



Est. 1873

## REPORT TO MAYOR AND COUNCIL

**PRESENTED:** OCTOBER 5, 2020 - REGULAR MEETING  
**FROM:** COMMUNITY DEVELOPMENT DIVISION  
**SUBJECT:** TEMPORARY EXPANSION OF PATIO SEATING

**REPORT:** 20-126  
**FILE:** 7130-30-002

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### RECOMMENDATION:

**That** Council receive this report for information confirming its decision to allow for temporary expansion of patio seating for existing restaurants, cafes, pubs, craft breweries, wineries, distilleries and cideries until October 31, 2021 in accordance with the Liquor and Cannabis Regulation Branch Policy, where applicable.

### EXECUTIVE SUMMARY:

On May 22, 2020 the Liquor and Cannabis Regulation Branch (LCRB) in response to the COVID-19 pandemic, the provincial state of emergency and the Provincial Health Officer's (PHO) declaration of a public health emergency, implemented Policy Directive 20 – 13 Temporary Expanded Service Area Authorization (Attachment A). The directive provides existing licenses (food primary, liquor primary and manufacturer) with a Temporary Expanded Service Area (TESA) authorization until October 31, 2020. On September 18, 2020 the LCRB approved Policy Directive 20 – 26 *Temporary Expanded Service Area Authorization, extension* that extended the authorization date to October 31, 2021 (Attachment B).

At its meeting held on May 25, 2020, in recognition of the economic impact of the pandemic on the hospitality sector, Council directed staff to implement the following policy direction in relation to existing restaurants, cafés, pubs, craft breweries, wineries, distilleries and cideries until October 31, 2020, or as otherwise directed by Council (Attachment C), and directed staff to report back to Council prior to October 31, 2020:

- a) Suspension of enforcement of parking requirements of the Zoning Bylaw, with the exception of parking stalls assigned to persons with disabilities;
- b) Suspension of Development Permit requirements, where applicable, for temporary structures, at the sole discretion of the General Manager of Engineering and Community Development;
- c) Issuance of highway use permits for use of public space, at the sole discretion of the General Manager of Engineering and Community Development, subject to provisions of Township of Langley Policy No. 05-009 (Attachment D); and
- d) Monitoring impact of the above policy direction and providing a report back to Council, as needed, and no later than September 30, 2020.

Further, Council authorized staff to waive any costs otherwise payable to the Township to apply for and obtain temporary patio extensions, including but not limited to, costs payable for highway use permits, building permits or development applications, until October 31, 2020, unless otherwise amended by Council.

### PURPOSE:

To provide Council with a status update and request confirmation of Council's direction to authorize the temporary expansion of patio seating for select establishments to October 31, 2021.

## TEMPORARY EXPANSION OF PATIO SEATING

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**BACKGROUND/HISTORY:**

At its meeting held on May 25, 2020, Council passed resolutions allowing for the temporary expansion of patio seating for restaurants, cafés, pubs, craft breweries, wineries, distilleries, and cideries to help businesses counter the economic hardship of the COVID-19 pandemic.

Following Council's direction, a media release was issued (Attachment E) and the Township's website updated with specific information on the program including links to the LCRB's application portal and the Township's Temporary Highway Use Permit application page.

**DISCUSSION/ANALYSIS:**

As of the date of this report, the Township has received 19 authorizations from the LCRB. These authorizations are made up of:

8 – Restaurants	2 – Pubs
3 – Wineries	1 – Other
5 – Craft Breweries / Distilleries	

LCRB authorizations are received in the Community Development department and forwarded to the Licencing, Bylaws and Fire Departments. Where the expansion is located on Township property, the authorization is forwarded to the Engineering Department for a temporary highway use permit. To-date, staff have issued no temporary highway use permits and have received no complaints as a result of the temporary expansion of patio seating.

At the request of Council, staff have attempted to contact the Fraser Health Authority and Healthlink BC to determine if there have been any COVID-19 cases as a result of the patio expansions in the Township and have received no information.

Township staff continue to have conversations with local business owners/managers, and specifically with establishments in the hospitality sector. Information shared indicates that the Provincial Health Orders in March and April 2020 which restricted gatherings and required physical distancing along with safety protocols that further required acquisition of protective materials/equipment, greatly reduced the ability to operate cost-effectively. As a consequence, staff lay-offs were either required or contemplated. Business owners/managers support Township Council's endorsement of temporary patio expansion which enabled them from having to lay-off additional staff and/or enabled them to rehire some or all staff who had been laid-off.

Given the success of the program in the Township of Langley, staff recommend a continuation of the temporary expansion of patio seating until such time as the LCRB's authorization ends on October 31, 2021. When the deadline has passed, the Permit, Licence & Inspection Services Department staff will send a letter to each establishment with a specific time frame to return the area back to its pre-COVID-19 state.

Respectfully submitted,

Britta Bieberstein  
LICENCE & INSPECTION SERVICES COORDINATOR  
for  
COMMUNITY DEVELOPMENT DIVISION

ATTACHMENT A	Liquor and Cannabis Regulation Branch Policy Directive No: 20 – 13
ATTACHMENT B	Liquor and Cannabis Regulation Branch Policy Directive No: 20 – 26
ATTACHMENT C	May 25, 2020, Township of Langley Council Minutes
ATTACHMENT D	Township of Langley Policy No. 05-009
ATTACHMENT E	May 26, 2020 Township of Langley Media Release



Date: May 22, 2020

To: All LCRB Staff  
All Licensees  
All Industry Associations  
All local government, First Nations and police agencies

Re: **Temporary Expanded Service Area Authorization**

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### **General Manager Authority**

Under the Liquor Control and Licensing Regulation (LCLR), s. 109.1, the General Manager (GM) of the Liquor and Cannabis Regulation Branch (LCRB) may issue a Temporary Expanded Service Area Authorization to food primary, liquor primary, and manufacturer licensees.

### **New Policy**

In response to the COVID-19 pandemic, the Province's March 2020 declaration of a state of emergency and the Provincial Health Officer's March 2020 declaration of a public health emergency, the GM is putting in place time-limited measures to support the Provincial Health Officer's (PHO) direction and recommendations.

This new authorization permits a licensee to temporarily expand their service areas **until October 31, 2020**. The increased service area will allow licensees to serve patrons while complying with the PHO's guidelines regarding physical distancing.

Accordingly, food primary, liquor primary and manufacturer licensees (i.e., wineries, breweries, distilleries) may apply for a Temporary Expanded Service Area Authorization.

To meet the intent of this temporary authorization, licensees will not be permitted to increase or exceed their currently approved person/patron capacities or occupant loads. All means of access to the service area must also be supervised to the satisfaction of the GM. Finally, licensees must comply with all local bylaws and health and fire regulations.

An expedited online application will be available for licensees at no charge. Please check our website for a link to the application.

### **Explanation**

The new policy is provided in the context of the provincial state of emergency and public

health emergency related to the COVID-19 pandemic. Increasing the size of existing service areas is expected to support licensees in complying with requirements under the Provincial Health Orders and recommendations, in particular with respect to social/physical distancing.

**Further Information**

Further information regarding liquor and cannabis regulation and licensing in British Columbia is available on the Liquor and Cannabis Regulation Branch website at <https://www2.gov.bc.ca/gov/content/employment-business/business/liquor-regulation-licensing>

If you have any questions regarding these changes, please contact the Liquor and Cannabis Regulation Branch toll free in Canada at 1-866-209-2111 or 250 952-5787 if calling from the Victoria area.

*Original signed by*

Mary Sue Maloughney  
Assistant Deputy Minister and General Manager  
Liquor and Cannabis Regulation Branch



**Date:** September 18, 2020

**To:** All Licensees  
All LCRB Staff  
All Industry Associations  
All local government, First Nations and police agencies

**Re:** Temporary Expanded Service Area, extension

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### **Current Policy**

Under the Liquor Control and Licensing Regulation (LCLR), s.109.1, the General Manager (GM) of the Liquor and Cannabis Regulation Branch (LCRB) may issue a Temporary Expanded Service Area (TESA) authorization to Food Primary, Liquor Primary, and Manufacturer licensees.

Under LCLR, s. 109.4 all TESA authorizations expire at the end of the day on October 31, 2020. Further, under LCLR s. 109.5, the TESA provisions in the LCLR will be repealed on October 31, 2020.

See Policy Directive 20-13 for further information.

### **New Policy**

In light of the ongoing COVID-19 pandemic, the Province's March 2020 declaration of a state of emergency and the Provincial Health Officer's (PHO) March 2020 declaration of a public health emergency, this time-limited measure is being amended to support the PHO's direction and recommendations.

The TESA provisions in the LCLR will now expire on **October 31, 2021**. Licensees may apply for new TESA authorizations up to this date.

The GM's authority to extend existing approved TESA authorizations up to this date, without first requiring the licensee to make an application, has also been made explicit.

The LCRB is reaching out to local authorities with approved TESAs in their jurisdiction to confirm their support for extending the TESAs to October 31, 2021. To limit the risk of disruptions in service, local authorities must confirm their position with the LCRB by October 16, 2020.

If concerns related to public safety and public interest are raised regarding the TESA authorizations or the operation of particular TESAs, the LCRB will work with licensees and local authorities to ensure TESAs operate in a manner that balances the interests of licensees, municipalities and the general public.

If the local authority is supportive, the LCRB will reissue authorization letters to licensees with existing TESAs in that jurisdiction prior to October 31, 2020. The new authorization letter will provide an extended expiry date of the TESA. Unless a new authorization letter has been issued, the existing TESA will expire on October 31, 2020.

Licensees will not need to apply to the LCRB for an extension, and there will be no fee charged.

All other requirements relating to TESA authorizations remain the same. To meet the intent of this temporary authorization, licensees will not be permitted to increase or exceed their currently approved person/patron capacities or occupant loads. All means of access to the service area must also be supervised to the satisfaction of the GM. Finally, licensees must comply with all local bylaws and health and fire regulations.

Approved TESAs must be in compliance with local bylaws and requirements. If the local authority bylaws or requirements change and prevent the operation of TESAs in that jurisdiction, the local authority should advise the LCRB.

For licensees who are applying for new TESA authorizations, an expedited online application is available at no charge. Please check our website for a link to the application.

### **Explanation**

The new policy is provided in the context of the provincial state of emergency and public health emergency related to the COVID-19 pandemic. Extending TESA authorizations, which increase the size of existing service areas, is expected to support licensees in complying with requirements under the PHO and recommendations, in particular with respect to social/physical distancing.

### **Further Information**

Further information regarding liquor and cannabis regulation and licensing in British Columbia is available on the Liquor and Cannabis Regulation Branch website at <http://www.gov.bc.ca/liquorregulationandlicensing>

If you have any questions regarding these changes, please contact the Liquor and Cannabis Regulation Branch toll free in Canada at 1-866-209-2111 or 250 952-5787 if calling from the Victoria area.

**Disclaimer**

This communication is intended to be used only for general informational purposes and may not apply to all situations. This communication does not constitute legal advice nor is it a comprehensive statement of the legal obligations that arise under the Liquor Control and Licensing Act, regulations, or any other applicable laws. When interpreting and applying the information contained in this communication, you are encouraged to seek specific advice from your professional advisors as appropriate in the circumstances.

*Original signed by*  
Mary Sue Maloughney,  
Assistant Deputy Minister and General Manager



## SPECIAL MEETING OF COUNCIL

## E.3 ATTACHMENT C

Monday, May 25, 2020 at 1:00 PM  
Fraser River Presentation Theatre  
4th Floor, 20338 – 65 Avenue, Langley, BC

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### MINUTES

Clerk's Note: The meeting was conducted with Council members and staff attending electronically as per Council Procedure Bylaw 2016 No. 5199 Amendment Bylaw 2020 No. 5592.

PRESENT: Mayor J. Froese

Councillors P. Arnason, D. Davis, S. Ferguson, M. Kunst, B. Long,  
K. Richter, B. Whitmarsh, and E. Woodward

M. Bakken, R. Seifi, K. Sinclair, and J. Winslade

W. Bauer, S. Little, and K. Stepto

### **A. ADOPTION AND RECEIPT OF AGENDA ITEMS**

#### **A.1 Special Council Meeting Agenda - May 25, 2020**

Moved by Councillor Davis,  
Seconded by Councillor Whitmarsh,  
That Council adopt the agenda and receive the agenda items of the  
Special Council meeting held May 25, 2020, as amended.  
CARRIED

Councillors Richter and Woodward opposed

### **B. DELEGATIONS**

#### **B.1 Pollyco Yorkson Centre Inc. File 0550-07**

Hugh Carter, Pollyco Yorkson Centre Inc., appeared before Council to discuss Rezoning Application No. 100579 and Development Permit Application No. 101113 (Pollyco Yorkson Centre Inc. / 20365, 20375 and 20387 – 80 Avenue. He commented that the proposed Yorkson Village is a neighbourhood-centered commercial area that will provide basic services within walking distance of all residential areas, and fits into the current Neighbourhood Plan and land-use requirements. Pollyco has worked with the staff regarding traffic flow on 204 Avenue, parking, and landscaping. They do not feel that a mixed-use development is appropriate in this area.



**COUNCILLOR DECLARES CONFLICT OF INTEREST**

Councillor Woodward declared a Conflict of Interest under Section 100 of the Community Charter as he has a business interest, and left the meeting at 2:07pm.

**B.2            Lance Verhoeff  
Trading Post  
File 0550-07**

Lance Verhoeff, Trading Post, appeared before Council to discuss patio extensions for restaurants, breweries, and wineries. He commented that many hospitality businesses will not survive during this pandemic and that expanding patios will help with this situation. He noted that the Liquor Cannabis Regulation Branch released an online portal for restaurants to apply for extended liquor licenses until October 31, 2020. This extension does not increase occupancy, only a space increase to allow for physical distancing. He would like to see the noise bylaw changed to 11:00pm.

**C. CORRESPONDENCE**

**C.1            COVID-19 Pandemic - Economic Recovery  
File 4320-01**

Moved by Councillor Davis,  
Seconded by Councillor Ferguson,  
That Council receive the memorandums from the Community Development Division regarding the provincial COVID-19 economic recovery plan.  
CARRIED

MEETING RECECESSED  
The meeting recessed at 2:47pm.

MEETING RECONVENED  
The meeting reconvened at 2:55pm.

MOTION  
Moved by Councillor Long,  
Seconded by Councillor Richter,  
Whereas physical distancing measures implemented in the province of British Columbia in response to the COVID-19 global pandemic have affected economic viability of businesses in the Township of Langley, particularly those in the hospitality sector, such as restaurants, cafés, pubs, craft breweries, wineries, distilleries and cideries;

WHEREAS the continuing physical distancing and other government and provincial medical health officer restrictions will greatly reduce the capacity of such local pubs, restaurants, cafés, coffee shops, breweries and other similar local establishments, resulting in a significant reduction in the ability

of these establishments to generate revenue and to otherwise continue in operation;

WHEREAS the government of British Columbia has taken action, such as issuing Policy Directive 20-13, to support this sector by authorizing the expansion of the areas for liquor service areas, such as patios, on a temporary basis until October 31, 2020;

WHEREAS the municipal Council of the Township of Langley considers maintaining the economic viability of businesses in the Township of Langley to have a direct impact on the social and economic conditions of the citizens and the Township of Langley, and a matter of significant public interest; and

WHEREAS the municipal Council of the Township of Langley has unfettered discretion to waive, or postpone enforcement its bylaws, based on what it considers to be reasonable, in good faith and in the best interests of the public,

THEREFORE BE IT RESOLVED that Council direct staff to implement the following policy direction as soon as practical and on an expedited basis, in relation with existing restaurants, cafés, pubs, craft breweries, wineries, distilleries and cideries until October 31, 2020, or as otherwise directed by Council:

- a) Suspension of enforcement of parking requirements of the Zoning Bylaw, with the exception of parking stalls assigned to persons with disabilities;
- b) Suspension of Development Permit requirements, where applicable, for temporary structures, at the sole discretion of the General Manager of Engineering and Community Development;
- c) Issuance of highway use permits for use of public space, at the sole discretion of the General Manager of Engineering and Community Development, subject to provisions of Township of Langley Policy No. 05-009; and
- d) Monitoring impact of the above policy direction and providing a report back to Council, as needed, and no later than September 30, 2020".

That the General Manager, Engineering and Community Development, be authorized to waive, in his discretion, any costs otherwise payable to the Township to apply for and obtain temporary patio extensions, including but not limited to, costs payable for highway use permits, building permits or development applications, on such reasonable conditions as determined by the General Manager, Engineering, and Community Development, until October 31, 2020, unless otherwise amended by Council.

**AMENDMENT**

Moved by Councillor Richter,

Seconded by Councillor Davis,

That an additional bullet be added as “e” for greater certainty and without limiting the generality of the foregoing, that Temporary Service Areas of wineries, as prescribed by the Liquor Cannabis Regulation Branch, shall be subject to the provisions hereof.

**CARRIED**

**MAIN MOTION, AS AMENDED**

The question was called on the Main Motion, as amended, and it was  
**CARRIED**

The agenda order was varied.

**E. OTHER BUSINESS****E.1 Temporary Expansion of Outdoor Patio Seating****MOTION WITHDRAWN**

Whereas during this Covid-19 pandemic, British Columbia is now moving into Phase 2 of its reopening strategy allowing residents access again to local pubs, restaurants, cafes, coffee shops and breweries;

Whereas with the limitations on capacity in place due to physical distancing required for COVID-19, the Province and local governments need to provide flexible permitting processes for local establishments to be able to apply for temporary patio extensions into sidewalks and parking lots so as to increase the number of patrons they could serve while safely observing physical distancing rules; and

Whereas after this lengthy shutdown and the summer months upon us, ensuring local businesses survive and thrive during this crisis will require creative thinking, and for all of us to work together to make sure that physical distancing and outdoor dining opportunities are available for our residents;

Therefore be it resolved that Council direct staff to create a flexible framework to allow for temporary expansion of outdoor patio seating for restaurants, cafes, pubs and craft breweries within the Township of Langley.

Councillor Woodward re-entered the meeting at 3:50pm.

The agenda order then resumed.

**D. ITEMS FROM PRIOR MEETINGS**

Mayor Froese withdrew his request for reconsideration of the following item from the May 11, 2020 Special meeting of Council:

- D.1        Rezoning Application No. 100579  
Development Permit Application No. 101113  
(Pollyco Yorkson Centre Inc. /  
20365, 20375 and 20387 - 80 Avenue)  
Bylaw No. 5612  
Report 20-67  
File CD 08-26-0159**

**F. TERMINATE**

Moved by Councillor Davis,  
Seconded by Councillor Whitmarsh,  
That the meeting terminate at 3:53pm.  
CARRIED

CERTIFIED CORRECT:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Township Clerk



## COUNCIL POLICY

**Subject: Private Use of Public Sidewalks**

<b>Policy No:</b>	<b>05-009</b>
<b>Previous Policy No:</b>	<b>05-783</b>
<b>Approved by Council:</b>	<b>2015-05-11</b>
<b>Revised by Council:</b>	<b>2016-05-30</b>
<b>Revised by Council:</b>	<b>2018-09-17</b>

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### 1. Purpose

- 1.1 To define the criteria and conditions to evaluate applications for sidewalk patios on public rights of way adjacent to food and beverage establishments.

### 2. Background

- 2.1 A *Sidewalk Patio* is defined as any outdoor seating area situated within the public road right-of-way and associated with a food and/or beverage establishment and acting as an extension of that establishment.
- 2.2 The Township has received requests to accommodate sidewalk patios on portions of the public road right of way. This Policy sets out the criteria for review of applications, implementation and monitoring of Highway Use Permits necessary to accommodate Sidewalk Patios.

### 3. Related Policies

- 3.1 Highway and Traffic Bylaw 2010 No. 4758 and amendments thereto.
- 3.2 Fees and Charges Bylaw 2007 No. 4616 and amendments thereto
- 3.3 Noise Control Bylaw 1988 No. 2573 and amendments thereto

### 4. Policy

#### 4.1 Suitable Locations

- 4.1.1 Sidewalk Patios will only be considered on sidewalks immediately adjacent to food and/or beverage establishments. The minimum sidewalk width for consideration of sidewalk patios is 3 meters.
- 4.1.2 Sidewalk Patios will not be considered near intersections, pedestrian crossing facilities, bus stops or commercial loading zones.
- 4.1.3 Sidewalk Patio areas shall not block access to municipal infrastructure such as fire hydrants, valves, manholes or access to third party utilities such as gas, hydro or telecommunications manholes, kiosks, boxes, etc.

#### 4.2 General Design Principles

- 4.2.1 The layout for the proposed Sidewalk Patio must consider all existing sidewalk obstructions such as signs, poles, bus stops, fire hydrants, street furniture, street trees and landscaping.

- 4.2.2 Sidewalk Patios shall not encroach upon the frontage of neighbouring establishments, without explicit consent from the neighbouring property's owner and tenant (if applicable), in writing, which must be submitted to the Township with at time of permit application.
- 4.2.3 Sidewalk Patios may be required to be enclosed by easily removable temporary railings, fencing or planters at the discretion of the Township based upon the review of the permit application.
- 4.2.4 Arrangement of Sidewalk Patios shall not obstruct visibility of and access to neighbouring businesses.
- 4.2.5 Patio furniture, enclosure railings or barriers, plants etc. shall not block pedestrian or vehicular sightlines or block street signage.
- 4.2.6 Design and installation of Sidewalk Patios must maintain barrier free access for persons with disabilities.
- 4.2.7 Sidewalk Patios must provide a minimum of 1 metre (40") between the Patio perimeter and any residential or business entrances in the same or adjoining buildings.
- 4.2.8 Minimum set back from fire hydrants must be 1.2 metre (47"). Minimum setback from street furniture, trees, bus shelters, light standards, trash receptacles, newspaper vending kiosks, benches etc. is to be 0.5 meters (20").

#### 4.3 **Pedestrian Circulation**

- 4.3.1 *Pedestrian Space* is defined as the clear, unobstructed non-undulating sidewalk area reserved exclusively for the use of the public.
- 4.3.2 Sidewalk Patios must have a minimum of 1.8 metres of unobstructed non-undulating Pedestrian Space.
- 4.3.3 Additional Pedestrian Space over and above the minimum 1.8 metres may be required in areas of higher pedestrian usage, where concerns with mobility of wheelchairs, strollers or bicycles are raised, or where site inspections otherwise dictate, at the discretion of the Municipal Engineer.
- 4.3.4 The required Pedestrian Space must be maintained at all times.
- 4.3.5 There is not to be any street furniture, flower stands, planters or canopies, umbrellas etc. of any kind onto or projecting onto the Pedestrian Space.
- 4.3.6 The Pedestrian Space must be clear of obstructions caused by tree wells, posts, signs, hydrants or any other infrastructure.
- 4.3.7 No part of the sidewalk patio may extend into the Pedestrian Space.
- 4.3.8 Adequate space must be provided within the sidewalk patio area to allow for the movement of patrons and wait staff without interfering with free pedestrian flow on the clear pathway.
- 4.3.9 There must not be any service provided to patrons beyond the Sidewalk Patio area.
- 4.3.10 Wait staff may not use the Pedestrian Space in the course of serving patrons in the Sidewalk Patio area

**4.4 Heritage and Development Permit Areas**

- 4.4.1 In heritage areas and development permit areas, the application, including the site plan, must be consistent with the appropriate heritage revitalization guidelines and development design guidelines.

**4.5 Operations and Maintenance**

- 4.5.1 The Sidewalk Patio shall only be set up during the applicable hours of operation, as specified in the Permit.
- 4.5.2 All tables, chairs, railings or barricades shall be removed from the sidewalk at the end of each business day.
- 4.5.3 The tables, chairs, railings or barricades may not be stacked or stored outside on the public right of way when the business is closed.
- 4.5.4 Patio furniture, railings or barriers shall not be secured to sidewalks, lamp posts, street lights, trees or other public street furniture.
- 4.5.5 The business shall comply with all applicable laws and regulations regarding the sale and service of food and beverages including the Provincial Liquor Control and Licensing Branch (LCLB). Compliance is the sole responsibility of the establishment and failure to comply may result in immediate and irreversible termination of the Permit.
- 4.5.6 The service of alcoholic beverages will be permitted on Sidewalk Patios utilizing the public right of way if the majority of the total patio area (more than 50%) is on private property. The following conditions must also be met for Sidewalk Patios serving alcohol:
- 4.5.6.1 An easily removable temporary railing or barrier a minimum of 1.07 metres in height.
- 4.5.6.2 The business must have a valid liquor license and apply for and obtain an occupant load permit and a liquor license extension for the sidewalk patio.
- 4.5.7 Patio operators will be responsible for the proper maintenance of the patio area at all times, including the proper disposal of trash whether generated by the operation or others.
- 4.5.8 All furniture and fixtures must be maintained in good visual appearance, without visible fading, dents, tears, rust, corrosion and chipping or peeling paint.
- 4.5.9 All furniture and fixtures must be maintained in a clean condition at all times.
- 4.5.10 All patio service is to be terminated and all customers relocated indoors by no later than 10 pm. The patio is to remain closed between the hours of 10pm and 7 am.
- 4.5.11 Music or other entertainment will not be permitted on Sidewalk Patios due to the potential nuisance to the public or to nearby properties.
- 4.5.12 The Township reserves the right to revoke Permits, without reimbursements of fees, where this nuisance occurs. Nuisance may include, but shall not be limited to, loud, boisterous or unreasonable noise, offensive language or other disruptive behavior.

4.5.13 The total number of guests, including the patio, cannot be greater than what is approved by the occupancy permit.

4.5.14 Smoking will not be permitted on any patio that is utilizing any of the public road right of way.

4.6 **Fences, Barriers, Awnings, Overhangs, Lighting and Plant Materials**

4.6.1 Fences, screens, railings or barriers, barriers must be constructed for easy removal, if required.

4.6.2 Attachment of any fence, railing or barrier or structure to Township property is not permitted.

4.6.3 Corner cuts in an outdoor patio must be provided at intersections.

4.6.4 No fence, barrier or structure shall have any sharp or pointed pickets or otherwise be designed and constructed in a way that could cause injury.

4.6.5 Bollards and chain fencing is not permitted as it may create a hazard to pedestrians with visual impairments.

4.6.6 The width of any opening in the fence, used for exit or egress, shall be no greater than 2 m and no less than 1 m and shall be oriented to and open directly along the property frontage and shall not cause exit of patrons to the frontage of an adjacent business.

4.6.7 The railing, fencing, or other patio enclosure height is to be between 0.9 and 1.06 m.

4.6.8 No material may be used between any overhang and enclosure barriers.

4.6.9 Advertising and signage is not permitted to be attached to the barriers or fencing.

4.6.10 Planting of flowers and container grown vegetation shall be in planters that are easily removable from the site.

4.6.11 Planters may not exceed 0.91 m above the level of the sidewalk (not including the plant material). The total height of the plant and planter is not to exceed 2 meters (79").

4.6.12 Planters and the content within must not obstruct the public right of way, intended for the use of pedestrians, in any way.

4.6.13 All materials within the planters must be healthy and aesthetically maintained.

4.6.14 Awning or umbrella materials shall be securely fastened to a frame that is either retractable or demountable.

4.6.15 If a canopy or awning is used, it may not use supports which rest on Township street right-of-way and appropriate permits must be obtained.

4.6.16 Table umbrellas must be securely attached to tables and must not encroach into the pedestrian passageway in any way.

4.6.17 No umbrellas may be attached to the Sidewalk Patio enclosure barriers.



- 4.6.18 Materials and colours shall coordinate with the architectural elements of the building within which the business operates.
- 4.6.19 Exterior pedestrian scale lighting will only be permitted provided it is directed into the sidewalk patio to avoid casting glare on nearby properties or pedestrians.
- 4.6.20 Lighting shall not have exposed cables or energized fixtures. Electrical cords shall not be placed across the pedestrian pathway.
- 4.6.21 Outdoor heating devices will be allowed, subject to the following conditions:
  - 4.6.21.1 Heaters must not be placed within the dripline and/or closer than 2 metres from any part of adjacent street trees.
  - 4.6.21.2 Placement and appearance of the Heaters should consider the visual impact and be as unobtrusive as possible.
  - 4.6.21.3 Any heating devices should be appropriate for the use in a sidewalk patio and complement the character of the adjacent building.
  - 4.6.21.4 All outdoor heating devices must confirm to the safety standards established by the Canadian Standards Association (CSA) and certified by the Underwriters' Laboratories of Canada (ULC) where necessary.

#### 4.7 **Permit Application, Requirements and Conditions**

- 4.7.1 The Highway Use Permits for Sidewalk Patios are reviewed and approved by the Municipal Engineer or his/her designate.
- 4.7.2 The Permits are renewable on annual basis.
- 4.7.3 As part of the Highway Use Permit (Sidewalk Patio) Application the applicant is required to submit the following:
  - 4.7.3.1 A complete Highway Use Permit Application signed by the establishment's owner.
  - 4.7.3.2 A non-refundable application fee of \$25 payable to the Township of Langley.
  - 4.7.3.3 Three sets of (11" x 17") detailed drawings (drawn to scale) showing the interior floor plans as well as the proposed sidewalk patio.
  - 4.7.3.4 The floor plans are to include dimensions in metric units, the seating arrangements of the sidewalk patio as well as the interior of the establishment. Any planters, awning, umbrellas, canopies etc. are to be included and clearly labeled. Any street furniture, benches, bus stops, bus shelters, fire hydrants, street trees etc. are to be included as well as the setback distance to the perimeter of the sidewalk patio.
  - 4.7.3.5 Proof of the inclusive limit of public liability and property damage insurance, with cross liability insurance, naming the Township as insured in the amount of \$5,000,000 for each occurrence.

- 4.7.3.6 The proposed Sidewalk Patio application/proposal is to be reviewed by other Township departments, including Protective Services prior to final Permit issuance.
- 4.7.3.7 Upon finalization of the application/proposal, a \$75 annual Permit fee is required prior to the issuance of the Permit.
- 4.7.4 Each subsequent annual renewal will require a \$25 application fee and \$75 Permit fee.
- 4.7.5 Additional Inspection fees of \$25 per inspection may be charged.
- 4.7.6 The review process may take up to four (4) weeks to be completed. The review process will not start prior to submission of all required documentation.
- 4.7.7 Any missing or incorrect information will cause further delays in the review and approval process of the permit.
- 4.7.8 The approval authority lies solely with the Township and the Township may choose not to issue a Highway Use Permit.
- 4.7.9 The permit will not be valid if the establishment does not hold a valid business license for the purpose of serving food and/or beverages.
- 4.7.10 The sidewalk patio is to be removable within 24 hours if notice is given.
- 4.7.11 Where the operator of the Sidewalk Patio fails to conform to the terms and conditions of the Permit, the Township may terminate the Permit and order the removal of the Sidewalk Patio. Should the operator fail to comply with the order the Township reserves the right to take action in order to remove the sidewalk patio and charge the operator of any incurred costs.
- 4.7.12 Inspections of the site may be carried out by any Township Staff at any time. However, the Township is not obligated to carry out such inspections and these inspections do not relieve the applicant in any way, shape or form from the applicant's obligation to comply with the conditions of the Permit.
- 4.7.13 Any alterations to the Sidewalk Patio area including the addition of tables, seating, lighting, speakers, planters, umbrellas etc. will require a review of the Sidewalk Patio area Permit by the Township.
- 4.7.14 The Township and all public utility agencies retain the right of access to the approved Sidewalk Patios area for the installation, maintenance and repair of pipes, cables, wires, poles, hydrants, etc. as necessary. In case of emergency, no notice may be given. For scheduled work, a minimum notice of forty-eight (48) hours will be given. Sidewalk Patio improvements shall be removed and reinstated at the Sidewalk Patio operator's expense.
- 4.7.15 As condition of the permit, the applicant indemnifies and holds harmless the Township from all claims of any kind, however caused, whether known or unknown, arising out or in any way connected with:
  - The permission to use the public right of way for a sidewalk patio

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- The existence or use of the public right of way for a sidewalk patio
  - The construction, maintenance, existence, use or removal of the works associated with a sidewalk patio on public right of way
- 4.7.16 As a condition of the permit, the indemnity includes, without limitation, a claim for loss or injury to person or to property due to the permit applicants negligence or to the permit applicants failure to comply with Township bylaws or any one of them or with any provision in the agreement.
- 4.7.17 No finding of negligence, whether joint or several, as against the Township in favour of any third party in an action to which the permit applicant was not a party, shall operate to relieve or shall be deemed to relieve the permit applicant in any manner from any liability to the Township, whether such liability arises under the permit, under the provisions of the Local Government Act as amended from time to time.
- 4.7.18 The permit applicant releases the Township from all claims of any kind, whether known or unknown, which the permit applicant now has or at any future time may have, however caused, arising out of or in any way connected with the permission to use the public road right of way granted by the permit, the existence and use of the public sidewalk patio area, the construction, maintenance, use of removal of the associated works, or the exercise by the Township of any of its rights in the permit.



## **NEWS RELEASE**

**FOR RELEASE: May 26, 2020**

### **TOWNSHIP PATIOS OPENING TO HELP RESTART BUSINESS**

Patrons can safely sip and sample offerings from the Township of Langley's food and beverage establishments and help them recover from the financial impact of COVID-19, as the temporary expansion of outdoor patio spaces has been permitted by Township Council.

"We encourage residents to enjoy good food, a cold drink, and wonderful company that is physically distanced in the great outdoors, as we follow the four phases of BC's Restart Plan and foster our community's economic recovery," said Township of Langley Mayor Jack Froese.

During a Special Meeting held May 25, Council passed resolutions allowing for the temporary expansion of patio seating for restaurants, cafés, pubs, craft breweries, wineries, distilleries, and cideries to help businesses counter the economic hardship of the COVID-19 pandemic.

The Township is following a new policy directive set out last week by the Province of BC, regarding the temporary expansion of service areas for businesses with existing liquor licenses. Occupancy limits will not change, but the new measures will permit seating in previously unused places such as parking lots and sidewalks, where possible, to provide space for social distancing requirements.

Establishments that would like to expand patios onto private property have Council pre-approval to go ahead with their plans.

Those who want to expand patios onto public space, such as sidewalks, would require a permit from the Township's Engineering Division at 604.533.6006 or [enginfo@tol.ca](mailto:enginfo@tol.ca).

"Supporting our local businesses and helping them thrive in the new normal brought on by COVID-19 is vital to ensuring the Township of Langley's economy remains strong," said Froese. "This must be achieved with the health and safety of our residents and frontline workers as our top priority, and by adhering to guidelines laid out by the Province."

“Allowing the expansion of outdoor patio seating at Township food and beverage operations this summer will help accomplish that goal, support our economic recovery, and allow the public to experience the exceptional products and services businesses in our community have to offer,” he added.

Council also expanded the scope of where food trucks can operate. Historically, business licences were only available to mobile food vendors who were allowed to operate in municipal parks through the Park Permit process. The Township will now be accepting business licence applications for any zone where restaurant use is permitted, and issuing licences on a seasonal basis for each location where the vendor would like to operate.

Food trucks making use of the new provisions must provide food for take-out only, with no tables, chairs, or covered areas, and must comply with all bylaws.

With Phase 2 of BC’s Restart Plan underway, all businesses re-opening in the Township of Langley must have a safety plan in place, demonstrating how they are practicing proper hygiene, physical distancing, and other health and safety measures.

Local businesses that provide essential services and offer delivery, contactless pickup, and physical-distanced interactions can be found listed community by community on the Township’s **Buy Local - Open for Business** directory at [invest.tol.ca/openforbusiness](https://invest.tol.ca/openforbusiness).

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**Media Inquiries:**

For media inquiries on this or other Township of Langley topics, please submit your inquiry online at: [tol.ca/mediainquiries](https://tol.ca/mediainquiries).