

The Corporation of the City of Guelph

By-law Number (2024) - 20889

A By-law to amend By-law Number (2009)-18799, as amended, known as the City Lands Encroachment By-law.

The Council of the Corporation of the City of Guelph enacts as follows:

1) That By-law Number (2009)-18799 is amended by adding in section 2, Definitions, the definition of “seasonal patio” in the correct alphabetical order thereto which shall be defined as:

“seasonal patio” means any encroachment onto City-owned land approved under the City’s seasonal patio program that is not a permanent building or structure, but primarily consists of tables, chairs or other furniture established or used for the purpose of extending retail business operations or the serving area of a restaurant or tavern.

2) That By-law Number (2009)-18799 is amended by deleting in its entirety section 24 and replacing it with the following:

Commercial Patios and Seasonal Patios

24) A commercial patio or seasonal patio may be permitted as follows:

a) A commercial patio may be permitted only by way of an encroachment agreement prepared by the City and the provisions of Schedule “B” of this By-law shall apply to and be contained within all such agreements.

b) A seasonal patio may be permitted only by way of an encroachment agreement prepared by the City and the provisions of Schedule “C” of this By-law shall apply to and be contained within all such agreements.

4) That By-law Number (2009)-18799 shall be amended by adding the following schedule as Schedule “C”:

Schedule “C” to City Lands Encroachment By-law (2009)-18799

Special Conditions Relating to Encroachment Agreement for Seasonal Patios

1. Operation shall be permitted between the first weekend in May and the last weekend in September, inclusive, of any year during the term of an encroachment agreement, except when ice or snow is present on sidewalks or boulevards in the vicinity of the seasonal patio.
2. Serving shall be limited to the period between 7:00 a.m. and 12:00 a.m. (midnight). Tables must be cleared and the seasonal patio vacated by 12:45 a.m.. The seasonal patio shall, at all other times, be closed.
3. The seasonal patio shall at all times be operated in accordance with the City’s Noise By-law (2000)-16366, as amended from time to time, or any successor thereof.
4. Cooking shall not be permitted within the seasonal patio.
5. Any equipment located in a seasonal patio that is not used on a daily basis for a period of two (2) calendar days or greater shall be removed by the patio operator.
6. No signage shall be permitted in the seasonal patio with the exception of a menu displayed within the seasonal patio or affixed to a fence delineating the seasonal patio. Any such signage must comply with the City’s Sign By-law (2021) - 20621, as amended from time to time, or any successor thereof.

Roadway Surface

7. Artificial surfaces shall not be placed upon any part of the seasonal patio unless expressly permitted in the encroachment agreement.
8. The seasonal patio shall at all times be kept in a clean, tidy, and sanitary state free from papers, rubbish and debris of all kinds by the patio operator.
9. Decking shall not obstruct stormwater flows or block stormwater drains. The patio operator shall be responsible for clearance of any debris and overall maintenance to ensure free flow.

10. Patio operators are not permitted to install their seasonal patio until the City has completed the installation of appropriate road closure barriers, water barriers, or traffic control measures in effect at the time.

Fencing Requirements

11. Fencing must be no more than 0.8 metres (3 feet) high. The fencing must be weighted for stability. Any stability measures must not damage public property, must not be designed to penetrate the surface of the sidewalks or streets (i.e. no bolts/brackets) and must be secured without endangering any utilities.
12. Fencing shall not obstruct vehicular traffic, pedestrian traffic, sightlines, or emergency access routes.
13. Fencing shall be of high contrast to the surrounding area as per City of Guelph Facility Accessibility Design Manual (FADM) standards, as amended from time to time.
14. Fencing shall have a rigid horizontal member on the bottom portion that must be within 680 mm (26-1/2 in.) from the ground.
15. Where openings are provided through fencing to the seasonal patio areas, such openings shall be accessible and free of obstructions (including reception furniture) with a minimum of 950mm (37-1/2 in.) width to allow free passage of a person in a wheelchair.
16. Any exit gates, including emergency exit gates, must swing freely outward but not into traffic from the seasonal patio during hours of operation.

Ramps

17. Ramps are to be used where a sidewalk and seasonal patio are separated by a curb. For a curb that is under 200mm (8.5 inches), the following requirements must be met:
 - a. The maximum slope of any ramp is 1:15;
 - b. The ramp must have a minimum width of 1.5 metres (4 feet 11 inches) exclusive of flared sides;
 - c. The ramps must be slip-resistant;
 - d. The ramp must have a detectable warning surface with colour (peel and stick);
 - e. The ramp texture must be contrasted with the adjacent surfaces (tape at top and bottom);
 - f. The ramp must provide a smooth transition (i.e. height difference of less than 0.25 inches) from the ramp and adjacent surfaces; and
 - g. The ramp must not have any gaps in the surface more than 6 mm (quarter inch) and maximum 6 mm (quarter inch) rise from connecting surfaces.
18. No deviation from the dimensions or location of the seasonal patio area or location of the entrances or exits shall be permitted without prior written approval of a Designated Staff Person. Designated Staff Persons are hereby specifically authorized to provide written approvals under this Section.
19. This by-law shall be effective as of the date that it is passed.

Passed this 13 day of February, 2024.

Cam Guthrie, Mayor

