MARKHAM

BY-LAW 2014-XX

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

THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM HEREBY ENACTS AS FOLLOWS:

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

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

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

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

   6.1.1 place, install, operate or maintain a *Boulevard Patio* on a *highway* without having obtained a *Road Occupancy Permit* pursuant to this by-law;

   6.1.2 place, install, operate or maintain on a *highway* within the *City* a *Boulevard Patio* at a location that is not approved by the *Director* or installed in a manner that is not in conformity with the requirements established by the *Director*;

   6.1.3 place, install, operate or maintain on a *highway* within the *City* a *Boulevard Patio* that is not in conformity with the size, dimension and other technical or physical requirements established by the *Director;*

   6.1.4 place, install, operate or maintain on a *highway* within the *City* a *Boulevard Patio* that is not maintained in accordance with the maintenance requirements established by the *Director,*

6.1.5 place, install, operate on a *highway* within the *City* a *Boulevard Patio* in contravention of the terms and conditions of the *Road Occupancy Permit* and requirements established by the *Director*;

6.1.5 place, install, operate or maintain on a *highway* within the *City* a *Boulevard Patio* prior to April 1st each year and use or maintain a *Boulevard Patio* past October 31st each year;

6.1.6 allow the encroachment of any furniture, umbrella, post or any other equipment within a *Boulevard Patio* past the approved barriers or the area of encroachment as established by the *Director*;

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

6.2.1 the placement, installation and maintenance of a *Boulevard Patio* does not comply with all requirements, terms and conditions contained in a *Road Occupancy Permit*, this by-law or any policy established by the *Director* regulating *Boulevard Patios* and a *Road Occupancy Permit* and the non compliance is not cured by the permit holder within forty-eight (48) hours of the City advising the permit holder of such non-compliance;

6.3 The *Director* may, at the sole expense of the applicant, and in accordance with a policy established by the *Director* regulating *Boulevard Patios*, require the temporary relocation of a *Boulevard Patio*, *or* suspension or revocation of a permit if such temporary relocation of a *Boulevard Permit* or suspension of revocation of a *Road Occupation Permit* is necessary for:

6.3.1 the interests of pedestrian, vehicular or public safety;
6.3.2 to accommodate a special event; or
6.3.3 to accommodate the construction, maintenance or repair of a *highway*, transit facilities or a public utility or service.

3. That Schedule 'A' to Road Occupancy By-law 2013-136 be amended by adding the following new fees:

28	Boulevard Patio- Permit Fee for a new application	$375	Fee for initial review of application or in subsequent years when changes to a patio configuration are requested
29	Boulevard Patio- Renewal of Permit Fee	$250	Annual fee to renew a permit that was active in the prior year when no changes to configuration are requested
30	Boulevard Patio- Encroachment Fee	$35/m²	Annual fee in addition to permit fee for each m² of public land occupied by the Patio

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
OF, 2014.

K. KITTERINGHAM, CITY CLERK   FRANK SCARPITTI, MAYOR