



## By-law 2014-37

A By-law to amend Road Occupancy By-law 2013-136  
(Boulevard Patios)

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The Council of the Corporation of the City of Markham hereby enacts as follows:

1. That Section 1 of Road Occupancy By-law 2013-136 be amended by adding the following definitions:

“Boulevard Patio” means a designated area within a boulevard associated with an abutting eating establishment where food and drink are offered for sale and/or consumed, no wider than the width of the eating establishment’s storefront.

2. That Section 6.1 of Road Occupancy By-law 2013-136 be amended by deleting the existing Section 6.1 “Reserved” and inserting the following provisions:

6.1 No person shall in relation to a *Boulevard Patio*:


- 6.1.1 place, permit, install, operate or maintain a *Boulevard Patio* on a *highway* without having obtained a *Road Occupancy Permit* pursuant to this by-law;
- 6.1.2 place, permit, install, operate or maintain on a *highway* within the *City* a *Boulevard Patio* at a location that is not approved by the *Director* or installed in a manner that is not in conformity with the requirements established by the *Director*;
- 6.1.3 place, permit, install, operate or maintain on a *highway* within the *City* a *Boulevard Patio* that is not in conformity with the size, dimension and other technical or physical requirements established by the *Director*;
- 6.1.4 place, permit, install, operate or maintain on a *highway* within the *City* a *Boulevard Patio* that is not maintained in accordance with the maintenance requirements established by the *Director*;
- 6.1.5 place, permit, install, operate on a *highway* within the *City* a *Boulevard Patio* in contravention of the terms and conditions of the *Road Occupancy Permit* and requirements established by the *Director*;
- 6.1.5 place, permit, install, operate or maintain on a *highway* within the *City* a *Boulevard Patio* prior to April 1<sup>st</sup> each year and use or maintain a *Boulevard Patio* past October 31<sup>st</sup> each year;
- 6.1.6 place, permit, install or allow the encroachment of any furniture, umbrella, post or any other equipment within a *Boulevard Patio* past the approved barriers or the area of encroachment as established by the *Director*;

- 6.2. A *Boulevard Patio* may be removed from a *highway* by the *City* in accordance with by-law provisions where:

- 6.2.1 the placement, installation and maintenance of a *Boulevard Patio* does not comply with all requirements, terms and conditions contained in a *Road Occupancy Permit*, this by-law or any policy established by the *Director* regulating *Boulevard Patios* and a *Road Occupancy Permit* and the non compliance is not cured by the permit holder within forty-eight (48) hours of the *City* advising the permit holder of such non-compliance;
- 6.3 The *Director* may, at the sole expense of the applicant, and in accordance with a policy established by the *Director* regulating *Boulevard Patios*, require the temporary relocation of a *Boulevard Patio*, or suspension or revocation of a permit if such temporary relocation of a *Boulevard Permit* or suspension or revocation of a *Road Occupation Permit* is necessary for:
- 6.3.1 the interests of pedestrian, vehicular or public safety;
- 6.3.2 to accommodate a special event; or
- 6.3.3 to accommodate the construction, maintenance or repair of a *highway*, transit facilities or a public utility or service.
3. That Schedule 'A' to Road Occupancy By-law 2013-136 be amended by adding the following new fees:

28	Boulevard Patio- Permit Fee for a new application	\$375	Fee for initial review of application or in subsequent years when changes to a patio configuration are requested
29	Boulevard Patio- Renewal of Permit Fee	\$250	Annual fee to renew a permit that was active in the prior year when no changes to configuration are requested
30	Boulevard Patio- Encroachment Fee	\$35/m <sup>2</sup>	Annual fee in addition to permit fee for each m <sup>2</sup> of public land occupied by the Patio

Read a first, second, and third time and passed on March 25, 2014.

  
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Kimberley Kitteringham  
City Clerk

  
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Frank Scarpitti  
Mayor