modification

STCPatio operators will be required to contact the City to discuss proposed modification to an approved temporary commercial patio and revised submissions must be provided in writing. Amendments to approved STCPatios may be considered, provided there is demonstrated compliance with the guidelines.

Renewal

If a STCPatio approval has an expiration date it will be clearly identified within the approval documentation (normally October 31st annually). It is the responsibility of the operator to submit an application for renewal of an approved patio in subsequent years in order to continue operation.

Enforcement

City staff from the various review departments may conduct site inspections at any time to confirm a patio is operating in accordance with the issued approvals.

If a patio is found to be operating without the necessary approvals or in contravention of the countersigned legal agreement or issued approval, staff will issue a letter to the operator, notifying them of the requirements and providing the operator an opportunity to comply.

Encroachments, area adjacent to sidewalk

16.2 (1) The standard for the frequency of inspecting an area adjacent to a sidewalk to check for encroachments is once per calendar year, with each inspection taking place not more than 16 months from the previous inspection. O. Reg. 366/18, s. 15.

(2) The area adjacent to a sidewalk that has been inspected in accordance with subsection (1) is deemed to be in a state of repair in respect of any encroachment present. O. Reg. 366/18, s. 15.

(3) For greater certainty, the area adjacent to a sidewalk begins at the outer edges of a sidewalk and ends at the lesser of the limit of the highway, the back edge of a curb if there is a curb and a maximum of 45 cm. O. Reg. 366/18, s. 15.

(4) The area adjacent to a sidewalk is deemed to be in a state of repair in respect of any encroachment present unless the encroachment is determined by a municipality to be highly unusual given its character and location or to constitute a significant hazard to pedestrians. O. Reg. 366/18, s. 15.

(5) If a municipality determines that an encroachment is highly unusual given its character and location or constitutes a significant hazard to pedestrians, the standard is to treat the encroachment within 28 days after making such a determination, and the encroachment is deemed in a state of repair for 28 days from the time of the determination by the municipality. O. Reg. 366/18, s. 15.

(6) For the purpose of subsection (4), treating an encroachment means taking reasonable measures to protect users, including making permanent or temporary repairs, alerting users' attention to the encroachment or preventing access to the area of the encroachment. O. Reg. 366/18, s. 15.