



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number _____ - 2024

To amend Temporary Outdoor Patio Expansions By-law 103-2020, as amended)

To amend Temporary Outdoor Patio Expansions By-law 103-2020, as amended

1. That By-law 103-2020, as amended, is hereby further amended by deleting the preamble and replacing it with the following:

"WHEREAS The Council of the Corporation of the City of Brampton wishes to facilitate temporary expansions to outdoor spaces of existing restaurants, bars and cafes with or without a liquor licence;

AND WHEREAS sections 8, 9, and 11 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to municipal issues and to provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS section 153.1 of *Ontario Regulation 746/21* under the *Liquor Licence and Control Act, 2019*, provides that a municipality may approve a temporary outdoor physical extension of a premises which is located in the municipality and to which a liquor sales licence applies;

NOW THEREFORE the Council of The Corporation of the City of Brampton ENACTS AS FOLLOWS:"

2. That By-law 103-2020, as amended, is hereby further amended by deleting paragraph 1 and replacing it with the following:

"This By-law shall be referred to as the "Temporary Outdoor Patio Expansions By-law."

3. That By-law 103-2020, as amended, is hereby further amended, by deleting the definitions for "City", "Commissioner", "Liquor Licence Act", "Temporary Outdoor Patio Expansion" and replacing with the following, in alphabetical order:

""City" means The Corporation of the City of Brampton;

“Commissioner” means the Commissioner of Planning, Building and Growth Management and the Commissioner of Public Works and Engineering, or their designates;

“*Liquor Licence and Control Act*” means the *Liquor Licence and Control Act, 2019, SO 2019, c. 15, Sched. 22*; and,

“Temporary Outdoor Patio Expansion” means an open air outdoor physical expansion of existing restaurants, bars and other food and drink establishments for a period of time as set out by the City on a seasonal basis;”

3. That By-law 103-2020, as amended, is hereby further amended by deleting the definition for “COVID-19”;
4. That By-law 103-2020, as amended, is hereby further amended by deleting paragraph 6 (b) and (c) and replacing with the following:
 - “(b) A sketch, site plan, air photo and/or satellite image showing the entire property and highlighting the business/building and proposed Temporary Outdoor Patio Expansion, including:
 - (i) the adjacency of the patio to the front door of the business;
 - (ii) proposed dimensions of the patio and boundary fencing;
 - (iii) proposed entrance/exit gate or opening in boundary fencing and access width;
 - (iv) any existing infrastructures that is included in the proposed patio space including dimensions;
 - (v) accessible parking space(s);
 - (vi) sidewalk/pedestrian area – must depict how pedestrians are to be routed around the encroachment (pedestrian safety and AODA standards must be adhered to at all times); and
 - (vii) fire route and access to patios, buildings and drive aisles
 - (c) A plan submission including:
 - (i) proposed number and type of seating;
 - (ii) proposed fencing materials and height;
 - (iii) details of any other infrastructure that is existing or proposed;
 - (iv) total number of parking spaces available without patio; and
 - (v) proposed number of parking spaces to be used for patio”
5. That By-law 103-2020, as amended, is hereby further amended, by deleting paragraph 8 (a) and (b) and replacing with the following:
 - “(a) all provincial and public health requirements and guidelines, including the requirements established under the *Liquor Licence and Control Act* and by the Alcohol and Gaming Commission in relation to the temporary expansion of restaurants and bars operating under the *Liquor Licence and Control Act*;

- (b) the requirements set out in the “Brampton Temporary Outdoor Patio Expansion Guidelines” established by the Clerk, as may be amended from time to time by the Clerk; and”
- 6. That By-law 103-2020, as amended, is hereby further amended, by deleting paragraph 9 (a) and (b) and replacing with the following:
 - “(a) require compliance with all municipal, provincial and federal laws and regulations and other requirements, including the Brampton Temporary Outdoor Patio Expansion Guidelines and the *Liquor Licence and Control Act*;
 - (b) be for a period of time as set out by the City on a seasonal basis;”
- 7. That By-law 103-2020, as amended, is further amended by deleting paragraph 11;
- 8. That By-law 103-2020, as amended, is further amended by deleting paragraph 16 and replacing it with the following:

“A permit issued under this By-law shall cease to be valid on the earlier of the date specified in the Permit issued or agreement entered into pursuant to this By-law.”

ENACTED and PASSED this 7th day of February 2024.

Approved as to
form.

2024/01/31

SDSR

Patrick Brown, Mayor

Approved as to
content.

2024/01/30

S. Hans

Acting City Clerk