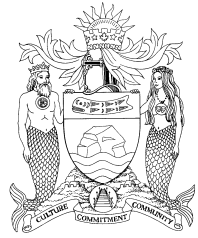


THE CORPORATION OF THE
CITY OF WHITE ROCK
CORPORATE REPORT



DATE: July 13, 2020
TO: Mayor and Council
FROM: Carl Isaak, Director of Planning and Development Services
SUBJECT: Consideration of Liquor Consumption at Memorial Park Plaza

RECOMMENDATION

THAT Council direct staff to distribute the corporate report, titled “Consideration of Liquor Consumption at Memorial Park Plaza” to the COVID-19 Recovery Task Force for consideration at its meeting on July 14, 2020, and to seek recommendations from the Task Force.

EXECUTIVE SUMMARY

At the Special Council Meeting on June 1, 2020, Council was presented with an on-table letter from the White Rock Business Improvement Associated (BIA) supportive of allowing liquor consumption in public places to support and enhance outdoor dining, along with an associated draft motion from staff for Council’s consideration. The motion, which was approved, directed staff to prepare a bylaw to allow for the consumption of liquor in Memorial Park plaza and obtain input from the COVID-19 Recovery Task Force on the initiative. Council also received a separate on-table draft motion on acquiring and installing picnic tables on public property, including Memorial Park plaza.

Council discussion at the June 1, 2020 meeting, indicated a desire for further details on both topics, and subsequently on June 8, 2020, a corporate report on the purchase of picnic tables was received and approved. In that corporate report it was noted that there were concerns regarding enforcement of liquor consumption in outdoor public areas, and that Council may consider the liquor consumption in the future through the establishment of a bylaw under section 73 of the *Liquor Control and Licensing Act*.

The COVID-19 Recovery Task Force had its first meeting on June 30, 2020, and its next meeting is July 14, 2020. As one of the purposes for allowing liquor consumption in public places is to support take-out operations for restaurants in the City, staff suggest that it would be appropriate for the Task Force to provide input on this potential bylaw before Council considers adoption.

If Council is supportive of moving forward in consulting with the Task Force and consider a draft bylaw, which is subsequently approved, staff recommend that public input and observations on the initiative be sought through online feedback at www.talkwhiterock.com, and that the White Rock RCMP be requested to provide a monthly summary of issues related to this initiative to the Director of Planning and Development Services.

PREVIOUS COUNCIL DIRECTION

Resolution # and Date	Resolution Details
June 1, 2020 2020-323	THAT Council direct staff to bring forward a bylaw to allow for the consumption of liquor in Memorial Park plaza, and that the COVID-19 Recovery Task Force be requested to consider recommending additional potential public places that may be appropriate for allowing consumption of liquor.
June 8, 2020 2020-336	THAT Council direct staff to acquire and install picnic tables and benches for outdoor public use, focusing on the plaza at Memorial Park as well as other appropriate locations in East Beach and the Uptown area, using \$10,000 from operating contingency for the picnic tables and benches, and expand the outdoor seating program if further donations are received from partners.

INTRODUCTION/BACKGROUND

The purpose of this corporate report is to provide Council with a draft bylaw that would enable the legal consumption of liquor in specified outdoor public areas. The Memorial Park plaza area was recommended, as it located in close proximity to restaurants and accessible public washroom facilities, and has successfully hosted special events in the past which have included beer gardens.

During the COVID-19 pandemic, this type of initiative has been considered in other communities to both support businesses operating under a take-out model as well as allow residents with limited access to outdoor space, a place to socialize while drinking alcohol in a responsible manner. The letter from the White Rock BIA in support of this concept is attached to this corporate report as Appendix A. A report from the City of North Vancouver on this topic is attached to this corporate report as Appendix B, and a draft bylaw based on the City of North Vancouver's approach is attached to this corporate report as Appendix C. For discussion purposes, the draft bylaw includes parameters for hours of permitted consumption from 4:00 p.m. to 9:00 p.m. (intended to facilitate liquor consumption primarily as a component of outdoor dining), whereas the City of North Vancouver's bylaw allows consumption from 11:00 a.m. to 9:00 p.m.

Given the context of the COVID-19 pandemic, it is recommended that prior to Council giving any readings to the draft bylaw, that input from the City's COVID-19 Recovery Task Force be solicited, on aspects of the program such as:

- Hours of permitted consumption;
- Signage, and appropriate boundaries for the permitted area;
- Rules for the use of the space in a City park (enforceable under the Parks Regulation Bylaw section 2(w) with a \$100 fine), such as only permitting non-glass containers;
- The potential to deploy a plaza host/ambassador that could:
 - Provide time limits for table use;
 - Remind patrons of physical distancing between tables and prevent crowding;
 - Direct patrons to garbage and recycling facilities and washrooms;

- Ensure the use of non-glass containers;
- Play soft recorded music; and
- Set up and remove umbrellas;
- Public health implications; and
- Other appropriate locations if the initial program is successful and the COVID-19 physical distancing orders remain in place.

It is noted that the COVID-19 Recovery Task Force includes representation from the Fraser Health Authority, which would provide valuable public health perspective on this program.

Public Consultation and Ongoing Monitoring

If Council approves the consumption of alcohol in a public outdoor area, staff recommend that public input and observations on the initiative be sought through online feedback at www.talkwhiterock.com.

Staff further recommend that the White Rock RCMP be requested to provide a monthly summary of issues related to this initiative to the Director of Planning and Development Services, which they have indicated they are able to do.

Both the public and RCMP feedback would be summarized in a future report to Council in the fall 2020, which could allow Council to cancel or modify the program if there are concerns.

FINANCIAL IMPLICATIONS

If the initiative proceeds, additional recycling bins will be located nearby areas where liquor consumption is permitted, in order to reduce the amount of recyclable containers entering the garbage stream or being littered on the waterfront or sidewalks. A small amount of signs would also be required by legislation to mark the area where liquor consumption is permitted.

LEGAL IMPLICATIONS

Section 73 of the *Liquor Control and Licensing Act* and section 197 of the *Liquor Control and Licensing Regulation* enables local governments to identify public areas where consumption of liquor is permitted.

Section 74 of the *Liquor Control and Licensing Act* prohibits intoxication in a public place, and would remain enforceable by a peace officer if consumption of liquor is permitted. These sections of the act and regulation are attached to this report as Appendix D.

COMMUNICATION AND COMMUNITY ENGAGEMENT IMPLICATIONS

If Council approves the consumption of alcohol in a public outdoor area, staff recommend that public input and observations on the initiative be sought through online feedback at www.talkwhiterock.com, in addition to writing to staff by email or letter. This online feedback can be formatted as on online message board where poster's comments are visible to other users, or in a way that comments are only visible to staff.

Following consideration by the COVID-19 Recovery Task Force, staff would provide further details regarding public opportunities for sharing their input and observations.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS

The Detachment Commander of the White Rock RCMP provided the following comments on

this proposal:

We have a concern with the public perception of a bylaw allowing for consumption of liquor in a public place that may be interpreted as "all public places." We are supportive of a primary food service business that also sells liquor with food to extend the limits of their liquor consumption area into a nearby defined public area. The hours of consumption and the nature of the consumption with a meal are important to emphasize, as well that it is an accompaniment to a meal and not a primarily liquor consumption area or have the appearance of a beer garden. It is also suggested that liquor be served in non-glass containers if this bylaw is approved. The act of people purchasing food and liquor, then taking this to another non-designated public area may be problematic to control and give the impression that public consumption is widely accepted when not controlled. The RCMP will not have the capacity to monitor the compliance of a designated liquor consumption area with any effectiveness, and can only do so on a sporadic basis.

CLIMATE CHANGE IMPLICATIONS

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES

This pilot program is not directly related to any of Council's 2018-2022 Strategic Priorities, and was initiated by a letter from the White Rock BIA on June 1, 2020.

The Marine Drive Task Force, which is a Council Strategic Priority, ended their term earlier this year. The Task Force's mandate included business viability.

OPTIONS / RISKS / ALTERNATIVES

The following options are proposed for Council's consideration:

1. Council can choose to give three readings to the draft bylaw tonight and forward the bylaw to the COVID-19 Recovery Task Force, which would accelerate the program (allowing for final adoption on July 27, 2020) and also give the opportunity for the Task Force to provide additional recommendations on the parameters of the program.
2. Council can choose to not refer the draft bylaw to the COVID-19 Recovery Task Force and proceed with giving readings to the draft bylaw without obtaining their input, which would accelerate the program but potentially result in an oversight in the program parameters that could have been avoided through review by the Task Force.
3. Council may also choose to not proceed with allowing liquor consumption in at Memorial Park plaza.

CONCLUSION

During the COVID-19 pandemic, some communities in BC are considering allowing consumption of liquor in specified outdoor public areas to provide for additional space to socialize with friends in a safer manner than inside a building, and to support restaurants that have had to shift to a business model more reliant on take-out customers due to reduced capacity in their establishments. The White Rock BIA has requested that Council consider allowing liquor consumption in public places, and staff have drafted a bylaw which could be used to enable this. The Memorial Park plaza area is recommended as it located in close proximity to restaurants and accessible public washroom facilities, has successfully hosted special events in the past which

have included beer gardens, and has recently installed picnic tables to facilitate an outdoor dining experience.

Staff recommend that the draft bylaw and this corporate report be referred to the COVID-19 Recovery Task Force for input on July 14, 2020, so that Council may consider their feedback and potentially provide three readings of the enabling bylaw on July 27, 2020. Consideration of final adoption would be possible at next scheduled Regular Council Meeting on September 9, 2020.

Respectfully submitted,



Carl Isaak, MCIP, RPP
Director, Planning and Development Services

Comments from the Chief Administrative Officer:

I concur with the recommendation of this corporate report.



Guillermo Ferrero
Chief Administrative Officer

- Appendix A: Letter from the White Rock BIA dated June 1, 2020
- Appendix B: Report on the Public Consumption of Alcohol from the City of North Vancouver dated May 26, 2020
- Appendix C: Draft Bylaw Regarding Public Consumption of Liquor
- Appendix D: Sections 73 and 74 of *Liquor Control and Licensing Act*, and Section 197 of *Liquor Control and Licensing Regulation*

APPENDIX A

Letter from the White Rock BIA dated June 1, 2020



White Rock Business
Improvement Association

June 1 2020

To: Mayor Walker & Councillors
City of White Rock

Re: Liquor in White Rock Public Spaces

Dear Mayor & Council:

I hope that you and your families are safe and healthy during these challenging times.

As you're aware, businesses are struggling during the Covid-19 pandemic. In particular, restaurants are challenged by strict capacity limitations that severely limit their potential revenues. While the Provincial policy guidelines around patio extensions will help, additional measures are needed for restaurants to survive the pandemic.

To that end, the White Rock Business Improvement Association requests that the City of White Rock use Section 73.2 of the Liquor Control and Licensing Act to allow for consumption of liquor in designated public spaces around White Rock.

Many White Rock restaurants have shifted their business models to offer take-out, and many of our community are now enjoying takeout in public places. However, alcoholic beverages are typically the highest margin items, and restaurants depend on their sale to meet expenses. Designating public spaces where alcohol could be consumed would allow customers to enjoy an alcoholic beverage with their take-out, thus increasing the effective potential revenues of the restaurants. This would help restaurants survive this very challenging business environment.

There are several public spaces around White Rock that would be suitable to be designated, and would allow restaurants in each district of our community to be supported. The allowed spaces could be delineated by public picnic tables and/or seating areas, an idea that has picked up steam in our community.

Designating public spaces would in no way change the laws around public intoxication or the bylaws around noise and public space schedules. All it would do is make it legal for customers enjoy an alcoholic beverage in, say, Memorial Park in the same way that they would across the street on the patio of, say, Uli's Restaurant or Charlie Don't Surf.



White Rock Business
Improvement Association

The White Rock BIA would be thrilled to work with City of White Rock Council & Staff to identify appropriate areas around our community, and to help communicate the changes and regulations to our members and the public-at-large. This is a powerful, virtually cost-free way to support White Rock restaurants that is directly under the City of White Rock's purview.

Thank you for your consideration of our request. Please reach out to me should you have any questions or wish to discuss this further.

Kind Regards,

A handwritten signature in blue ink, appearing to read "Alex Nixon". The signature is fluid and cursive, with a long horizontal stroke extending to the right.


Alex Nixon
Executive Director,
White Rock BIA
alex@whiterockbia.com

cc:
Guillermo Ferrero, CAO, City of White Rock
Carl Isaak, Director of Planning, City of White Rock

APPENDIX B

Report on the Public Consumption of Alcohol from the City of North Vancouver dated May 26, 2020



 Department Manager	 Director	 CAO
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The Corporation of **THE CITY OF NORTH VANCOUVER**
COMMUNITY & PARTNER ENGAGEMENT DEPARTMENT

REPORT

To: Mayor Linda Buchanan and Members of Council

From: Paul Duffy, Manager, Bylaw Services
L. R. Orr, Deputy Director, Community and Partner Engagement

Subject: CONSUMPTION OF LIQUOR IN A PUBLIC PLACE BYLAW

Date: May 26, 2020 File No: 09-3900-02-0001/2020

The following is a suggested recommendation only. Refer to Council Minutes for adopted resolution.

RECOMMENDATION

PURSUANT to the report of the Manager, Bylaw Services and Deputy Director, Community and Partner Engagement, dated May 26, 2020, entitled "Consumption of Liquor in a Public Place Bylaw":

THAT Bylaw 8781, a Bylaw to establish "Consumption of Liquor in a Public Place Bylaw" be considered.

ATTACHMENTS

1. Liquor Control and Licensing Act Section 73 (Doc [#1914227](#))
2. Liquor Control and Licensing Regulations Section 197 (Doc [#1914229](#))
3. Consumption of Liquor in a Public Places Bylaw, Bylaw No. 8781 (Doc [#1913836](#))

SUMMARY

On May 11th, 2020, Council resolved:

THAT staff be directed to develop an expedited outdoor dining process to expand temporary patios into public spaces and report back on the feasibility of the consumption of liquor in certain public spaces for safe, informal public dining.

This report responds to Council's resolution and provides Council with a draft Bylaw for consideration to designate certain public places as places where liquor may be consumed.

Document Number: 1913835

REPORT: Consumption of Liquor in a Public Place Bylaw
Date: May 26, 2020

BACKGROUND

The emergence of COVID-19 as a public health emergency by the World Health Organization has led to a number of precautionary measures such as quarantines, physical distancing or in some cases total lockdown in regions or countries around the world. Anxiety, as well as loneliness, are some of the mental health consequences that will persist long after the pandemic ends. The increased feelings of depression and stress, especially during a time of uncertainty, may have serious impacts on public health, increasing people's vulnerability to poor health and weakening society as a whole. Social isolation should not become a norm, even if some specific circumstances require physical distancing.

The rapid implementation of physical distancing was necessary to flatten the coronavirus curve and prevent the current pandemic from worsening. Just as the coronavirus fallout threatens to cause economic uncertainty, it also may cause a collapse in social contact among our residents. Utilizing public places is a central part of moving forward and getting people out of their residence, which in turn will support local businesses.

DISCUSSION

British Columbia has announced a four phased "Restart Plan" which will involve the government lifting restrictions on the community and businesses in phases, gradually allowing for more social and economic activity. The City wants to support and contribute to rebuilding an economically thriving and sustainable economy while complying with the "Restart Plan" and Provincial Health Orders. The City also recognizes that public spaces enhance community and creating shared social spaces could reduce loneliness. These are strong social and economic arguments that the City can influence through policy and Bylaws.

To minimize a resurgence in infection and to recover equitably, the City must think more about how all kinds of outdoor, everyday spaces can fulfill people's daily needs. One option would be to permit the public consumption of liquor in certain public places to provide residents with the opportunity for an informal, safe outdoor place to socialise with family and friends while supporting local businesses.

The Liquor Control and Licensing Act, Section 73 (Attachment # 1) and the Liquor Control and Licensing Regulations, Section 197 (Attachment # 2) allow municipalities to designate by Bylaw, a public place, or part of it where liquor may be consumed. The Bylaw does not require a Public Hearing but does require that a public place(s) be designated, the hours during which liquor may be consumed must be indicated and the boundaries of the designated public space must be identified by posting signage.

Designating public places to consume liquor requires careful management and oversight. The City will have a significant role in supporting this initiative but it also relies on people adopting, using and managing the public place with regard to physical distancing and respectful consumption of liquor.

REPORT: Consumption of Liquor in a Public Place Bylaw
Date: May 26, 2020

Other than the Province of Quebec, no other province has permitted people to consume liquor in public. In 2018, the City of Vancouver began to consider consuming liquor in their parks and beaches, however the initiative was stalled as most parks and beaches fall under the jurisdiction of the Vancouver Board of Parks and Recreation ("Parks Board"). Further work was required to confirm that the Parks Board could enact a bylaw under the Liquor Control and Licensing Act. Staff understand that the City of Vancouver and the Parks Board are continuing to pursue this initiative. There is no other municipality in BC that has enacted a bylaw pursuant to this legislation.

When used in moderation, liquor consumption can be enjoyable for people and facilitate social interaction. Allowing public consumption of liquor in public spaces would be a significant shift in liquor policy in the City and the City would be the first municipality in British Columbia to permit public consumption of liquor. Under normal circumstances, this shift in policy would include consultation with the community, health officials and our enforcement partners, however, these are not normal times.

Staff have consulted with the RCMP and received the following comments and recommendations:

- They want to support the community and businesses rebuild economic and social activity and recommends that this initiative start as a small pilot
- They believe this initiative will result in more calls for service
- They will provide on-going feedback and statistics on calls for service at any of the designated locations
- They recommend that washroom facilities and park maintenance be available/enhanced
- They recommend that any designated area not be located near schools

This is an opportunity to provide informal, safe outdoor places for family and friends to socialize while supporting local businesses. This initiative will form a part of the City's economic recovery efforts along with the Open Streets Action Plan and the Temporary Patio Expansion Initiative.

This initiative is also consistent with the Principles for Adaptation and Recovery that guided the Pandemic Scenario Planning work that Council adopted on May 25, 2020:

1. Put People First

Actions and decisions should focus on equitably protecting the safety and well-being of City residents, businesses and visitors.

This initiative provides residents, particularly the majority of our residents who live in multi-family housing and don't have access to yards, with the opportunity to safely socialise outdoors with family and friends where physical distancing can be maintained.

2. Increase Our Resilience

Actions and decisions should aim to increase the City's resiliency to effectively respond to future shocks and impacts.

REPORT: Consumption of Liquor in a Public Place Bylaw
Date: May 26, 2020

This initiative supports food and beverage businesses, particularly businesses that are not able to have outdoor patios due to street or property limitations, by creating more business opportunities and thus supporting the recovery of our local economy.

3. Play to Our Strengths

Actions and decisions should focus on what the City has influence and authority over and draw on partnerships and collaboration as much as possible.

Municipalities have limited opportunities to support local businesses due to legislative and financial restrictions. This is one action the City has influence and authority over that can help businesses while at the same time provide social support to our residents.

4. Think Outside the Box

Actions and decisions should draw on innovative ideas and make use of pilots to facilitate quick actions.

This initiative has never been implemented in BC and as a time limited pursuit, allows the City to test out an innovative idea that will support a struggling economy. Monitoring of the initiative will provide information for Council to evaluate its effectiveness and consider possible extension of the pilot.

5. Support Longstanding Goals

Actions and decisions should not compromise the City's ability to achieve key strategic goals and objectives.

The inclusion of Lonsdale Avenue in this proposed Bylaw is consistent with the Open Streets Action Plan and the Temporary Patio Expansion initiative. Both of these initiatives provide opportunities to reallocate City streets and rights-of-way using temporary measures to quickly and cost-effectively provide improved access to business services while facilitating the health and safety of residents through design considerations for physical distancing. The Open Streets Action Plan will identify areas on Lonsdale Avenue that will benefit from City managed temporary parklets (areas where physical restrictions do not allow individual business to have patios). Including Lonsdale Avenue in this Bylaw allows the City to designate these parklets for public consumption of liquor through signage thus allowing people to purchase take out food and liquor from area restaurants and have their meals on these parklets.

Staff therefore recommend the following:

1. That this be a pilot project ending on October 15, 2020 which will include an evaluation and report back to Council;
2. Council must designate the public places by Bylaw to clearly state where liquor may be consumed;
3. Consumption of liquor can occur between the hours of 11:00am to 9:00pm, seven days a week in designated public places;
4. Enforcement of procedures and penalties regulated by the RCMP pursuant to the provisions of the Liquor Control and Licensing Act;

REPORT: Consumption of Liquor in a Public Place Bylaw
Date: May 26, 2020

5. Signage be used to identify boundaries of specific locations within designated public spaces and to provide information on hours when liquor may be consumed; and
6. Ongoing community and RCMP feedback on the initiative through web-based submissions to be reported back to Council at the end of the pilot as part of an evaluation.

The areas designated in Schedule "A" of proposed "Consumption of Liquor in Public Place Bylaw" No. 8781 were identified through consultation with Engineering, Parks and Environment staff, the RCMP and the City's Financial Recovery Task Force. The criteria staff considered in determining which areas to recommend included:

- proximity to washrooms
- proximity to food and beverage businesses
- proximity to multi-family housing
- open/accessible areas busy with people which promotes prosocial behaviour
- areas popular for picnicking
- a mix of soft and hard landscaped areas

In order to add or remove a designated area, a Bylaw amendment must be brought before Council.

FINANCIAL IMPLICATIONS

Currently, washroom facilities in the City are closed between 7pm and at 10pm, depending on the location. During a normal summer, the busiest locations close at 11:00pm. If this Bylaw is adopted, staff may need to review the opening hours of public washrooms which may have some cost implications.

Parks staff have seen a significant increase in litter in parks due to restaurant take-out containers and a general increase in attendance. Staff expect this initiative will add to the litter in parks which may require more garbage collections. Any additional resources required for garbage collection can be charged to the Eco Levy under the Solid Waste Utility Reserve so it won't impact the operating budget.

Signage to delineate the areas will cost approximately \$7500 for printing and installation.

The need for additional RCMP and Bylaw resources are not known at this time but staff will be monitoring the designated areas as part of regular shift patrols.

INTER-DEPARTMENTAL IMPLICATIONS

This report has had input from the RCMP, Engineering Parks and Environment, City Solicitor, Shipyard Commons staff and the City's Financial Recovery Task Force. Staff also discussed the report with the Policy Section of the Liquor and Cannabis Regulation Branch.

REPORT: Consumption of Liquor in a Public Place Bylaw
Date: May 26, 2020

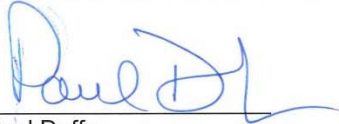
STRATEGIC PLAN, OCP OR POLICY IMPLICATIONS

People who have easy access to safe and verdant outdoor space are going to feel more comfortable in public. This Bylaw would be a responsible, progressive way to increase the enjoyment of public space users and could assist in changing the culture around liquor. The goal is to promote practices that encourage moderate consumption of liquor in a social setting. The Bylaw will be an important tool for influencing the social norms around drinking behaviours, while increasing the utilization of our parks to enhance the mental health of our residents and support our local businesses.


This initiative is consistent with the following Council Strategic Plan priorities:

- A City for People
- A Liveable City
- A Vibrant City
- A Prosperous City

RESPECTFULLY SUBMITTED:



Paul Duffy
Manager, Bylaw Services



L.R. Orr
Deputy Director, Community and Partner Engagement

THE CORPORATION OF THE CITY OF NORTH VANCOUVER
BYLAW NO. 8781

A Bylaw to establish "Consumption of Liquor in Public Places Bylaw"

The Council of The Corporation of the City of North Vancouver, in open meeting assembled, enacts as follows:

1. This Bylaw shall be known and cited for all purposes as "**Consumption of Liquor in Public Places Bylaw, 2020, No. 8781**".

2. Definitions

In this bylaw:

"Boulevard" has the meaning ascribed to it in "Street and Traffic Bylaw, 1991, No. 6234";

"Bylaw Enforcement Officer" means an individual who has been designated as a bylaw enforcement officer pursuant to "Bylaw Notice Enforcement Bylaw, 2018, No. 8675";

"Bylaw Notice Enforcement Bylaw" means the City of North Vancouver "Bylaw Notice Enforcement Bylaw, 2018, No. 8675";

"City" means the Corporation of the City of North Vancouver;

"City Property" means a parcel, lot, block, strata lot, public park or other area of land that is located in the City of North Vancouver and which is either owned or occupied by the City, or in which the City has vested interest pursuant to a statute, and includes a Highway;

"Highway" has the meaning ascribed to it in "Street and Traffic Bylaw, 1991, No. 6234" and, for greater certainty, includes Lanes, Boulevards, Sidewalks and Roadways;

"Liquor" means, subject to the Liquor Control and Licensing Regulations, beer, wine, spirits or other product that is intended for human consumption and that contains more than 1% of alcohol by volume;

"Liquor Control and Licensing Act" means the *Liquor Control and Licensing Act*, SBC 2015, Chapter 19, as amended;

"Liquor Control and Licensing Regulations" means the Liquor Control and Licensing Regulation, B.C. Reg.241/2016, as amended;

"Peace Officer" means an officer as defined in the Police Act or a member of the Royal Canadian Mounted Police who is deemed to be a provincial constable under the Police Act;

"Permitted Space" means a Public Place or part of a Public Place that has been designated by Council by this Bylaw as a place where liquor may be consumed, but does not include a building, structure, vehicle or other installation within the Public Place unless this has been specifically designated by Council in this Bylaw;

“Public Place” includes a place, building or vehicle to which the public is invited or has or is allowed access;

“Sidewalk” has the meaning ascribed to it in “Street and Traffic Bylaw, 1991, No. 6234”;

“Sign” has the meaning ascribed to it in the “Sign Bylaw, 1992, No. 6363”;

3. Designation of Permitted Spaces / Hours

A. The Public Places or parts thereof listed in Schedule A to this Bylaw and further identified by signage posted in accordance with this Bylaw are hereby designated as Permitted Spaces where liquor may be consumed.

B. The hours that liquor may be consumed in any of the Permitted Spaces are from 11:00am to 9:00pm, seven (7) days a week.

C. Liquor may not be consumed in parts of Public Places that are outside of the boundaries of the Permitted Spaces identified by signage posted in accordance with this Bylaw.

4. Sign Specifications

A. The City Engineer or their delegate must post signs setting out the boundaries of each Permitted Space and the hours during which liquor may be consumed in the Permitted Space.

B. Signs posted in Permitted Spaces designating where liquor may be consumed must:

- (1) be a consistent size of 24 inches by 36 inches;
- (2) have at least four (4) signs to designate the boundaries of the Permitted Space;
- (3) state the hours that liquor may be consumed; and,
- (4) be posted on posts or affixed to other items forming the boundary of the Permitted Space.

5. Enforcement

Offences set out in the Liquor Control and Licensing Act will apply to persons in violation of this Bylaw.

6. Offences and Penalties

A Person who contravenes any provision of this Bylaw or does any act or thing which contravenes any provision of this Bylaw.

7. Severability

If any part, section, subsection, clause or sub-clause of this Bylaw is, for any reason, held to be invalid by the decision of a court of competent jurisdiction, it will be severed and the validity of the remaining provisions of this Bylaw will not be affected.

READ a first time on the <> day of <>, 2020.

READ a second time on the <> day of <>, 2020.

READ a third time on the <> day of <>, 2020.

ADOPTED on the <> day of <>, 2020.

MAYOR

CITY CLERK

APPENDIX C

Draft Bylaw Regarding Public Consumption of Liquor

The Corporation of the CITY OF WHITE ROCK BYLAW 2349



A Bylaw to establish "Consumption of Liquor in Public Places Bylaw"

The CITY COUNCIL of the Corporation of the City of White Rock, in open meeting assembled, ENACTS as follows:

1. This Bylaw may be cited for all purposes as the "Consumption of Liquor in Public Places Bylaw, 2020, No. 2349".

2. **INTERPRETATION:**

In this bylaw:

"City" means the Corporation of the City of White Rock;

"Highway" has the meaning ascribed to it in "Street and Traffic Bylaw, 1999, No. 1529," and, for greater certainty, includes Boulevards, Lanes, Roadways and Sidewalks;

"Liquor" means, subject to the Liquor Control and Licensing Regulations, beer, wine, spirits or other product that is intended for human consumption and that contains more than 1% of alcohol by volume;

"Liquor Control and Licensing Act" means Liquor Control and Licensing Act, SBC 2015, Chapter 19, as amended;

"Liquor Control and Licensing Regulations" means the "Liquor Control and Licensing Regulation, B.C. Reg. 241/2016, as amended;

"Permitted Space" means a Public Place or part of a Public Place that has been designated by Council by this Bylaw as a place where liquor may be consumed, but does not include a building, structure, vehicle or other installation within the Public Place unless this has been specifically designated by Council in this Bylaw;

"Public Place" includes a place, building or vehicle to which the public is invited or has or is allowed access;

"Sidewalk" has the meaning ascribed to it in the "Street and Traffic Bylaw, 1999, No. 1529;"

"Sign" has the meaning ascribed to it in the "White Rock Sign Bylaw, 2010, No. 1923."

3. DESIGNATION OF PERMITTED SPACES / HOURS

- a. The Public Places or parts thereof listed in Schedule A to this Bylaw and further identified by signage posted in accordance with this Bylaw are hereby designated as Permitted Spaces where liquor may be consumed.
- b. The hours that liquor may be consumed in any of the Permitted Spaces are from 4:00pm to 9:00pm, seven (7) days a week.
- c. Liquor may not be consumed in parts of Public Places that are outside of the boundaries of the Permitted Spaces identified by signage posted in accordance with this Bylaw.

4. SIGN SPECIFICATIONS

- a. The City Engineer or their delegate must post signs setting out the boundaries of each Permitted Space and the hours during which liquor may be consumed in the Permitted Space.
- b. Signs posted in Permitted Spaces designating where liquor may be consumed must:
 - (1) be a consistent size of 0.6 metres (24 inches) by 0.9 metres (36 inches);
 - (2) have at least four (4) signs to designate the boundaries of the Permitted Space;
 - (3) state the hours that liquor may be consumed; and,
 - (4) be posted on posts or affixed to other items forming the boundary of the Permitted Space.

5. SEVERABILITY

If any section, clause, sub-clause or phrase of this bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this bylaw.

RECEIVED FIRST READING on the _____ day of _____, 2020

RECEIVED SECOND READING on the _____ day of _____, 2020

RECEIVED THIRD READING on the _____ day of _____, 2020

RECONSIDERED AND FINALLY ADOPTED on the _____ day of _____, 2020

Mayor

Director of Corporate Administration

SCHEDULE "A"



APPENDIX D

Sections 73 and 74 of *Liquor Control and Licensing Act*, and Section 197 of *Liquor Control and Licensing Regulation*

Liquor Control and Licensing Act

Unlawful possession or consumption of liquor

73 (1) A person must not consume liquor, or possess liquor in an open container, in a place other than

- (a) a residence,
- (b) a private place,
- (c) a service area in respect of which a licence, authorization or permit allows consumption,
- (d) as provided under section 11,
- (e) as provided under subsections (2) to (4) of this section,
- (f) an assisted living residence, community care facility, hospital or other prescribed facility as provided in section 9, or
- (g) in a liquor store as allowed under the [*Liquor Distribution Act*](#).

(2) Subject to subsection (3) and the regulations, a public place, or part of it, may be designated, by a bylaw of the municipality or regional district that has jurisdiction over the public place, as a place where liquor may be consumed.

(3) A bylaw under subsection (2) must contain the hours during which liquor may be consumed.

(4) Without limiting subsection (2), regulations under that subsection may provide that a bylaw referred to in that subsection may not designate

- (a) a specified public place, or
- (b) a specified public place for a specified period of time.

Intoxication in public place

74 (1) A person who is intoxicated must not be or remain in a public place.

(2) A peace officer may arrest, without a warrant, a person whom the peace officer believes on reasonable grounds is contravening subsection (1).

Liquor Control and Licensing Regulation

Content of bylaws

197 A bylaw of a municipality or regional district under section 73 (2) of the Act designating a public place as a place where liquor may be consumed must

- (a) require the person responsible for the public place to post signs setting out
 - (i) the boundaries of the public place, and
 - (ii) the hours that liquor may be consumed, and
- (b) describe the number and size of the signs and how they are to be posted.