

OUTDOOR PATIO GUIDELINES



SMITHS FALLS
RISE AT THE FALLS

DEVELOPMENT SERVICES DEPARTMENT

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Overview

This guide is to help facilitate the creation of temporary outdoor patios, merchandise displays, and bistro tables that occupy the municipal right of way (i.e., sidewalks) within the Town of Smiths Falls.

The Town of Smiths Falls encourages merchants to leverage our rights-of-ways to create attractive public spaces, so long as they are done safely and do not impede municipal operations.



Well-designed public outdoor areas benefit the community and our merchants by:

- ◆ Attracting customers.
- ◆ Giving customers more dining options.
- ◆ Expanding the space provided to patrons.
- ◆ Creating a lively streetscape.





What is an Outdoor Patio/Merchandise Display?

For the purposes of this guide, these temporary areas are referred to as “Outdoor Areas”.

The following section will define different types of outdoor areas and related terms.

What is an outdoor patio?

An outdoor patio is a seasonal outdoor area used by restaurants, bars, and similar businesses to seat and serve meals and/or refreshments to customers.

What are bistro tables?

Bistro tables are small seating areas comprised of up to two tables and four chairs to accommodate outdoor seating. The tabletop can have a maximum diameter or width of 76 cm (30 inches).

What is a merchandise display?

A merchandise display is a seasonal outdoor area used to display commercial goods and merchandise for sale. This display can be tables, shelves, clothing racks, flowerpots, or similar objects.

What is a pedestrian passageway?

A pedestrian passageway is a safe pathway that is physically separated from the road and used by pedestrians. It must be at least 1.5 meters wide, on the same grade as municipal sidewalk, and designed for two-way pedestrian traffic. A pedestrian passageway may include a bicycle lane and serves the same function as a sidewalk.

What is a sidewalk lease permit?

The permit is a Memorandum of Understanding (MOU), an agreement executed between the town and the applicant. It outlines the approved plans, details, terms, and conditions associated with the approval of an outdoor area.





General Requirements for Operating an Outdoor Area

- Outdoor areas are only operated seasonally from April 1st to October 31st of a given year. All fencing, furniture, and other components must be completely removed from the site to allow for winter operations. It is the merchants responsibility to manage outdoor areas if there is extreme weather.
- With some exceptions, a sidewalk lease permit must be obtained from the Town before occupying an outdoor area. For more information about exceptions, see page 15 of this guide.

Sidewalk Lease Type	Fees (Begins 2026)
Outdoor Patio (No Decking)	\$250.00
Outdoor Patio (With Decking)	\$350.00
Merchandise Display	\$150.00
Annual Inspection Fee	\$50.00
Hourly Rate - Bolt Attachment Install	\$75.00

Outdoor area inspections have a non-refundable fee outlined in Schedule A of the Outdoor Patio/Merchandise Display Bylaw. The fees are not active until 2026

- Unless terminated early, a permit expires upon the closure of the associated business.
- Proof of insurance coverage with liability coverage of at least \$5 million, naming the Town as additionally insured, covering the business and its operations. The Town requires proof of insurance each year the lease remains in effect.
- Upon the installation or erection of the outdoor area, it is the applicant's responsibility to arrange an inspection from the Development Services Department. Inspections occur each year to confirm compliance with the lease agreement.





General Requirements for Operating an Outdoor Area

- The applicant is responsible for identifying and obtaining any other additional licenses or regulatory approvals not issued by the Town. For more information about additional approvals, see pages 13 and 14.
- If the Town needs to use the lands on which the patio is located, the Town will notify the property owner 15 business days before the outdoor patio or merchandise display must be removed. If the outdoor area is not removed by 15 business days, the Town will remove it.
- The Town reserves the right to impose additional requirements, such as minor variance application approval for a permit, to ensure compliance with bylaws or for the sake of public safety.
- The Town requires merchants to submit a new patio/sidewalk lease permit application if there are modifications to an existing outdoor area.





Building Permits

If the patio is built on a deck that is over 10 m² (108 ft²) in area, or if it is over 0.61 m (2 ft) off the ground it will need a building permit to be constructed.

- ◆ Since these outdoor areas are intended to be seasonal, a new building permit must be granted every year.
- ◆ If the building permit is not modified, these outdoor areas only need to be inspected the first time they are constructed.
- ◆ Outdoor areas with building permits are still subject to yearly inspection to ensure compliance with the patio/sidewalk lease permit.
- ◆ Building permits also come with fees, which are based on a percentage of the total cost of the project.

* A breakdown of fees can be viewed on the “**Building and Renovating**” portal on the Town’s website.

- ◆ A building permit does not replace the need for a patio/sidewalk lease permit.
- ◆ To contact the Building Services Department, please call 613-283-4124 ext. 1132 or email building@smithsfalls.ca for more information on building permits





Overview

An application needs the following information to be granted a permit. The Town will inform the applicant the result of the application (approval, rejection, incompleteness, non-compliance) within fifteen days of the application

- ♦ The applicant and the property owner's contact information.
- ♦ An outdoor area site sketch.
- ♦ Propane heating device manufacturer instructions (if applicable).
- ♦ The associated business's occupant load.
- ♦ The outdoor area's occupant load.
- ♦ The number of existing indoor washrooms (of the associated business). This is needed as patios do not increase the occupant load of the business
- ♦ A signed hold harmless agreement.
- ♦ Proof of insurance with liability coverage of \$5 million.
- ♦ Payment of a non-refundable application fee as shown in Schedule 'A'

Site Sketch

The site sketch is one of the most important parts of the patio/sidewalk lease permit application as it helps us verify that the outdoor area is safe for patrons. A site sketch must include:

- ♦ Dimensions and area of the outdoor area.
- ♦ Number, Location, and Design, of all forms of outdoor furniture and displays. Examples of outdoor furniture include tables, chairs, signs, awnings, clothing racks, shelves, planters, and heaters.
- ♦ Location and width of the unobstructed pedestrian passageway.
- ♦ Location and width of the designated entrance and exit to the outdoor area.
- ♦ Location of buildings, including fire exits and doorways, next to the outdoor area.
- ♦ Location of utility lines and roadway features. Examples of roadway features include fire hydrants, trees, benches, garbage cans, streetlights, and parking spaces.
- ♦ Fencing details for the outdoor area, including material, dimensions, design and location of reflectors.

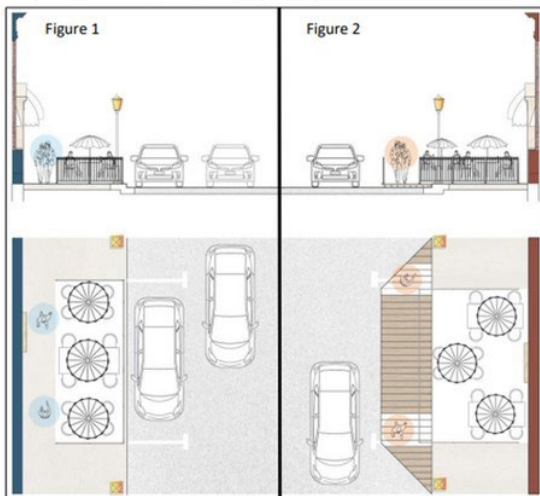




Decking

If there are plans for decking to be used as a pedestrian passageway, this additional information must be included in the application.

- Construction drawings and plans for the proposed pedestrian passageway.
- Installation instructions that describe how the decking will attach to municipal lands to ensure unwanted movement of the decking.
- Elevation of the decking above grade.
- The location and design details of reflectors and/or slip resistant surfaces to ensure that the decking is visible to drivers and pedestrians.
- The number of parking spaces proposed to be occupied by the deck.
- The material and dimensions of the railing from the contractor or manufacturer.
- If decking is used as a passageway, the base must be fully enclosed to screen the structural elements.
- A deck pathway requires a building permit if it over 10 m² (108 ft²) or if it is over 0.61 m (2 ft) off the ground.



- Other Construction Details as Requested

This figure shows how the pedestrian passageway can be part of the outdoor area. If the outdoor patio is small enough, it can be on the sidewalk, or if the patio is larger, it can be decking that goes on the road.





Pedestrian Passageway

All outdoor areas have pedestrian passageways that must follow these standards.

- Outdoor areas must maintain a minimum 1.5 m (4.92 ft) wide, unobstructed sidewalk and not block the bicycle lane.
- If the outdoor area blocks the existing sidewalk (reducing the pedestrian passageway to less than the minimum 1.5 m), an alternative passageway must be created to allow pedestrians to safely circulate.
 - * This could be done through constructing an at-grade deck wide enough to provide through-access to all sidewalk users around the outdoor area.
- If the outdoor patio is on a roadway (i.e. taking up a parking space), the patio space, including enclosure can be no wider than 2.4 m (7.87 ft), measured from the curb.

Fencing

If an outdoor area has fencing, it must follow these standards:

- Fencing must be at least 1 m (3.28 ft) in height.
- Fencing must not penetrate the surface of a sidewalk, bicycle lane, or other municipal land.
- Bolt attachments to secure fencing to the sidewalk shall be permitted if installed by the Town's Public Works and Utilities Department. Fees are visible in Schedule 'A'.
- Flags and banners cannot be installed on fencing.
 - * Merchants are encouraged to coordinate the design of their fencing with the surrounding buildings. Merchants are also encouraged to create fencing out of durable, weather resistant materials.





Furniture

If an outdoor area has furniture, it must follow these standards.

- All furniture and displays must be easy to remove and not attached to the sidewalk, or any other type of municipal land or feature.
- All furniture and displays must be weather-resistant.
- All furniture and displays must not project beyond the approved perimeter of the outdoor area.
- Umbrellas must be free standing or pass through tables.
- The outdoor area should be designed to compliment its associated building and surrounding streetscape.



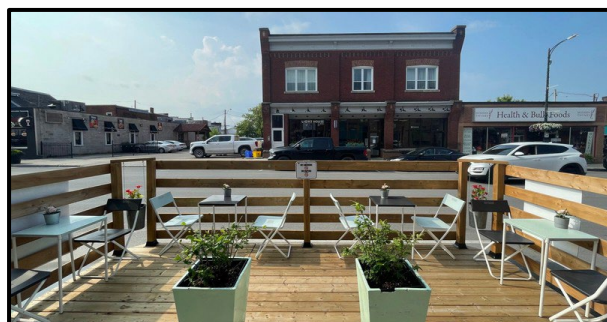


Miscellaneous

Outdoor areas must follow these standards.

- ◆ Propane heating devices area allowed if installed and operated per the manufacturer's instructions.
- ◆ Lighting should only light the immediate area, limit light pollution, and face away from residential areas.
- ◆ Outdoor areas must comply with the Accessibility for Ontarians with Disabilities Act (AODA).

* For more information about compliance with the AODA, see the [Integrated Accessibility Standards](#) found on the Ontario e-laws website.





Internal

General

- An outdoor area does not require a business license unless it is a new business in its own right.
- An outdoor area does not require a street occupancy permit.
- An outdoor area must comply with the Town's zoning By-law.
- Business owner's are reminded they are still subject to the Town's Noise By-law
- The associated business must get its liquor license extended if alcohol is planned to be served on the outdoor area.

Fire Department

- The outdoor area cannot be used to increase the maximum occupancy load of the establishment beyond the limit set by the fire department.
- Possible ignition sources within the outdoor area must be safely controlled. Canopies, awnings, and rain screens can be a fire hazard, and may also increase the risk of carbon monoxide poisoning.
- A clear exit path from the outdoor area must be maintained, and the outdoor area must not block the ability to exit from any building.
- The ability for people to safely exit the outdoor area will be assessed based on fencing, barriers, and other enclosures in the outdoor area.





External

Leeds, Grenville & Lanark District Health Unit.

- ◆ Merchants must notify the LGL District Health Unit when opening up a patio, as it is an alteration of the business. This is done by filling out a notice of intent form found on the Health Unit's website.
- ◆ Smoke Free Ontario Act
 - * It is illegal to smoke or vape on all restaurant and bar patios, and public areas within a nine meter radius of any point on the perimeter of the patio.
- ◆ In addition, restaurants and bars are required to:
 - * Give notice to staff and patrons that smoking or vaping is not allowed in the smoke-free and vape free areas.
 - * Post "No Smoking" and "No Vaping" signs, or a dual "No Smoking and No Vaping" sign at entrances, exits and washrooms of the smoke-free and vape-free areas, to ensure that staff and customers are aware that smoking and vaping is not allowed.
 - * Ensure that someone who refuses to comply with Ontario's smoking and vaping laws does not remain in the smoke-free and vape-free area
 - * Ensure that workers and customers do not smoke or vape in smoke-free and vape-free areas.
 - * Ensure that no ashtrays or similar items remain in the smoke-free and vape-free areas.



Rideau Valley Conservation Authority (RVCA)

- ◆ An outdoor area may require a permit from the RVCA if it is close to a wetland or a floodplain or other natural hazard.





Bistro Tables and Merchandise Displays

Merchants can set up bistro tables or operate merchandise displays on a daily basis without the need for a permit, so long as the furniture and displays are taken in every night and it is small enough not to interfere with pedestrian traffic or municipal operations.

More specifically, the following provisions would need to apply:

- The tables or displays are right next to the front-facing exterior wall of the associated building (and not in front of a neighbouring property or business).
- The outdoor area is setback 1.5 meters (5 feet) from a bicycle lane, parking space, and street elements such as trees, fire hydrants, or garbage cans.
- There is a minimum of 1.5 meter (5 foot) wide pedestrian passageway.
- The elements of the outdoor area are on a level surface.
- The elements are only set out during the operating business hours of the associated building. All elements should be removed from the public space by 11 PM.
- There is no fence or other type of enclosure separating the outdoor area from the broader public space.
- The elements contain no vulgar messaging, text, or images.

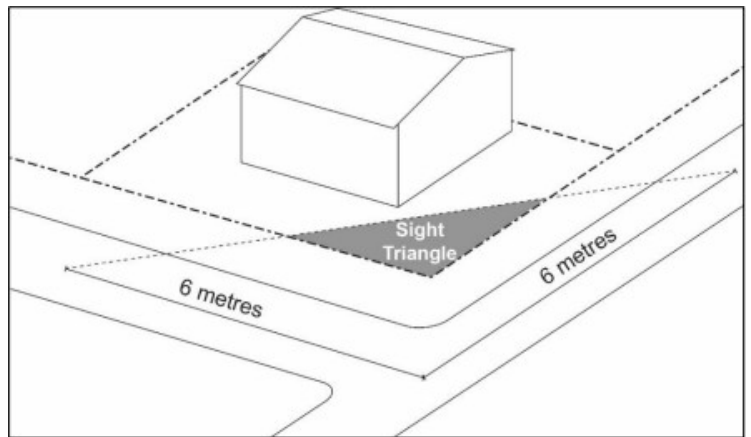




Overview

Elements of the outdoor area cannot:

- Interfere with utility lines or supports.
- Obstruct the view of any driver or a vehicle
- Be located within a sight triangle. A sight triangle is a triangle formed by intersecting streets and a line drawn from a point on one street to a point on the other street. The two points are 6 meters away from the point of intersection of the two streets.
- Obstruct any fire lane, fire hydrant fire escape, fire exit, or doorway, or prevent or delay access to the building for emergency services.
- Have electrical cords that extend across an entrance or exit to a building or pedestrian passageway.



- Be located within 30 meters (98 feet) of a residential zoned property. If the patio is in the Town's Downtown Core (as identified in the Official Plan), then the patio is allowed, as long as the patio closes by 11 pm.
- Encroach upon the frontage of another property without written permission.
- Contain signage or merchandise with vulgar language.

Any outdoor area set up in contravention of these prohibitions can be removed by the Town in accordance with the enforcement provisions of the by-law. For more information about the enforcement of outdoor areas see page 17 of this guide





Maintenance

The business owner is responsible for regularly maintaining and cleaning the outdoor area and obstructed sidewalks.

As sidewalks are for the public's use, the business owner shares the responsibility to keep these shared spaces clean and clear. Elements of the outdoor area also must be maintained so they do not become dangerous or unsightly.



Enforcement

The Patio By-law is intended to allow for our merchants to share the use of our public spaces, while making sure that customers and the community at large are safe, and the Town's operations are not impeded.

If an outdoor area operates in violation of an approval, or needs an approval but does not have one, then the Town will have to enforce the by-law. Typically, this will start with a written notice where the business owner will need to do one of the following actions.

- ◆ Remove the outdoor area.
- ◆ Submit a sidewalk lease permit application.
- ◆ Modify the outdoor area to achieve compliance.

If the outdoor area represents an immediate safety hazard, the Town can issue a verbal notice or order to immediately remove the patio, merchandise display or bistro tables. If the notice is not complied with within the specified time, then the Town may remove the outdoor area without compensation to the business owner.



Frequently Asked Questions



Why do I need a permit?

You need a permit to ensure that you are safely operating an outdoor area. Outdoor areas are public spaces, where people expect to be safe and secure.

Why do I need insurance?

You need insurance to make sure that the property owner (Town) and the business owner are protected from any unfortunate events.

How can you apply for a permit?

You can apply for a permit by submitting an application to the Department of Development Services in person or by emailing melmsley@smithsfalls.ca. To find a sidewalk/patio lease application form, please visit the Town of Smiths Falls website's Application, Permits, and Licenses page.

How long does the application process take?

Once applied for, the Town will respond to the application within fifteen (15) business days. An application will be considered abandoned if the requirements remain outstanding or incomplete for more than six (6) months after filing.

How long does a permit last?

As long as an outdoor area complies with the patio By-law, a permit lasts as long as the business associated with an application remains open. Any changes to the outdoor area require an application for another permit.

Early termination of a permit requires written notice to the town from the holder of the permit.

Why is a detailed site sketch so important?

A detailed site sketch is important because it allows the outdoor area's design to be assessed for approval. Certain aspects such as the width of the pedestrian passageway are essential for applications to get approval.

Who do you contact for additional information about building permits?

You can contact the Smiths Falls Building Division at 613-283-4124 ext. 1132. You can also reach out to swatters@smithsfalls.ca.





How often does my outdoor area need inspections?

Inspections are required every year upon the installation or erection of an outdoor area. These inspections are arranged by the applicant and are done by the Town. The inspection fee is a non-refundable payment outlined in Schedule 'A'.

If your outdoor area requires a building permit, inspections will be conducted once it is erected.

Are there any other permits required for an outdoor area?

Additional permits, such as a building permit, may be required for an outdoor area. It is the applicant's responsibility to ensure that the construction and the operation of the outdoor area comply with other regulatory bodies. Such as the Alcohol & Gaming Commission of Ontario, Leeds, Grenville, Lanark District Health Unit, and the Rideau Valley Conservation Authority.

What other approvals do I need?

Sidewalk lease permits submitted receive a comprehensive review by various departments within the Town to ensure compliance with the applicable policies, bylaws, and provincial and federal legislation. These include the Town's Public Works and Utilities Department, Fire Department, Development Services Department, and Police Services. An application can only be approved if it meets the standards set out by all regulatory parties.

How do I install fences for my patio?

Fences that are bolt-attached to the municipal right of way are installed by the Town's Public Works and Utilities Department. A request for bolt attachments must be made through the Sidewalk Lease Permit application process. Schedule 'A' outlines the cost of installation.

Do I still need a building permit if my outdoor area is more than two feet above the ground but less than 108 square meters?

Yes, you need a building permit if your development is greater than 108 ft² in size or 2 ft or more off the ground.





Next Steps

Once you have your outdoor area set up for the season, is there anything else to do?

It is never too early to think of next year's patio season, there are plenty of recurring steps that merchants need to do every year in order to ensure that their outdoor area is safe to be used by patrons.

If you are not making any changes to your outdoor area, you do not have to get another permit. As long as you show proof of insurance and schedule an inspection with the Development Services Department you are good to go. The inspection is carried out with support from the fire department to assess the safety and occupancy of the outdoor area.

If you are planning on changing your fences to ones that are bolt-attached to the sidewalk, you need to reapply for another sidewalk lease permit as you have deviated from the MOU. The attachments must be made by the Town's Public Works and Utilities Department.

If your outdoor area requires a building permit, you must get a new one issued each year. This is because outdoor areas are temporary and the building permit is voided upon the removal of the area. However, if the building plans are not modified, the outdoor area only needs to be inspected the first time it goes up.

If you have any questions about outdoor areas, please give the Department of Development Services a call at 613-283-4124 ext. 1136 or email the Town's planning clerk at melmsley@smithfalls.ca.

