



# City of Brockville

## Downtown Temporary Patio Policy

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**Date Approved:** 27 March 2026  
**Department:** Clerk's Department  
**Staff Report:** 2026-42

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### Policy Statement

The purpose of the Downtown Temporary Patio Policy is to support a vibrant and economically healthy downtown by permitting temporary outdoor patios in a manner that maintains clear pedestrian movement and public safety.

### Purpose

The purpose of this policy is to establish general provisions and an approval process to permit temporary patios on municipal land within the downtown and central waterfront zone as defined by the City's Zoning Bylaw.

### Application/Scope

This policy applies to temporary patios situated on municipal land in the downtown and central waterfront area. Outdoor patios situated on private property shall be regulated pursuant to the applicable sections of the *Planning Act* and other relevant regulations. Outdoor patios that propose a permanent or fixed encroachment onto municipal land shall be subject to the provisions of the city's process of issuing encroachment agreements.

### Definitions

"AGCO" means the Alcohol and Gaming Commission of Ontario

"Applicant" means the registered property owner subject to the Downtown Temporary Patio Permit Application or the tenant thereof who has been authorized to make the application.

“Downtown and Central Waterfront Area” means the area delineated as the Downtown and Central Waterfront Area in the city’s current Zoning Bylaw.

“Licensed Establishment” means a business that is authorized to sell or serve liquor to the public for on-site consumption in compliance with regulations set by the Alcohol and Gaming Commission of Ontario (AGCO)

“Municipal Land” means real property owned or under the control of the City of Brockville and shall include municipal road allowances and sidewalks.

“Permit Holder” means an individual business owner or property tenant who has applied for and been granted a Downtown Temporary Patio Permit.

“Temporary Patio” means an outdoor area used on a seasonal basis in association with a restaurant, bar or other food or beverage establishment where seating for more than two patrons is provided to accommodate the serving of meals or refreshments to the public for consumption.

“Unlicensed Establishment” means a business that is not authorized to sell or serve liquor to the public for on-site consumption in compliance with regulations set by the Alcohol and Gaming Commissioner of Ontario (AGCO).

## **Application Requirements and Process**

A complete Downtown Temporary Patio Permit application required attachments and fee must be submitted to the City Clerk’s Office via Cloud Permit online at Brockville.com. Prior to consideration, the city must be in receipt of a full application, all required attachments and payment of the fee in full.

Applicants must be aware of and in compliance with relevant bylaws and policies including, but not limited to, the City of Brockville Noise Bylaw and Sign Bylaw.

The application shall include the following information as identified on the Downtown Temporary Patio Permit Application Form included as Appendix A as follows:

- i. Applicant information including name, business name, mailing address, telephone number, email address and property owner name and contact information (if different than applicant);
- ii. Site specific information including municipal address, proposed date of temporary patio installation (no sooner than May 1), proposed end date of patio

- installation (no later than October 31), and the number and type (loading, 15-minute, accessible etc.) of parking spaces lost by patio installation;
- iii. Details related to the existing occupant limit of the proposed patio considering 1.2 square metres per person, and the indoor area it will serve and current occupancy loads for interior space as identified by the AGCO;
  - iv. Proof of applicable approvals including the Alcohol and Gaming Commission of Ontario, adjacent property owners or merchants (if necessary due to impacted parking), building owner and an attestation of consideration of accessibility features to reduce barriers for all patrons;
  - v. Complete and to scale sketch of the proposed temporary patio noting dimensions (in metric), construction material, furniture location and materials, location of signs, railings, trees, awnings or other sun shades, heaters and planters taking into account the sidewalk and/or parking spaces where the pedestrian traffic can be rerouted to a minimum 1.5 metre path of travel. Aerial photographs may also be submitted to provide additional information and context;
  - vi. Attestation that the applicant agrees with the terms and conditions of this policy; and
  - vii. Payment of the fee.

Once the Clerk's Department receive the completed application and the associated fee, the application will be reviewed and circulated to relevant city departments for comment including the Building, Public Works, Fire and Transportation Departments. The application will also be circulated to the Southeast Public Health and the Downtown Brockville Improvement Area association for their review.

Within 30 days from receipt of a completed application, a decision will be made by the Clerk, in consultation with other departments.

Permits are issued based on a number of contributing factors including, but not limited to location, public safety, access and risk. Obtaining a permit is not guaranteed upon submission of a complete application. The associated application fees are non-refundable. Renewals are not automatic nor guaranteed.

Should a downtown temporary patio permit be denied, the Clerk's Department will review reasons for this decision and any potential measures that can be taken for increased eligibility in the future.

Permits expire annually on October 31. A condensed renewal application is available to previous permit holders who are not wishing to make substantial changes and is attached as Appendix B.

## **Temporary Patio Provisions**

### **General**

The use of city sidewalks and boulevards for downtown temporary patios is limited to the period of May 1 to October 31 annually at which time all materials, decorations, furniture and railings shall be removed. In the event of significant weather or for public safety reasons, the city may require the removal of downtown temporary patios at any time.

The style of the patio barriers such as railings, stanchions, or partitions should be in keeping with the downtown's heritage theme as outlined in the City's Sign Bylaw. The goal is to standardize the barriers and have them blend in with the décor and furnishings in place.

Every temporary patio, including enclosures and all furnishings shall be kept in good repair and in a safe and secure condition to avoid theft or vandalism or damage resulting from inclement weather.

### **Pedestrian Path of Travel**

The patio must have a fixed barrier system which clearly delineates the patio area from pedestrian traffic. The city will supply, install and remove a second fixed barrier system to separate pedestrian and vehicular traffic. Pennants, flags and any other type of sign are prohibited from being installed on the city-installed barriers. Additional fees may apply. The city is limited in the number of fixed barriers available for temporary patios.

The installation of a temporary patio must provide for a minimum 1.5 metre unobstructed pedestrian pathway around the patio.

### **Location**

The proposed patio must not block any ramps, access to businesses or other units, fire hydrants, fire routes or fire exits. It must not be in a corner visibility triangle and must not cover any accessible parking spaces or loading zones unless other reasonable options are available nearby.

If the temporary patio is to be erected at a location that affects parking spaces other than immediately in front of the business of the application, the applicant must obtain

and provide signed permission of property owners or merchants who will be directly affected.

## **Accessibility**

Ensuring the city's main streets are accessible for all is an important part of building an inclusive community.

Barrier free access for persons with disabilities and seniors in accordance with *Accessibility for Ontarians with Disabilities Act* requirements at a minimum must be maintained at all times.

For more information on accessibility requirements please review the Accessible Patio Recommendations included as Appendix C. Applicants are required to sign an attestation that requirements will be met and guidelines will be considered.

## **Building Code Requirements**

Simple patios consisting only of movable tables, chairs, umbrellas, and fencing generally do not require a building permit, provided no structural platform is constructed, no tents or anchored coverings are used, and no alterations to the plumbing systems occur.

Upon reviewing a complete patio application, the Building Department will advise applicants if a building permit is required.

## **Aisles and Occupant Loads**

Unobstructed access from the building to a public thoroughfare must be maintained at all times, including all required exits and means of egress.

A minimum clear aisle width of 1.1 metres shall be provided between the patio entrance and the establishment's main entrance to ensure safe and accessible circulation. Where feasible, the patio entrance should align with the main entrance.

The maximum number of patrons permitted on the patio shall be calculated at 1.2 square metres per person, or as otherwise required by the most recent edition of the *Ontario Building Code* for dining, beverage, or cafeteria space.

## **Liquor Licensing**

Effective January 1, 2023, municipalities were granted the authority to approve extensions of liquor licenses to temporary outdoor patios for up to eight months.

In licensed establishments, the combined occupant load of the interior dining area and the exterior patio shall not exceed the occupant load for the interior dining area alone as set out in establishment's AGCO approval. Seating currently provided inside the restaurant may be removed and replaced with equivalent seating on the patio, or where the current indoor seating capacity is less than the occupant load, the additional seating capacity may be assigned to the patio.

If licensed establishments wish to expand patio seating capacity beyond AGCO approved occupancy limits, a review by Building staff must be conducted and additional fees will apply.

Following approval, licensed establishments must notify the AGCO of this license extension, the duration of the approval and any associated conditions.

## **Fire Code Requirements**

If the temporary patio will include tents, awnings, canopies or fuel fired appliance or heaters, applicants must follow all applicable requirements including, but not limited to:

- i. All fabric or textile, as applicable, is required to be certified to CAN/ULC – S109 Flame Tests of Flame-Resistant Fabrics and Films or NFPA 701 Fire Tests for Flame Propagation;
- ii. Temporary patios that are intended to be equipped with a fuel fired appliance or heater, as applicable, shall comply with the clearance and ventilation requirements provided by the manufacturer and all applicable standards;
- iii. At least two sides of the temporary patio must be open to the outdoors and must not be substantially blocked by any walls or other impermeable physical barriers as per Provincial Legislation.

Additional requirements may apply.

## Insurance

Prior to the issuance of any permit, applicants are required to provide proof of insurance as follows:

- i. Commercial General Liability Insurance issued on an occurrence basis for an amount of not less than \$5 million per occurrence or \$5 million annual aggregate for any negligent acts or omissions relating to activities occurring or expected to occur on the temporary patio for licensed establishments;
- ii. Commercial General Liability Insurance issued on an occurrence basis for an amount of not less than \$2 million per occurrence or \$2 million annual aggregate for any negligent acts or omissions relating to activities occurring or expected to occur on the temporary patio for unlicensed establishments;
- iii. Such insurance shall include, but is not limited to, bodily injury and property damage including loss of use, personal injury, contractual liability, premises, property & operations, non-owned automobile; broad form property damage, occurrence property damage, products, broad form completed operations, employees and volunteers as additional insured(s), tenants' legal liability, cross liability and severability of interest clause.
- iv. Where applicable, the City will also require owners & contractors protective and/or contingent employers' liability extensions from third party contractors performing work, or expected to perform work on the temporary patio; and
- v. If applicable, the Commercial General liability insurance policy shall not contain an exclusion pertaining to liquor liability

Such insurance shall add the Corporation of the City of Brockville as Additional Insured subject to a waiver of subrogation with respect to the operations of the applicant. This insurance shall be non-contributing with and apply as primary and not as excess of any insurance available to the city.

All deductibles applicable to the above noted insurance shall be the sole responsibility of the permit holder and the city shall bear no cost towards such deductible.

The permit holder is responsible to keep their property/assets, stock and other items insured for fire and other damage. Failure to do so shall not impose any liability on the city.

Such policies shall not be cancelled, changed or lapsed unless the Insurer notifies the city in writing at least thirty (30) days prior to the effective date of such cancellation, material change or lapse.

The insurance policy will be in a form and with a company licensed to write business in the Province of Ontario and which are, in all respects, acceptable to the city.

### **Assignment of Permit**

Downtown temporary patio permits cannot be assigned or transferred or sublet to a third party. They cannot be shared between two or more businesses.

### **Enforcement, Offence and Penalty Provisions**

Failure to comply with the provisions of this policy or its purpose of use for which it was intended or authorized may cause the permit to be rescinded and the permit holder will be required to remove the temporary patio.

If the temporary patio is not removed by the expiry date of October 31, or upon the direction of the city, or if a temporary patio is erected without a proper permit, the city may have it removed at the owner's expense. This action may affect future approvals.