



City of Leduc Policy

Policy Title: Seasonal Outdoor Patio

Policy No: 11.00:28

Supersedes: 11.00:23

Revision #: 2

Authority: City Council	
Section: Council	Approval Date: July 5, 2021
Responsible Department: Planning	Effective Date: July 5, 2021
Relevant Legislation: Terms & Conditions will be set out in a License of Occupation	
Relevant Council Resolution(s) and Date(s):	
Relevant Bylaw and Date(s): N/A	
Authority' Signature: "Signed by Mayor"	

Policy Objective:

The intent of this policy is to regulate the use of Public Lands for seasonal outdoor patio seating areas within the City of Leduc and outline general criteria for businesses wishing to apply for a License of Occupation for such patios.

Definitions:

City of Leduc: means the municipality of the City of Leduc, a body corporate ("the City") represented by the current elected Council and staff authorized to implement this policy.

Public Lands: means the public sidewalks, road rights-of-way, boulevards, street parking spaces, parks and parking lots owned or leased by the City.

Seasonal Outdoor Patio ('Patio Area'): means an accessory use occupying portions of Public Land situated generally adjacent and abutting a business located within a building, for the purpose of providing outdoor seating to patrons, and consisting of furniture normally associated with an outdoor seating area.

License of Occupation: means the mechanism of authorization for the legal establishment of occupation within Public Lands of outdoor patios within the License area.

City Staff: means the City of Leduc's Chief Administrative Officer, or their designate.

Policy:

Outdoor patio seating areas are subject to a License of Occupation on Public Lands. Patios and/or patio areas may be constructed on the Public Lands, immediately adjacent to a business establishment. Businesses must apply for a License of Occupation for Seasonal Outdoor Patios. Any License of Occupation will comply with the requirements of this policy, any applicable laws, and any other terms or conditions reasonably necessary to mitigate safety, health, and welfare concerns for people and for the protection of people and property.

1. License of Occupation for Downtown Seasonal Outdoor Patios

- a. Outdoor patios are typically intended for businesses that may be engaged in food and beverage sales and services, and the patios are located on Public Lands, and further limited to locations and designs deemed appropriate by City Staff, and by which safety concerns can be mitigated
- b. Outdoor patios are limited to businesses that have a current Business License that is in good standing with the City at times during the operation of the outdoor patio. The License of Occupation will be revoked at any time that the Business License is similarly revoked or is no longer in good standing.
- c. Public downtown spaces and seating areas (also known as ‘bump-outs’) are intended as public gathering spaces for everyone to use at all times. No business can occupy a public seating area for the purpose of operating a patio.
- d. A License of Occupation shall only be issued where the License of Occupation area is abutting to the property boundary of the establishment to which it is operationally tied, and the patio may only occupy a space as wide as the establishment property unless approvals to the contrary are granted in writing by affected adjoining landlords and tenants, or their agents.
- e. Construction and Occupancy of patios shall be in accordance with the requirements of the Alberta Safety Codes Act and all appropriate Codes and Regulations pursuant to the Act. All patios must meet the requirements of the Alberta Fire Code and are subject to the review and approval of the City of Leduc’s Fire Marshal. Patios cannot restrict, obstruct, or hinder emergency access, nor interfere with fire protection installations.
- f. A License of Occupation shall be issued on an annual basis, normally for the period between April 15 to October 15 of each year. Construction/set-up of patio areas must not commence until a License of Occupation has been issued, and must be removed on or before the date the License expires.
- g. Applicants are responsible for mitigating safety concerns, cleanliness and upkeep of the License of Occupation area through the design, construction, set-up and operation of their patio. The applicant assumes all risk involved in the design, construction, set-up, operation and use of the License of Occupation Area.
- h. Businesses who wish to operate a seasonal outdoor patio with onsite food and beverage service shall comply with Alberta Health Services (AHS) requirements.
- i. Any establishments serving alcohol must meet all of the requirements and obtain proper permissions from the Alberta Gaming & Liquor Cannabis Commission (AGLC) to operate. Licensed establishments must ensure that they and their patrons are operating in a respectful and considerate manner that does not infringe upon neighboring businesses, their patrons or other downtown residents or visitors.
- j. All smoking and vaping of any kind including any noncombustible consumption of products such as cannabis must meet any and all other federal, provincial or municipal legislation.
- k. Applicants must reapply to the City for a new License of Occupation each calendar year.

Applicants are fully responsible for the set-up, construction, removal, and storage of any structures and furniture associated with the Seasonal Outdoor Patio area.

- l. The License holder shall carry comprehensive liability insurance which must be purchased separately by the applicant. Specific provisions for insurance requirements will be outlined in the terms and conditions of the License of Occupation.
- m. Applicants must adhere to all of the terms and conditions set out in the License of Occupation for Outdoor Seasonal Patios. These terms and conditions are subject to change, and will be granted and administered at the discretion of City Staff.
- n. City Staff maintain discretion in approving, refusing and administering patios under this Policy. Non-compliance with this Policy or the terms and conditions of the License of Occupation may result in revocation or refusal of the License of Occupation at the discretion of City Staff.
- o. A person who has been refused the issue or renewal of a License of Occupation, or whose License has been suspended or revoked, or whose License is made subject to conditions other than conditions imposed by this Policy, may appeal the decision within twenty-one (21) days by providing written notice to the City Clerk. Where a Licensee has given notice of an intention to appeal the revocation, suspension or conditions of a License of Occupation, the City Manager may hold an in-person hearing at his or her discretion, and may stay the revocation, suspension or conditions pending his or her decision, if they are of the opinion that the continued operation of the business does not create a danger to the safety, health or welfare of the public. The City Manager's decision on appeal is final.