

## TOWN OF SIDNEY

### BYLAW NO. 2276

#### A BYLAW TO AUTHORIZE THE PLACEMENT AND OPERATION OF PATIOS WITHIN HIGHWAYS AND CERTAIN PARKS AND OTHER PUBLIC PLACES WITHIN THE TOWN OF SIDNEY

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WHEREAS Section 35 (1) of the *Community Charter* states that the soil and freehold of every highway in a municipality is vested in the municipality;

AND WHEREAS Section 8 (3)(b) and Section 36 (1) of the *Community Charter* allows Council to set regulations on the use of public places including highways;

AND WHEREAS Section 194 of the *Community Charter* allows Council to impose fees for use of municipal property;

AND WHEREAS the Council of the Town of Sidney desires to license, set fees and regulate the placement and operation of patios within highways and certain parks and other public places within the Town of Sidney;

NOW THEREFORE the Council of the Town of Sidney in open meeting assembled, enacts as follows:

#### **Part 1 Citation:**

1.1 This bylaw may be cited as the Town of Sidney “**Patio Regulation Bylaw.**”

#### **Part 2 Definitions:**

2.1 For the purposes of this bylaw:

**Accessibility Feature** means any structure, object, furniture, or spatial arrangement that improves the accessibility of a Patio to persons with disabilities, and which is consistent with CSA Standard B651-18 *Accessible Design for the built environment* or with any applicable accessibility standards established under the *Accessible British Columbia Act*, S.C.B. 2021 c. 19 as amended from time to time;

**Annual Licence** means a Licence with a twelve-month term of January 1 to December 31;

**Applicant** means an applicant for a Licence;

**Boulevard** means:

- a. on a Street with curbs, the unpaved portion of Street between the outside curb and adjoining property line; and
- b. on a Street without a curb, the unpaved portion of Street between the edge of the Roadway and the adjoining property line.

**Bylaw Officer** means a person designated as a Bylaw Enforcement Officer under the Bylaw Notice Enforcement Bylaw or a person designated as a Designated Enforcement Officer under the Municipal Ticket Information Bylaw;

**Complex Patio** means semi-permanent structures, furniture or objects constructed or placed on a Street or a Sidewalk for the queuing, seating and serving of customers as an extension of a Food Vending Business, and which are not removed daily;

**Council** means the Council of the Town of Sidney;

**Director** means the Director of Engineering for the Town of Sidney or their authorized delegate;

**Downtown** means the area designated as Downtown Commercial in the Town of Sidney Official Community Plan.

**Food Vending Business** means a restaurant, cafe, diner, lunch counter, dining lounge, brew pub, or public house, or a combination of any of these;

**Licence** means a licence of occupation issued under this bylaw for Patio use;

**Licensee** means a person who has been granted a Patio Licence from the Town;

**Liquor Licence** means a licence issued under the *Liquor Control and Licensing Act* SCB 2015 c 19, as amended from time to time;

**Patio** means Simple Patio or Complex Patio;

**Patio Area** means that portion of a Roadside or Sidewalk that is designated by a Licence for Patio use;

**Roadside** means that portion of Street which abuts a Sidewalk or a property line, that is designated as a parking stall or loading zone under the Streets and Traffic Bylaw;

**Roadway** means the portion of the Street that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder, and if a highway includes 2 or more separate Roadways, the term "Roadway" refers to any one Roadway separately and not to all of them collectively;

**Seasonal Licence** means a Licence for a term of six months;

**Sidewalk** means a sidewalk as defined in the Streets and Traffic Bylaw;

**Simple Patio** means moveable furniture and objects for the seating and serving of customers as an extension of a Food Vending Business, which are placed on a Sidewalk and removed daily when the Patio is closed for business, and may include semi-permanent Accessibility Features that are not removed daily;

**Street** has the same meaning as in the Streets and Traffic Bylaw;

**Town** means the Town of Sidney.

### **Part 3 Obtaining a Licence:**

- 3.1 No person shall place, construct or keep a Patio on a Street or Sidewalk within the Town without first obtaining a Licence.
- 3.2 An owner or an occupant of property may apply for a Licence if:
  - a. that owner or occupant is lawfully using the property adjacent the Patio Area for the commercial purpose of operating a Food Vending Business; and
  - b. that owner or occupant agrees to place, construct and maintain the Patio in accordance with this bylaw.

- 3.3 An Applicant must apply to the Director in the application form prescribed by the Director, and must:
- a. provide all information required by the application form;
  - b. provide the plans and details of the proposed Patio showing:
    - i) the area to be occupied;
    - ii) the location and type of all furniture, structures or objects which shall be placed within the area to be occupied; and
  - c. submit a noise assessment if requested by the Director; and
  - d. submit an engineer's assessment or design if requested by the Director.
- 3.4 The Director may issue a Licence if the Director is satisfied that:
- a. the Applicant
    - i) has paid the fees pursuant to section 6.1;
    - ii) has fully completed the application form and provided all information required pursuant to section 3.3;
    - iii) holds a valid business licence issued by the Town or valid intermunicipal business licence;
    - iv) subject to section 3.4.a.iii, has obtained all additional applicable federal, provincial and municipal permits or licences;
    - v) has provided proof of the insurance required in section 4(1)(p); and
    - vi) has provided, upon the request of and to the satisfaction of the Director, confirmation in a form acceptable to the Director, from an appropriate professional that the Patio Area and all structures, furniture and objects to be placed on the Patio Area under the proposed Licence would be safe, accessible, and suitable for their intended use as described in the application for the Licence;
  - b. and the Patio will not
    - i) be located in a Roadside in Downtown;
    - ii) be inaccessible to persons with disabilities;
    - iii) be inconsistent with any applicable accessibility standards established under the *Accessible British Columbia Act*, S.C.B. 2021 c. 19;
    - iv) unreasonably obstruct or interfere with vehicle, bicycle or pedestrian traffic or vehicle, bicycle or pedestrian safety;
    - v) unreasonably obstruct or interfere with a fire hydrant, fire access or exit, or another safety feature or requirement of an adjoining property;
    - vi) unreasonably obstruct or interfere with the ability of the Town or any permitted third-party utility company to construct, install, repair or maintain a municipal work, service, utility or other improvement;
    - vii) unreasonably interfere with the public's use and enjoyment of the Sidewalk, Roadside or adjoining Roadway;
    - viii) unreasonably interrupt the sightlines along the Sidewalk, Roadside or Roadway;
    - ix) in the case of a Patio located in a Roadside, result in loss of a designated accessible parking space, a loading space or over two on-street parking spaces per block;
    - x) present a risk of harm to the health or safety of the public;
    - xi) contain a roof, awning, pergola, or overhead covering unless that structure is the subject of a separate authorization from the Town, which authorization must be produced by the Applicant if it is not registered under the *Land Title Act*, R.S.B.C. 1996, c. 250;
    - xii) contain a wall or walls;
    - xiii) cause excessive waste to enter public waste receptacles;
    - xiv) contain furniture, structures or objects which cannot be easily removed;
    - xv) cause damage to the Sidewalk, Roadside, or any adjacent Boulevard;

- xvi) result in the removal of a tree or damage a tree, whether the tree is a protected tree or not; or
  - xvii) contravene the provisions of this or any other bylaw, or any Provincial or Federal regulations.
- 3.5 In addition to the provisions set out in section 3.1, the Director may only issue a Licence for a Patio located in another public space other than on a Street or Sidewalk if Council, having considered the other permitted uses and planned activities for that location, has consented to the issuance of the Licence.
- 3.6 Subject to 4.1.b, an Applicant is not required to hold a Liquor Licence that is applicable to the proposed Patio prior to the issuance of a Licence under this bylaw.
- 3.7 The issuance of a Licence, the acceptance of plans and other supporting documents submitted for a Licence, and the making of inspections by the Town shall not relieve the Licensee from full responsibility for complying with this bylaw.
- 3.8 The Director may renew a Licence if the Director is satisfied that none of the circumstances set out in section 5.3 apply; the Applicant may be required to provide information to support the Director's assessment.
- 3.9 A Licensee may apply to the Director to amend its Licence by applying in accordance with section 3.3.
- 3.10 The Director may issue an amended Licence on their own initiative, if after notifying the Licensee of the proposed amendment and providing the Licensee with an opportunity to be heard, the Director determines that the existing Licence contravenes any section of this bylaw and that the amended Licence will address the contravention(s).

#### **Part 4 Conditions of Licence:**

- 4.1 Every Licence is subject to the following conditions:
- a. the Licensee
    - i) assumes all risks, known and unknown, in relation to the Patio and the portion of the Street occupied by them and agrees to release and forever discharge the Town, its elected and appointed officials, employees, servants, contractors and agents from any and all claims, causes of action, suits, costs and expenses whatsoever, which it or its directors, officers, employees or agents may now or at any time have with respect to, related to, or arising out of the existence or operation of the Patio; and
    - ii) agrees to indemnify and save harmless the Town, its elected and appointed officials, employees, servants, contractors and agents from and against any and all claims, causes of action, suits, damages, losses (including pure economic loss) costs and expenses which the Town, its elected or appointed officials, employees, servants, contractors and agents may suffer or sustain as a result of, connected to or arising out of the grant of this Licence, cancellation or amendment of this Licence, or by any reason of or arising out of failure of the Licensee to comply with the terms and conditions of the Licence or this bylaw;
  - b. the Licensee shall not serve liquor on the Patio unless the application disclosed an intent to serve liquor and the Licensee has obtained a Liquor Licence that applies to the Patio;

- c. the Licensee must affix to the Patio or business the Licence issued by the Director in such a way that it is clearly visible and legible when the Patio is in place;
- d. the Licensee must place, construct and maintain the Patio in strict accordance with plans, design, or other information provided with the application, and in accordance with any additional conditions of the Licence;
- e. for the purpose of constructing, installing, repairing or maintaining any municipal work, service, utility or other improvement owned by the Town or a permitted third-party utility company, the Licensee must
  - i) allow the Director and the employees or agents of the Town and of any permitted third-party utility company to enter the portion of the Sidewalk or Roadside designated in the Licence, and
  - ii) when requested by the Director, remove the whole or part of the Patio within 48 hours, or immediately in the event of an emergency, for regularly scheduled utility or service installation, maintenance or repair;
- f. where a Licensee neglects, refuses or fails to remove the whole or part of a Patio when required by the Director, or fails to do so within the time specified, the Director may cause any part of the Patio to be removed and may charge the costs of the removal to the Licensee;
- g. at all times and at the Licensee's own expense, the Licensee must keep and maintain the Patio in safe and good repair, and in a clean, sanitary, attractive condition satisfactory to the Director, and must keep the Sidewalk and Street surrounding or adjacent to the Patio free from papers, rubbish and debris of any kind;
- h. where a Licensee neglects, refuses or fails to perform its obligations to keep the Patio and surrounding area clean, the Director may cause those obligations to be performed and may charge the costs of such performance to the Licensee;
- i. the Licensee must not open, retract, remove, lower or affix any part of the Patio to any part of a Street or Sidewalk outside of a Patio Area;
- j. a Patio Area must not be used for any purpose other than queuing, seating and serving customers;
- k. if the Licence permits the storage, installation or operation of lighting, portable heaters or other heating appliances, then the storage, installation and operation of same must adhere to guidance set out in Schedule B of this bylaw, and:
  - i) be done in strict accordance with all Provincial safety regulations and the Fire Regulation Bylaw;
  - ii) must be approved in advance and inspected by the Town's Fire Department; and
  - iii) must not present a risk of harm to the health or safety of the public;
- l. where a Licensee is required to remove any structures, objects, furnishings and personal property pursuant to this bylaw, the Licensee must not make any claim against the Town on account of such removal and must replace and restore the Sidewalk or Roadside to a safe and proper condition to the satisfaction of the Director;
- m. where a Licensee neglects, refuses or fails to cease occupation of the Sidewalk or Roadside or to restore the Sidewalk or Roadside as required pursuant to this bylaw, or fails to do so within the time specified, the Director may cause any fixtures, furnishings or personal property located on the Sidewalk or Roadside to be removed

- and may cause the Sidewalk or Roadside to be restored to a safe and proper condition and may charge the costs of such removal and restoration to the Licensee;
- n. where the Town has incurred costs as a result of the Licencee contravening this bylaw, a certificate of the Director setting out those costs shall be final and the Town may recover any unpaid amount of such costs from the Licensee in any Court of competent jurisdiction as a debt owing by the Licensee to the Town;
  - o. the Director, any person authorized by the Director, or any Bylaw Officer may at any reasonable time enter the Patio for the purpose of ascertaining whether the provisions of this bylaw are being complied with;
  - p. during the term of the Licence
    - i) the Licensee must obtain and maintain in force commercial general liability insurance, in the minimum amount of \$5 million per occurrence; and
    - ii) the Town must be added as an additional insured together with cross liability clause, to every policy of insurance required to be maintained under this bylaw;
    - iii) proof of insurance must be provided prior to issuance of a Licence or Licence renewal.
  - q. the Licensee must not lease or sublease any or all of the Patio space to any other entity or person;
  - r. the Licensee must ensure that the operation of the Patio does not damage any adjacent Boulevard;
  - s. the Licensee must ensure that there are no signs which promote a third party in the Patio.

### **Specific Conditions**

- 4.2 In addition to those conditions set out in sections 4.1 and 4.2, the Director may grant a Licence subject to such other conditions as the Director considers appropriate including but not limited to conditions regarding:
- a. hours of operation;
  - b. the incorporation of one or more Accessibility Features;
  - c. the specific location of a structure, sign, object, or Accessibility Feature;
  - d. daily schedule for set up and removal;
  - e. the use of lighting, propane tanks, or portable heaters or other heating appliances, including but not limited to conditions related to storage, location, type, and quantity, or whether these items can be used at all in the Patio Area;
  - f. the use of amplification equipment;
  - g. traffic management;
  - h. security;
  - i. waste reduction and removal;
  - j. tree protection;
  - k. management of water runoff;
  - l. a fire safety plan; and
  - m. a maintenance plan.

### **No Assignment of Licence**

- 4.3 A Licensee must not assign or transfer the permission for the use of the Patio Area as authorized in the Licence without the prior written consent of the Director.

- 4.4 Where the Director refuses to consent to assignment or transfer under section 4.3, the person who requested the assignment or transfer may appeal the Director's decision to Council.
- 4.5 For the purposes of section 4.3, any of the following circumstances are deemed to result in an assignment or transfer of Licence that requires the Director's prior written consent:
- a. the Licensee assigns or transfers its Licence to another person;
  - b. a sale of all or substantially all of the assets of the Licensee;
  - c. changes to the directors, officers, or shareholders directly or indirectly holding 50% or more of the outstanding voting securities of the Licensee;
  - d. the Licensee merges with, amalgamates with, or is acquired by another corporate entity; or
  - e. there exists a plan of arrangement or any other transaction that results in a significant change to the operations of the Licensee.

### **Patio Removal**

- 4.6 A Licensee who holds a Licence which contains semi-permanent structures, furniture or objects must ensure that they are affixed in a manner which allows them to be completely removed, and the Sidewalk or Roadside restored, with minimal reasonable effort.
- 4.7 The Licensee must cease occupation of the Patio Area and at its own cost and expense, remove all semi-permanent structures, furnishings and personal property from the Sidewalk or Roadside and restore the Sidewalk or Roadside:
- a. in the case of an Annual Licence, within 30 calendar days of Licence expiration, if the Licence is not renewed;
  - b. in the case of a Seasonal Licence, within 30 calendar days of the expiration of the Licence term, whether or not the Licence is renewed;
  - c. immediately upon cancellation pursuant to section 5.10; or
  - d. unless the Licensee appeals the decision of the Director to Council, within 30 days of the date of a notice in writing of Licence cancellation from the Director .
- 4.8 For clarity, a Licensee must immediately cease operation of a Patio upon expiration of a Licence, except where an Annual Licence has been renewed and is in force.

### **Part 5 Powers of Director:**

- 5.1 The Director may prescribe different application forms for different types of Patios and Licences.

### **Licence Refusal**

- 5.2 The Director may refuse to issue a Licence to an Applicant if the Director is satisfied that any of the following circumstances apply:
- a. the Applicant has not provided all information required by the application form or otherwise under section 3.3;
  - b. the Applicant has not met the conditions to approve the application pursuant to sections 3.4 or 3.5;
  - c. the application contains false or misleading information; or
  - d. the Applicant owes any debts to the Town, or any fees or fines under any Town bylaw, that have not been paid.
- 5.3 The Director may refuse to renew a Licence if:
- a. any of the circumstances described in section 5.2 apply;
  - b. if circumstances have changed since the Licence was issued such that the Applicant no longer meets the conditions to approve the application pursuant to sections 3.4 or 3.5;

- c. the Applicant fails to provide any information required by the Director to support the Director's assessment of Licence renewal;
- d. if the Applicant has not provided proof of insurance for the proposed renewal term; or
- e. if during previous terms of the Licence the Licensee failed to meet its obligations under this bylaw or the conditions of the Licence.

### **Licence Cancellation**

- 5.4 Subject to section 5.5, a former Licensee must cease operation of a Patio and cease using the Patio to queue, seat and serve customers within 24 hours of the Director's cancellation of a Licence.
- 5.5 If a Licence has been cancelled by the Director for any reason other than that set out in section 5.6.d.i, then the Licensee may resume operation of the Patio upon submitting a request to appeal the decision of the Director to Council, and may continue that operation until such time as Council makes a decision on the matter.
- 5.6 The Director may cancel a Licence if the Director is satisfied that any of the following circumstances have occurred:
- a) the Patio does not strictly adhere to the plans, design, or other information provided by the Applicant in the application for which the Licence was issued;
  - b) the Licensee fails to comply with a condition of the Licence;
  - c) the Licensee has ceased to comply with a Town bylaw or has otherwise ceased to meet the lawful requirements to operate the Patio for which the Licence is issued;
  - d) the continued operation of the Patio would:
    - i) present a risk of harm to the health or safety of the public;
    - ii) constitute a nuisance;
    - iii) unreasonably obstruct or interfere with vehicle, pedestrian or bicycle traffic;
    - iv) unreasonably obstruct or interfere with a fire access or exit, or another safety feature or requirement of an adjoining property;
    - v) unreasonably interfere with the ability of the Town or any permitted third-party utility company to construct, install, repair or maintain a municipal work, service, utility or other improvement;
    - vi) unreasonably interfere with the public's use or enjoyment of the Sidewalk or the Roadside or adjoining Roadway;
    - vii) unreasonably interfere with the sightlines along the Sidewalk, Roadside or Roadway;
    - viii) cause damage to the Sidewalk, Roadside, Roadway, adjacent Boulevard or to a tree;
    - ix) obstruct within a one-meter radius or block the view from the roadway of a fire hydrant or standpipe; or
  - e) the Patio Area is required for the construction, installation, repair or maintenance of a municipal work, service, utility or other improvement.
- 5.7 Before cancelling a Licence pursuant to section 5.4, the Director must notify the Licensee of the proposed cancellation and provide the Licensee with an opportunity to be heard by the Director.
- 5.8 If the Director cancels a Licence pursuant to section 5.4 the Licensee may appeal this decision to Council.
- 5.9 By resolution of Council, the Town may at any time cancel a Licence issued under this bylaw; however, Council must first provide the Licensee with an opportunity to be heard by Council.

- 5.10 The Director must cancel a Licence if the Director is satisfied that the Licensee is insolvent. For clarity, the process under sections 5.6, 5.7 and 5.8 does not apply to a cancellation under this section 5.10.
- 5.11 For the purposes of section 5.10 a Licensee is insolvent if it files for protection under the *Companies' Creditors Arrangement Act (Canada)* or is a bankrupt or insolvent person under the *Bankruptcy and Insolvency Act (Canada)*.

### **Part 6 Licence Fees:**

- 6.1 An Applicant for a Licence or a renewal must pay to the Town:
- a. an application fee of \$50.00 for any application which is not a renewal of a Licence;
  - b. a renewal application fee of \$25.00 for any application for a renewal of a Licence; and
  - c. the applicable Licence fees prescribed in Schedule A.
- 6.2 No application or Licence fee paid hereunder shall be refundable.

### **Part 7 General:**

#### **Schedules**

- 7.1 Schedules A and B attached to this bylaw form part of this bylaw.

#### **Severability**

- 7.2 If any provision or part of this bylaw is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, it shall be severed from the bylaw and the balance of the bylaw, or its application in any circumstances, shall not be affected and shall continue to be in full force and effect.

#### **Removal, Detention and Impounding**

- 7.3 The provisions of the Streets and Traffic Bylaw for the removal, detention and impounding of objects unlawfully occupying a Sidewalk or Street apply, with necessary changes as applicable to structures, furniture or objects on a Sidewalk or Street in contravention of the provisions of this bylaw or the terms of a Licence.

#### **No Town representation and an indemnity by Licensee**

- 7.4 The issuance of a Licence under this bylaw does not constitute in any way a representation, warranty, or assurance that the Patio Area is suitable for the use or intended purpose of the business applying for the Licence.
- 7.5 The holder of a Licence issued under this bylaw shall be solely responsible for the use and occupation authorized by the Licence and shall indemnify and hold harmless the Town and its elected and appointed officials, employees, contractors and agents from any claim of loss or damages, including personal injury and pure economic loss, by any person for any reason connected with the issuance of the Licence or the use and occupation authorized by the Licence or anything undertaken or neglected to be undertaken in connection with the Licence.

#### **Offences**

- 7.6 A person commits an offence and is subject to the penalties imposed by this bylaw, the Bylaw Notice Enforcement Bylaw, the Municipal Ticket Information Bylaw and the *Offence Act* if that person:
- a. contravenes a provision of this bylaw;
  - b. consents to, allows, or permits an act or thing to be done contrary to this bylaw; or
  - c. neglects or refrains from doing anything required by a provision of this bylaw.

7.7 Each day that a contravention of a provision of this bylaw occurs or continues constitutes a separate offence.

**Penalties**

7.8 Except as prescribed in the Bylaw Notice Enforcement Bylaw and the Municipal Ticket Information Bylaw, the maximum penalty for an offence under this bylaw is a fine of not more than \$50,000.00 for every instance that an offence occurs or for each day that it continues.

**Part 8 Commencement and Repeal:**

8.1 This bylaw comes into force upon adoption. All Licence applications received after this date shall be treated as new applications.

8.2 All existing Licences shall remain in place under “Town of Sidney Sidewalk Café Regulations and Licensing Bylaw No. 2177, 2019” until their expiry on December 31, 2024, or unless cancelled by the Applicant.

8.2 “Town of Sidney Sidewalk Café Regulations and Licensing Bylaw No. 2177, 2019” and amendments thereto are repealed effective December 31, 2024.

|                        |                  |        |             |
|------------------------|------------------|--------|-------------|
| Read a first time the  | 27 <sup>th</sup> | day of | May, 2024.  |
| Read a second time the | 27 <sup>th</sup> | day of | May, 2024.  |
| Read a third time the  | 27 <sup>th</sup> | day of | May, 2024.  |
| Adopted the            | 10 <sup>th</sup> | day of | June, 2024. |

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MAYOR

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CORPORATE OFFICER

**SCHEDULE A  
Patio Licence Fees for Use**

1. In this Schedule A:
  - a. “property” means the parcel that hosts the Food Vending Business operated by the Licensee in connection with the Patio Licence; and
  - b. “Downtown” means the area designated as Downtown Commercial in the Town of Sidney Official Community Plan.
  
2. Simple Patio fees are as follows:
  - a. Annual: \$100.00
  - b. Seasonal: \$50.00
  
3. Complex Patio Licence fees for use are set out in the Area Rate Table and apply per square foot.
  
4. The Area Rate Table that is applicable to a Licence is determined by which fee area the property has frontage onto. In the event a property fronts more than one fee area, the higher value in the Area Rate Table will apply.

| <b>AREA RATE TABLES 2024 and Subsequent Years</b> |                |                 |
|---|----------------|-----------------|
| <b>Fee Area</b>                                   | <b>Complex</b> |                 |
|   | <b>Annual</b>  | <b>Seasonal</b> |
| Downtown  | \$3.90         | \$1.95          |
| Outside Downtown                                  | \$2.78         | \$1.39          |

## **SCHEDULE B**

### **Patio Heating Requirements**

Outdoor heating devices can help extend the operating hours/season of an outdoor Patio. If heaters are proposed, details must be included with the application's supporting documents (number of heaters, location(s), storage and fuel storage). The product manual must be submitted for fire safety assessment and a fire safety plan may be requested from the applicant. Businesses must be in compliance with the BC Gas Safety Regulation and relevant adopted standards.

All heating devices must meet the following guidelines:

- Designed for outdoor use and conform to safety standards established by the Canadian Standards Association (CSA) and certified by Underwriters Laboratories of Canada (ULC).
- Installed, used and maintained in conformance with the manufacturer's requirements.
- Kept at manufacturers specified distances from combustible surfaces.
- Have adequate ventilation and air flow.
- Stored outdoors.

Portable heating devices must be placed on a non-combustible, solid surface and cannot be located:

- On tables;
- Under umbrellas, awnings or trees/vegetation (minimum 2m (78.8 in) clear space from any part of street trees);
- Under fire escapes;
- Within or adjacent to an exit;
- Near or attached to utilities or other street elements.

Propane tanks must be stored securely outdoors in a locked, vented structure in compliance with the Propane Storage Handling Code.

- Business owners are to keep a maximum of one day's supply of propane on site.
- The maximum allowable propane tank size is a single 9 Kg (20lb) tank (approximately 10 hours of operation).
- Storing propane tanks indoors is not permitted under any circumstance.