

Chatham-Kent COVID-19 Temporary Outdoor Patios on Private Property Guidelines

On June 8, 2020, the Ontario Government announced the gradually reopening of businesses, services and public spaces as progress is made in the fight against COVID-19. Certain Public health unit regions, including the Chatham-Kent Public Health Unit region, are allowed to move into Stage 2 of the reopening. As part of the reopening, restaurants, bars, food trucks and other food and drink establishments (e.g., wineries, breweries and distilleries) can open for dining in outdoor areas only, such as patios, curbside, parking lots and adjacent premises effective June 12, 2020 at 12:01 a.m.

In order to help facilitate this reopening for businesses in Chatham-Kent, the following is a series of guidelines to follow for the establishment of Temporary Outdoor Patios on **Private Property** only to ensure public health and safety is maintained.

1. Temporary patios shall only be permitted for existing restaurants, bars, food trucks and other food and drink establishments.
2. Existing and temporary patios must adhere to all provincial and local public health guidelines related to COVID-19, tables and chairs shall be arranged so that a minimum distance of 2m (6ft) is maintained between groups or patrons.
3. Temporary patios permitted under this guideline shall extend no later than January 1, 2021; however, the Municipality may terminate these permissions upon 24 hours notice.
4. The business owner is responsible for obtaining all relevant permissions, including but not limited to the AGCO and their landlord.
5. Outdoor theatrical performances or audiovisual presentations, live music concerts or shows are not permitted. Any other usage must be in compliance with the Chatham-Kent Noise By-law 41-2004, as amended.
6. Required on-site parking may be used for a temporary patio. The required number of designated Accessible Parking Spaces must remain available for parking use and designated fire routes and sight triangles must be avoided. A reasonable number of standard parking spaces should be maintained to serve patrons.
7. Accessibility must be maintained to, and throughout, the temporary patio.
8. Temporary patios must not extend in front of adjacent tenant spaces, exits, or beyond business frontage without written permission from affected adjacent property owners and tenants; this includes any overhanging elements.
9. Umbrellas must stand at least 2.1m (7ft) above the walking surface.
10. Temporary patios must be open to the air.
11. Platforms, decks, stages and portable toilets are not permitted. Optional temporary patio perimeter fencing, planters, or barriers approximately 1.2m (4ft) high are permitted, provided they are secured without endangering any underground utilities.

12. A solid barrier approximately 1.2m (4ft) high shall be installed where a patio is adjacent to any vehicle movement areas.
13. Cooking of food and drink preparation is not permitted on temporary patios.
14. A minimum 1.5m (5ft) clearance from fire department (siamese) connections and hydrants must be maintained on a temporary patio.
15. A fire extinguisher (minimum 2A-10BC) must be available within 15.2 m (50ft) of any part of the temporary patio.
16. When the perimeter is barricaded, a temporary patio with capacity for more than 60 people must have two separate exits.
17. CSA-certified electric or propane patio heaters (with max 20lb tank) are permitted where located at least 3m (10ft) away from tree branches, operated per the manufacturer's directions and not stored on the road right-of-way when not in use. Solid-, gel- or liquid-fuel fire features are not permitted.
18. For non-licensed establishments, the capacity of the temporary patio shall not exceed the posted occupancy of the main building.
19. For licenced establishments that do not have an existing licenced patio, the capacity of the temporary patio shall not exceed the posted occupancy of the indoor area indicated on your liquor licence or 1.11 sq. m. (12.0 sq. ft.) per person, whichever is the lessor.
20. For licenced establishments that have an existing licenced patio, the capacity of the combined area of the existing and temporary patios shall not exceed the posted occupancy of the indoor area indicated on your liquor licence or 1.11 sq. m. (12.0 sq. ft.) per person, whichever is the lessor.
21. Owners shall provide their liquor licence, if requested by the Chief Building Official.
22. The Chief Building Official is authorized to inspect all temporary patios and require adjustments to the patio in order to address compliance with these Guidelines.