



City of Port Moody

Report/Recommendation to Council

Date: July 13, 2022
Submitted by: General Manager of Community Services
Subject: Bylaw to Designate Certain Public Places for the Responsible Consumption of Liquor Outdoors

Purpose

To seek Council direction on the implementation of a pilot program and bylaw permitting responsible liquor consumption in Port Moody Public Places commencing the summer of 2022.

Recommended Resolution(s)

THAT City of Port Moody Responsible Consumption of Liquor in Public Places Bylaw, 2022, No. 3375 be read a first, second, and third time as recommended in the report dated July 13, 2022 from the Community Services Department regarding Responsible Consumption of Liquor in Public Places;

AND THAT staff be directed to implement a pilot program to allow for the responsible consumption of liquor in public places commencing upon adoption of Bylaw No. 3375;

AND THAT staff be directed to report back in January 2023 with an evaluation of the pilot program and recommended next steps.

Background

Public parks and spaces play a critical role in the mental and physical wellness of the community. During the COVID-19 pandemic, we experienced a significant increase in the use of our park system as the community sought activity through outdoor spaces. As COVID-19 restrictions eased, the parks continued in popularity as they provided a safe environment for the community to reconnect and engage socially.

Some Metro Vancouver municipalities have introduced bylaws allowing for the responsible consumption of liquor in parks and their experience has been positive and supported by residents and local business.

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At the Council meeting on June 28, 2022, the following resolution was passed:

RC22/217-220

THAT staff report back with a proposed bylaw for a pilot project that allows for the responsible consumption of alcohol in public spaces;

AND THAT this bylaw not include any School District No. 43 joint parks;

AND THAT there be a 'no-go' zone established of 10 meters from playground equipment;

AND THAT staff implement this bylaw for summer 2022 and report back in January 2023 regarding impacts, and recommendations for any potential amendments;

AND THAT staff report back with options for discreet consumption of alcohol.

Discussion

The City of Coquitlam recently conducted a scan of Lower Mainland Municipalities and found that most had completed a pilot project that limited the responsible consumption of liquor to certain parks and away from playgrounds or areas primarily used by children and youth.

Although Coquitlam is permitting liquor consumption at parks city-wide, staff suggest that the 2022 pilot program be implemented at a select number of public places in Port Moody, including key City parks; starting with a smaller number of sites is also recommended by Fraser Health. Recommended sites permitting responsible consumption of liquor from 11am to dusk are as follows:

- Rocky Point Park
- Old Orchard Park
- Pioneer Memorial Park (excluding the Labyrinth Healing Garden)
- Kyle Centre pop-up park
- Trasolini Field spectator stands
- Inlet Field spectator stands
- Queens Street Plaza

These sites provide a range of geographic locations across the City, in proximity to washrooms as one key consideration, and can be adjusted in 2023 based upon feedback and experience with the 2022 pilot. Neighbourhood parks are not recommended for the pilot program, particularly because the tight timeline does not allow for the required resident engagement. The pilot program also excludes property owned, leased or licensed to the City by the Coquitlam School District #43. Based on legal advice, permitting liquor at all public spaces, such as including sidewalks and trails, is not practical due to signage requirements.

Maps have been created in Schedule A of the Bylaw that outline the permitted spaces in the above sites within which responsible consumption of liquor can occur. A 10m buffer zone has been provided around children's play areas, with the exception of Old Orchard Beach due to the inclusion of the picnic shelter area.

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The Port Moody Police Department did not communicate any concerns with proceeding with this pilot program but recommended that alcohol consumption not be permitted on any of the City's trails. Dealing with issues on the trail system would be a safety concern for responders. During the summer months, the City has Park Hosts and Bylaws staff that can support the implementation of this new pilot program. Ticketing by Bylaws staff will not occur during the course of the pilot program, as changes required to the Municipal Ticket Information Authorization Bylaw, 2020, No. 3218 (for example, to define an offence and set a fine amount) are not possible within the timeframe, however the normal enforcement tools available to Police and Bylaws will be utilized to deal with any infractions related to liquor consumption. Should additional Bylaws staff or other resources be needed to support implementation of the pilot program, staff will return to Council with that request.

Options for the discreet consumption of liquor were requested by Council. Requiring liquor be consumed discreetly would be problematic to enforce as this would require significant staffing resources to manage. Staff suggest that the messaging of the new signage request that the public consumption of liquor in the permitted spaces be done responsibly and discreetly.

New signage will be required at each of these sites that convey the boundaries of the permitted spaces, and the hours that liquor may be consumed.

Staff has prepared a new Responsible Consumption of Liquor in Public Places Bylaw for Council consideration (**Attachment 1**). The proposed Bylaw provides definitions to key terms, the Liquor Control and Licensing Act and Regulations, details on the permitted public spaces and the posted notice requirements. The Bylaw is in accordance with section 73 of British Columbia's Liquor Control and Licensing Act and section 197 of the Liquor Control and Licensing Regulation (**Attachment 2**) and is similar to those enacted by other Metro Vancouver Municipalities.

It is recommended that the Bylaw expire April 30, 2023. Staff will report back on the pilot program in early 2023 and seek Council direction on next steps, including any further amendments to the Bylaw.

Other Options

1. THAT staff report back with additional information or bylaw amendments as directed by Council.

Note that this option would impact the ability for the above described Bylaw to be adopted for summer 2022.

Financial Implications

Costs related to the implementation of this program will be tracked and absorbed in approved 2022 budgets. Potential future costs related to cleaning, litter removal, signage and safety patrols will be brought forward to Council including as part of a future budget process.

Communications / Civic Engagement

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Staff will inform the community through signage and the City's communication channels of the pilot program permitting the responsible consumption of liquor in public spaces. Staff will solicit public input near the conclusion of the pilot program.

Council Strategic Plan Objectives

Permitting the responsible consumption of liquor in public spaces meets Council's objectives in several areas of the Strategic Plan including customer service, healthy city and community evolution.

Attachments:

1. City of Port Moody Responsible Consumption of Liquor in Public Spaces Bylaw, 2022, No 3375
2. Pertinent excerpts from the *Liquor Control and Licensing Act*, SBC 2015, c 19 (the "Act") and *Liquor Control and Licensing Regulation*, BC Reg 244/2002 (the "Regulation")

Report Author

Anna Mathewson

General Manager, Community Services

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Report Approval Details

Document Title:	Bylaw to Designate Certain Public Places for the Consumption of Liquor Outdoors.docx
Attachments:	- Attachment 1 - Draft City of Port Moody Responsible Consumption of Liquor in Public Places Bylaw, 2022, No. 3375.pdf - Attachment 2 - Excerpts from the Liquor Control and Licensing Act.pdf
Final Approval Date:	Jul 19, 2022

This report and all of its attachments were approved and signed as outlined below:

Kate Zanon, General Manager of Community Development - Jul 15, 2022 - 9:59 AM

Lindsay Todd for Rosemary Lodge, Manager of Communications and Engagement -
Jul 15, 2022 - 11:16 AM

Paul Rockwood, General Manager of Finance and Technology - Jul 17, 2022 - 12:40 PM

Tim Savoie, City Manager - Jul 19, 2022 - 10:57 AM



City of Port Moody

Bylaw No. 3375

A Bylaw to designate certain public places for the responsible consumption of liquor outdoors.

WHEREAS section 73(2) of the *Liquor Control and Licensing Act* authorizes Council to enact a bylaw designating a public place, or part thereof, within its jurisdiction as a place where liquor may be consumed during certain hours;

AND WHEREAS the Council of the City of Port Moody wants to designate the locations set out in this Bylaw as places where liquor may be responsibly consumed outdoors;

NOW THEREFORE the Council of the City of Port Moody enacts as follows:

1. Citation

- 1.1 This Bylaw may be cited as “City of Port Moody Responsible Consumption of Liquor in Public Places Bylaw, 2022, No. 3375”.

2. Definitions

- 2.1 In this Bylaw:

“Children’s Play Area” means any part of a Public Place that is intended to be used primarily for the recreation or amusement of minor children and includes playgrounds, climbing structures, skate parks, and spray parks;

“City” means the City of Port Moody;

“City Property” means a parcel, lot, block, strata lot, public park, or other area of land that is located in the City of Port Moody 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;

“Dusk” means astronomical dusk, being the dark part of twilight, when the daylight has almost gone but it is not yet completely dark;

“Highway” has the meaning ascribed to it in the *Community Charter*;

“*Liquor Control and Licensing Act*” means the *Liquor Control and Licensing Act*, SBC 2015, Chapter 19, as amended or replaced from time to time;

“Liquor Control and Licensing Regulations” means the Liquor Control and Licensing Regulation, B.C. Reg. 241/2016, as amended or replaced from time to time;

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“Manager” means the General Manager of Community Services or their delegate, or the person in the City’s organizational structure with responsibility for the management of parks;

“Permitted Space” means a Public Place or part of a Public Place that is City Property and has been designated by Council in 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 that has not been expressly designated by Council in this Bylaw.

- 2.2 In this Bylaw, unless a contrary intention appears, words capitalized and not otherwise defined shall be defined to have the same meaning as in the *Liquor Control and Licensing Act*.
- 2.3 If a position to which powers, functions, and duties are delegated under this Bylaw is altered, modified, renamed, split, or consolidated after its enactment, each of those powers, functions, and duties are deemed to have transferred to the person holding the position most closely connected to that which existed as of the date of enactment.

3. Designation of Permitted Spaces and Hours

- 3.1 The Public Places or parts thereof shown in Schedule “A” of this Bylaw as an area within which Liquor consumption is permitted and further identified by signage posted in accordance with this Bylaw are hereby designated as Permitted Spaces where Liquor may be consumed in accordance with this Bylaw.
- 3.2 Every Permitted Space designated under section 3.1 excludes a 10-metre buffer zone around any Children’s Play Area.
- 3.3 Despite section 14.4 of City of Port Moody Parks and Community Facilities Rules and Regulations Bylaw, 2021, No. 3321, as amended or replaced from time to time, while this Bylaw is in effect, Liquor may be consumed in Permitted Spaces, subject to compliance with the *Liquor Control and Licensing Act* and this Bylaw.
- 3.4 The hours that Liquor may be consumed in any of the Permitted Spaces are as set out in Schedule “B” of this Bylaw.
- 3.5 A person must not consume Liquor other than in Permitted Spaces, including in parts of Public Places that are outside of the boundaries of the Permitted Spaces identified by signs posted in accordance with this Bylaw.

4. Sign Specifications

- 4.1 The Manager is hereby delegated the authority to determine the placement and design of signs setting out the boundaries of each Permitted Space, provided that the signs meet the criteria set out in section 4.2.

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4.2 Signs posted in Permitted Spaces designating where Liquor may be consumed must:

- a) be no less than four (4) Signs at the boundaries of the Permitted Space;
- b) state the hours that Liquor may be consumed; and
- c) be posted on posts or affixed to other items forming the boundary of the Permitted Space.

5. Offence and Penalty

5.1 Every person who consumes Liquor in contravention of this Bylaw commits an offence under this Bylaw.

5.2 Offences set out in the *Liquor Control and Licensing Act* apply to persons consuming Liquor in contravention of this Bylaw.

6. Attachments and Schedules

6.1 The following schedules are attached to and form part of this Bylaw:

- Schedule A – Location of Permitted Spaces; and
- Schedule B – Permitted Hours of Consumption.

7. Expiry

7.1 Subject to section 7.2, this Bylaw expires on April 30, 2023.

7.2 Council may repeal this Bylaw on a date earlier than April 30, 2023.

7.3 Notwithstanding section 7.1, Council may repeal this section and this Bylaw will be in effect as of the date of enactment.

8. Severability

8.1 If a portion of this Bylaw is found invalid by a court, it will be severed and the remainder of the Bylaw will remain in effect.

Read a first time this ___ day of _____, 2022.

Read a second time this ___ day of _____, 2022.

Read a third time this ___ day of _____, 2022.

Adopted this ___ day of _____, 2022.

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R. Vagramov
Mayor

T. Takahashi
Corporate Officer

I hereby certify that the above is a true copy of Bylaw No. 3375 of the City of Port Moody.

T. Takahashi
Corporate Officer

Schedule A to Bylaw No. 3375

Location of Permitted Spaces

1. Rocky Point Park



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2. Old Orchard Park



3. Pioneer Memorial Park



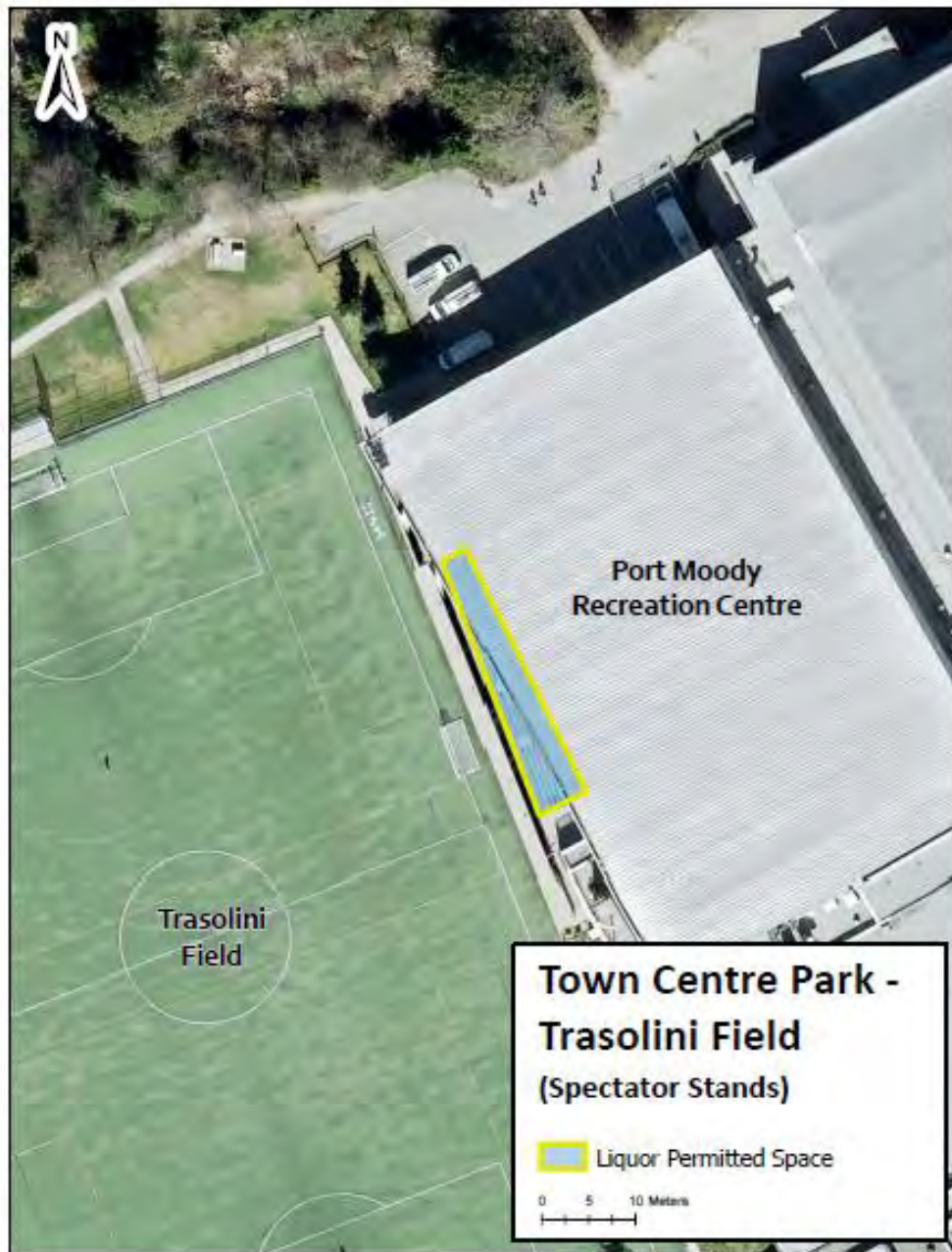
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4. Kyle Centre Pop-up Park



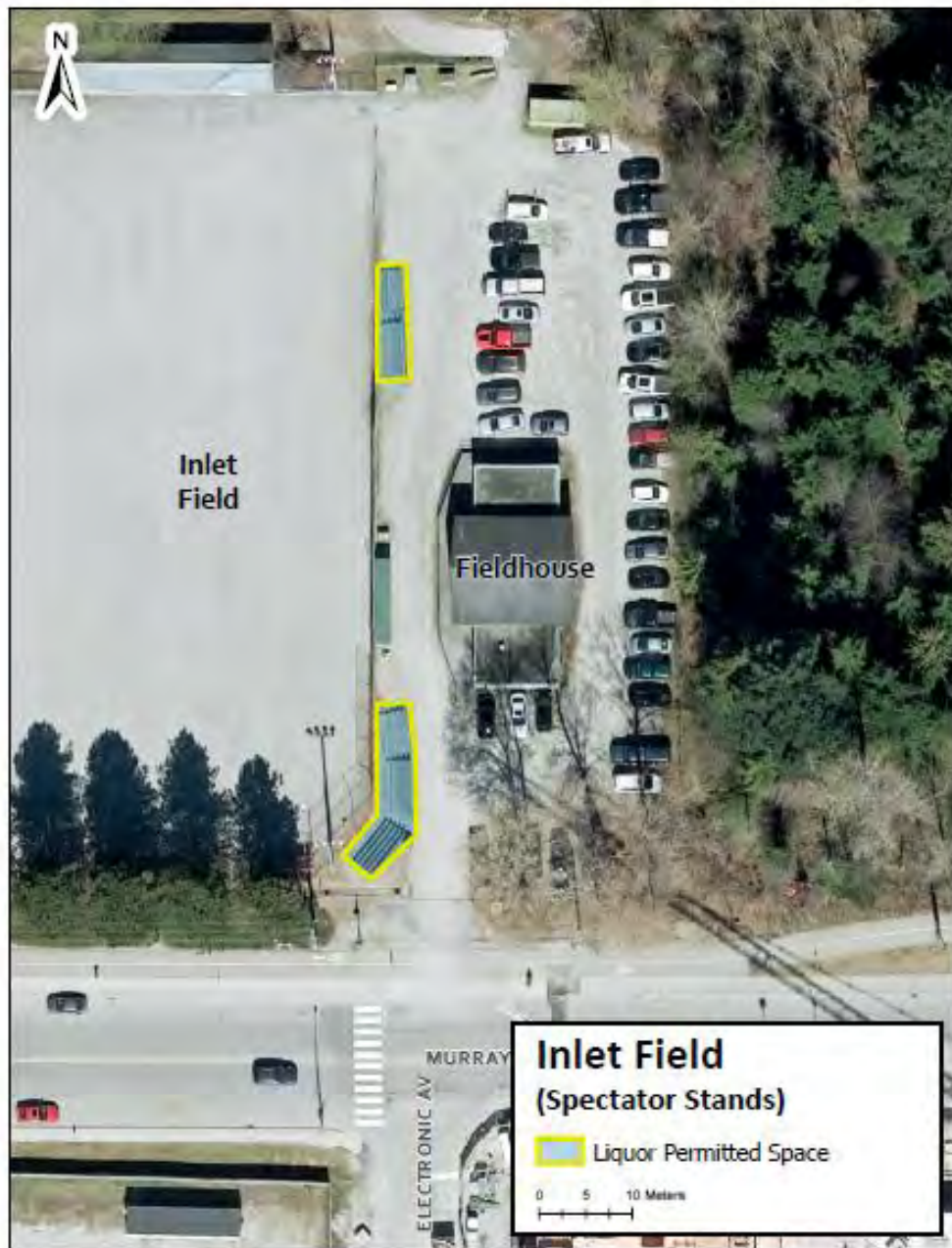
5. Trasolini Field Spectator Stands



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6. Inlet Field Spectator Stands



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7. Queens Street Plaza



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Schedule B to Bylaw No. 3375

Permitted Hours of Consumption

Liquor may be consumed in the Permitted Spaces in the following locations from 11:00am to Dusk each day:

1. Rocky Point Park;
2. Old Orchard Park;
3. Pioneer Memorial Park;
4. Kyle Centre Pop-up Park;
5. Trasolini Field Spectator Stands;
6. Inlet Field Spectator Stands; and
7. Queens Street Plaza.

ATTACHMENT 2

Excerpts from:

- A) *Liquor Control and Licensing Act*, SBC 2015, c 19 (the “Act”) and
- B) *Liquor Control and Licensing Regulation*, BC Reg 244/2002 (the “Regulation”)

A. *Liquor Control and Licensing Act*, SBC 2015, c 19 (the “Act”)

The relevant provision of the Act is the following:

Unlawful possession or consumption of liquor

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- (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 municipality, a regional district or the Park Board, established under section 485 of the *Vancouver Charter*, **may, by bylaw, designate a public place over which it has jurisdiction, or part of such a 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.

The Act includes a definition of public place as follows:

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

B. *Liquor Control and Licensing Regulation*, BC Reg 244/2002 (the “Regulation”)

The relevant provision of the Regulation is the following:

Content of bylaws

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- (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.