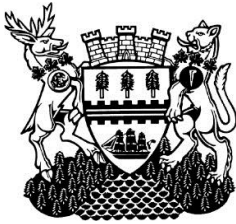


Considered at the February 28, 2023, Regular Council meeting

109



City of Port Moody Report/Recommendation to Council

Date: February 15, 2023
 Submitted by: General Manager of Community Services
 Subject: Bylaw to Designate Certain Public Places for the Responsible Consumption of Liquor Outdoors – Pilot Extension

Purpose

To seek Council direction on extending the pilot program and bylaw permitting responsible liquor consumption in Port Moody public places.

Recommended Resolution(s)

THAT City of Port Moody Responsible Consumption of Liquor in Public Places Bylaw, 2023, No. 3392 be read a first, second, and third time as recommended in the report dated February 15, 2023 from the Community Services Department regarding Responsible Consumption of Liquor in Public Places;

AND THAT staff be directed to implement an extended pilot program to allow for the responsible consumption of liquor in public places commencing upon adoption of Bylaw No. 3392;

AND THAT an allocation of \$36,500 for Parks Division maintenance support and signage requirements for the pilot program extension be funded from CM220001 – Council Strategic Plan Goals;

AND THAT staff be directed to report back in late 2023 with an evaluation of the pilot program and to seek Council direction on 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, 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.

Considered at the February 28, 2023, Regular Council meeting

110

At the Council meeting on June 28, 2022, the following resolutions were 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.

Staff prepared a report and Bylaw for Council consideration with these parameters (**Attachment 1**), and at the Council meeting on July 26, 2022 the following resolutions were passed:

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.

The final reading of this Bylaw was concluded at a Special Council meeting held July 28, 2022. The Bylaw included an expiry date of April 30, 2023.

Discussion

Staff had recommended 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 as recommended by Fraser Health. Recommended sites permitting responsible consumption of liquor from 11am to dusk were approved as follows:

- Rocky Point Park
- Old Orchard Park
- Pioneer Memorial Park (excluding the Labyrinth Healing Garden)
- Kyle Centre pop-up park

Considered at the February 28, 2023, Regular Council meeting

111

- Trasolini Field spectator stands
- Inlet Field spectator stands
- Queens Street Plaza

These sites provided a range of geographic locations across the City, in proximity to washrooms as one key consideration. Neighbourhood parks were not recommended for the pilot program, particularly because the tight timeline did not allow for the required resident engagement. The pilot program also excluded property owned, leased or licensed to the City by School District #43. Based on legal advice and input from Port Moody Police Department (PMPD), permitting liquor in all public spaces - such as sidewalks and trails – was not included. Maps were created in Schedule A of the Bylaw that outlined the permitted spaces in the above sites within which responsible consumption of liquor could occur. A 10m buffer zone was provided around children's play areas, with the exception of Old Orchard Beach due to the inclusion of the picnic shelter area. New signage was installed at each of these sites that conveyed the boundaries of the permitted spaces and the hours that liquor could be consumed. The pilot program began in early August 2022, immediately following Council approval.

Pilot Program - Initial Findings

Early in the implementation, staff refined an existing Collector App to track impacts and integrate observation notes and photos. One of the primary impacts from the pilot program has been a steep increase in park maintenance efforts related to litter. This is consistent with the findings from other cities. While the program allows consumption until dusk, staff have also observed that park users are staying beyond this time, leading to more frequent early morning clean ups.

The normal enforcement tools available to Police and Bylaws were utilized to deal with any infractions related to liquor consumption. PMPD report a total of six calls up until February 2023 that can be attributed to the pilot program. No tickets were issued by the City's Bylaw Division for any alcohol related violations in the Parks during the pilot. The Park Ranger – Bylaw Enforcement Officer (which is different from the Park Host Program) did note a marked increase in the number of inquiries from park patrons about the new program and where and when individuals were permitted to consume alcohol in City Parks. As a result, Park Hosts and Bylaws staff mostly provided education and clarification including answering the two most commonly asked questions: Are we allowed to drink (alcohol) here? And are they allowed to drink (alcohol) there? Besides these questions seeking clarification or more information on the program, Bylaw Enforcement staff did not see any other increase in the number of calls for services in the parks, or any increases in alcohol-related issues within the parks themselves.

As feedback, PMPD has suggested that additional signage is needed in some of the locations, including to provide greater clarity on boundaries. Similar feedback has been received from Bylaws staff, including the Park Ranger, who recommend that signage in the designated areas more clearly define the exact locations where alcohol consumption in the public spaces is permitted.

As well as collecting data to support pilot program evaluation, staff met with Fraser Health last fall to review indicators and considerations for how best to evaluate alcohol consumption in public places, for example, a suggestion to engage with park users as well as those who may

Considered at the February 28, 2023, Regular Council meeting

112

have avoided these spaces as a result. This feedback can be considered and integrated into the evaluation and engagement process.

Pilot Program – Proposed Extension

Given that the pilot program ran over the late summer months of 2022 - a relatively limited timeframe for conducive weather - staff recommend that the pilot program for responsible liquor consumption in public places be extended through the end of 2023. This will provide for a full summer season in these spaces (including in conjunction with major events taking place in Rocky Point Park), allow staff more time to evaluate the program and gather data, and allow engagement with park users and other stakeholders including local businesses over the high usage summer months. Staff will develop and share a public engagement plan with Council prior to the intended summer engagement.

It is also proposed that two locations be removed from the Bylaw for the duration of the extended pilot:

- Old Orchard Park beach area, while still allowing consumption within the remainder of the park area previously identified. This will remove any concerns about alcohol in a swimming area and address challenges related to clean-up of beach sand with respect to broken glass.
- Inlet Field spectator stands, as the park is currently closed while under construction, with no public access.

With an extension of the pilot program, additional resources will be needed for new and improved signage as well as parks maintenance support for litter removal and recycling through to the end of 2023. For signage, it is recommended that additional signage be created to provide clarity for park users as noted above and that improved sign standards be used, moving to plastic core, aluminum signs for higher durability and semi-permanency. Signage costs would be approximately \$1,500. For parks maintenance, a 0.5 position is recommended to deal with increased clean-up and higher park volumes as a result of the pilot project. The approximate costs for this parks support are \$35,000.

An extension of the pilot program can be achieved through an extension of the timeline contained in the existing Bylaw, moving that date from April 30, 2023 to December 31, 2023. Staff has prepared a new Responsible Consumption of Liquor in Public Places Bylaw No. 3392 for Council consideration (Attachment 2), which reflects these dates and the removal of the Old Orchard beach area and Inlet Field spectator stands. As before, the 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 and is similar to those enacted by other Metro Vancouver Municipalities.

With engagement taking place over the summer months and in these parks and spaces, staff will report back to Council in spring with the proposed public engagement plan, and again late in 2023 to provide feedback and program data and seek direction on next steps.

Considered at the February 28, 2023, Regular Council meeting

113

Other Option(s)

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

Financial Implications

As noted above, additional resources are required for signage and Parks maintenance to support the success of this extended pilot program. A total of \$36,500 has been identified. These expenses can be funded through CM22001 (Council Strategic Plan Goals) which was approved as part of the 2022 Financial Plan and provides funding for various new initiatives and strategic priorities of Council.

Communications and Civic Engagement Initiatives

Staff will inform the community through signage and the City's communication channels of the pilot program extension. Staff will solicit public input over the summer months in order to reach the park users and other stakeholders, including local businesses.

Council Strategic Plan Objectives

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

Attachment(s)

1. Report considered at the July 26, 2022 Regular Council meeting.
2. City of Port Moody Responsible Consumption of Liquor in Public Spaces Bylaw, 2023, No. 3392.

Report Author

Anna Mathewson
General Manager, Community Services

Considered at the February 28, 2023, Regular Council meeting

114

Report Approval Details

Document Title:	Bylaw to Designation Certain Public Places for Responsible Consumption of Liquor Outdoors - Pilot Extension.docx
Attachments:	<ul style="list-style-type: none"> - Bylaw to Designate Certain Public Places for the Consumption of Liquor Outdoors.pdf - Attachment 1 - Draft City of Port Moody Responsible Consumption of Liquor in Public Places Bylaw, 2022, No. 3375.pdf
Final Approval Date:	Feb 21, 2023

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

Stephanie Lam, City Clerk and Manager of Legislative Services - Feb 15, 2023 - 5:20 PM

Kate Zanon, General Manager of Community Development - Feb 16, 2023 - 8:45 AM

Natasha Vander Wal, Acting Manager of Communications and Engagement - Feb 16, 2023 - 9:48 AM

Tyson Ganske for Paul Rockwood, General Manager of Finance and Technology - Feb 17, 2023 - 10:12 AM

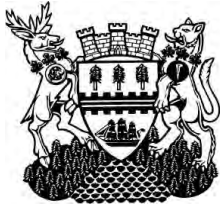
Tim Savoie, City Manager - Feb 21, 2023 - 9:16 AM

Considered at the February 28, 2023, Regular Council meeting

115

Considered at the Regular Council Meeting of July 26, 2022

281



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.

Considered at the February 28, 2023, Regular Council meeting

116

Considered at the Regular Council Meeting of July 26, 2022

282

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.

Considered at the February 28, 2023, Regular Council meeting

117

Considered at the Regular Council Meeting of July 26, 2022

283

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

Considered at the February 28, 2023, Regular Council meeting

118

Considered at the Regular Council Meeting of July 26, 2022

284

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

Considered at the February 28, 2023, Regular Council meeting

119

Considered at the Regular Council Meeting of July 26, 2022

285

Report Approval Details

Document Title:	Bylaw to Designate Certain Public Places for the Consumption of Liquor Outdoors.docx
Attachments:	<ul style="list-style-type: none"> - 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

Considered at the February 28, 2023, Regular Council meeting

120

Considered at the Regular Council Meeting of July 26, 2022

286



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;

Considered at the February 28, 2023, Regular Council meeting

121

Considered at the Regular Council Meeting of July 26, 2022

287

“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.

Considered at the February 28, 2023, Regular Council meeting

122

Considered at the Regular Council Meeting of July 26, 2022

288

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.

Considered at the February 28, 2023, Regular Council meeting

123

Considered at the Regular Council Meeting of July 26, 2022

289

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

Considered at the February 28, 2023, Regular Council meeting

124

Considered at the Regular Council Meeting of July 26, 2022

290

Schedule A to Bylaw No. 3375

Location of Permitted Spaces

1. Rocky Point Park



Considered at the February 28, 2023, Regular Council meeting

125

Considered at the Regular Council Meeting of July 26, 2022

291

2. Old Orchard Park



Considered at the February 28, 2023, Regular Council meeting

126

Considered at the Regular Council Meeting of July 26, 2022

292

3. Pioneer Memorial Park



Considered at the February 28, 2023, Regular Council meeting

127

Considered at the Regular Council Meeting of July 26, 2022

293

4. Kyle Centre Pop-up Park



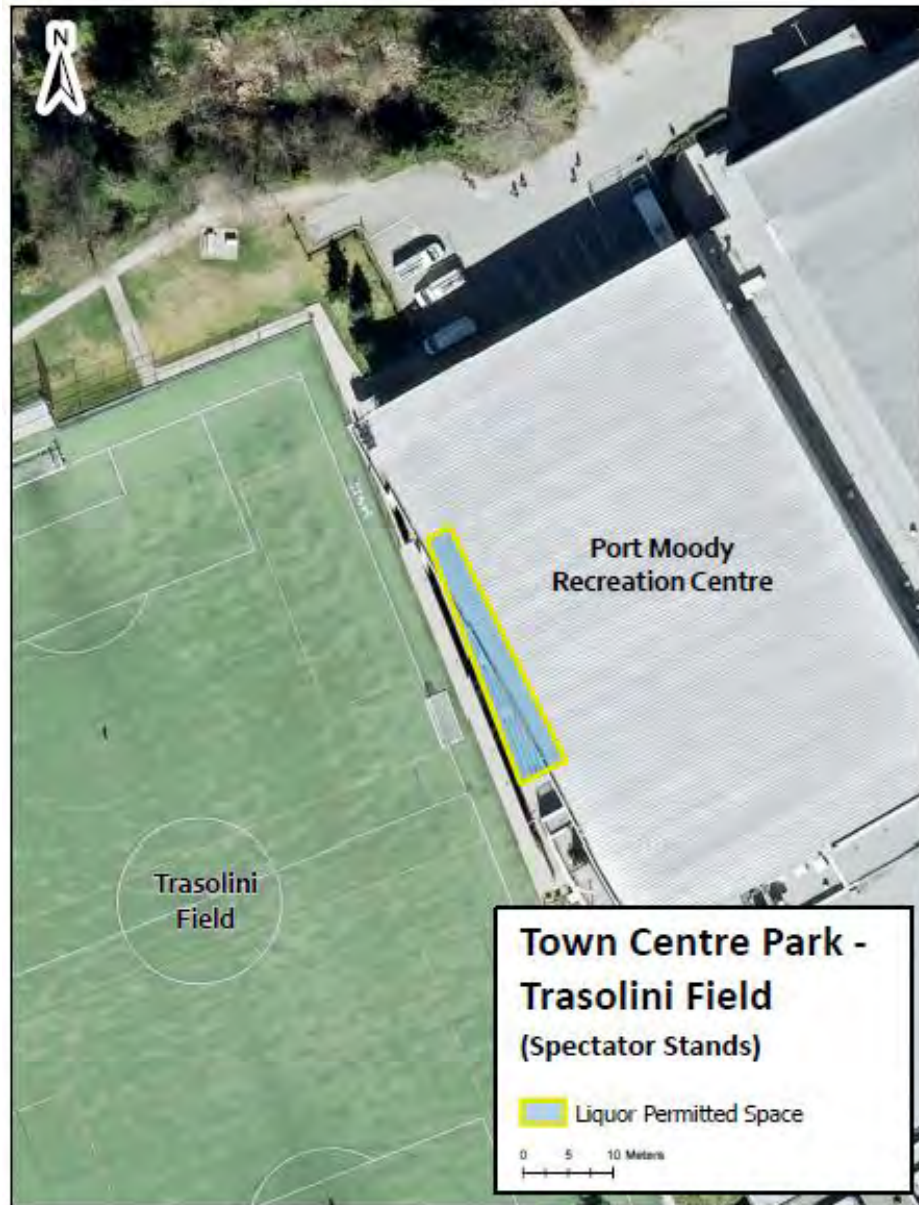
Considered at the February 28, 2023, Regular Council meeting

128

Considered at the Regular Council Meeting of July 26, 2022

294

5. Trasolini Field Spectator Stands



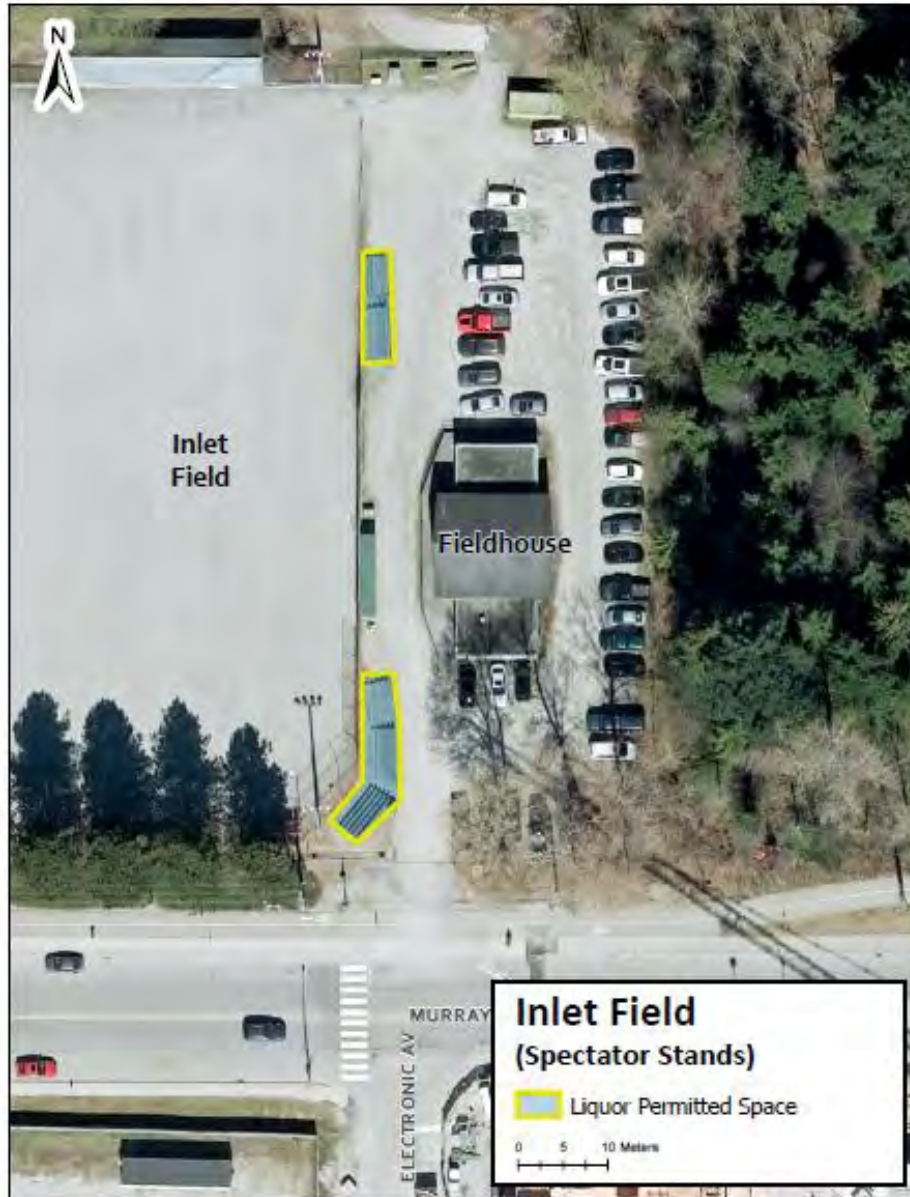
Considered at the February 28, 2023, Regular Council meeting

129

Considered at the Regular Council Meeting of July 26, 2022

295

6. Inlet Field Spectator Stands



Considered at the February 28, 2023, Regular Council meeting

130

Considered at the Regular Council Meeting of July 26, 2022

296

7. Queens Street Plaza



Considered at the February 28, 2023, Regular Council meeting

131

Considered at the Regular Council Meeting of July 26, 2022

297

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.

Considered at the February 28, 2023, Regular Council meeting

132

Considered at the Regular Council Meeting of July 26, 2022

298

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

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 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

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

Considered at the February 28, 2023, Regular Council meeting

133

Considered at the Regular Council Meeting of July 26, 2022

299

- (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.

Considered at the February 28, 2023, Regular Council meeting

134



City of Port Moody

Bylaw No. 3392

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 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, Council of the City of Port Moody, in open meeting assembled, enacts as follows:

1. Citation

- 1.1. This Bylaw shall be cited as “City of Port Moody Responsible Consumption of Liquor in Public Places Bylaw, 2023, No. 3392”.

2. Interpretation

- 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*;

Considered at the February 28, 2023, Regular Council meeting

135

“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;

“Manager” means General Manager, Community Services or 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 / Hours

- 3.1. The Public Places or parts thereof shown in Schedule A to 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 the 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,

Considered at the February 28, 2023, Regular Council meeting

136

- 3.4. The hours that Liquor may be consumed in any of the Permitted Spaces are as set out in Schedule B.
- 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.
- 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. Enforcement

- 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. Severability

- 6.1. 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.

Considered at the February 28, 2023, Regular Council meeting

137

7. Attachments and Schedules

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

- Schedule A – Maps of Permitted Spaces
- Schedule B – Hours that Liquor may be consumed in any of the Permitted Spaces

8. Expiry

8.1. Subject to section 8.2, this Bylaw expires on December 31, 2023.

8.2. Council may repeal this Bylaw on a date earlier than December 31, 2023.

8.3. Notwithstanding section 8.1, Council may repeal this section and this Bylaw will be in effect as of the date of enactment.

Read a first time this ___ day of ____, 20__.

Read a second time this ___ day of ____, 20__.

Read a third time this ___ day of ____, 20__.

Adopted this ___ day of ____, 20__.

M. Lahti
Mayor

S. Lam
City Clerk

I hereby certify that the above is a true copy of Bylaw No. 3392 of the City of Port Moody.

S. Lam
City Clerk

Considered at the February 28, 2023, Regular Council meeting

138

SCHEDULE "A" to Bylaw 3392

Maps of Permitted Spaces

1. Rocky Point Park



Considered at the February 28, 2023, Regular Council meeting

139

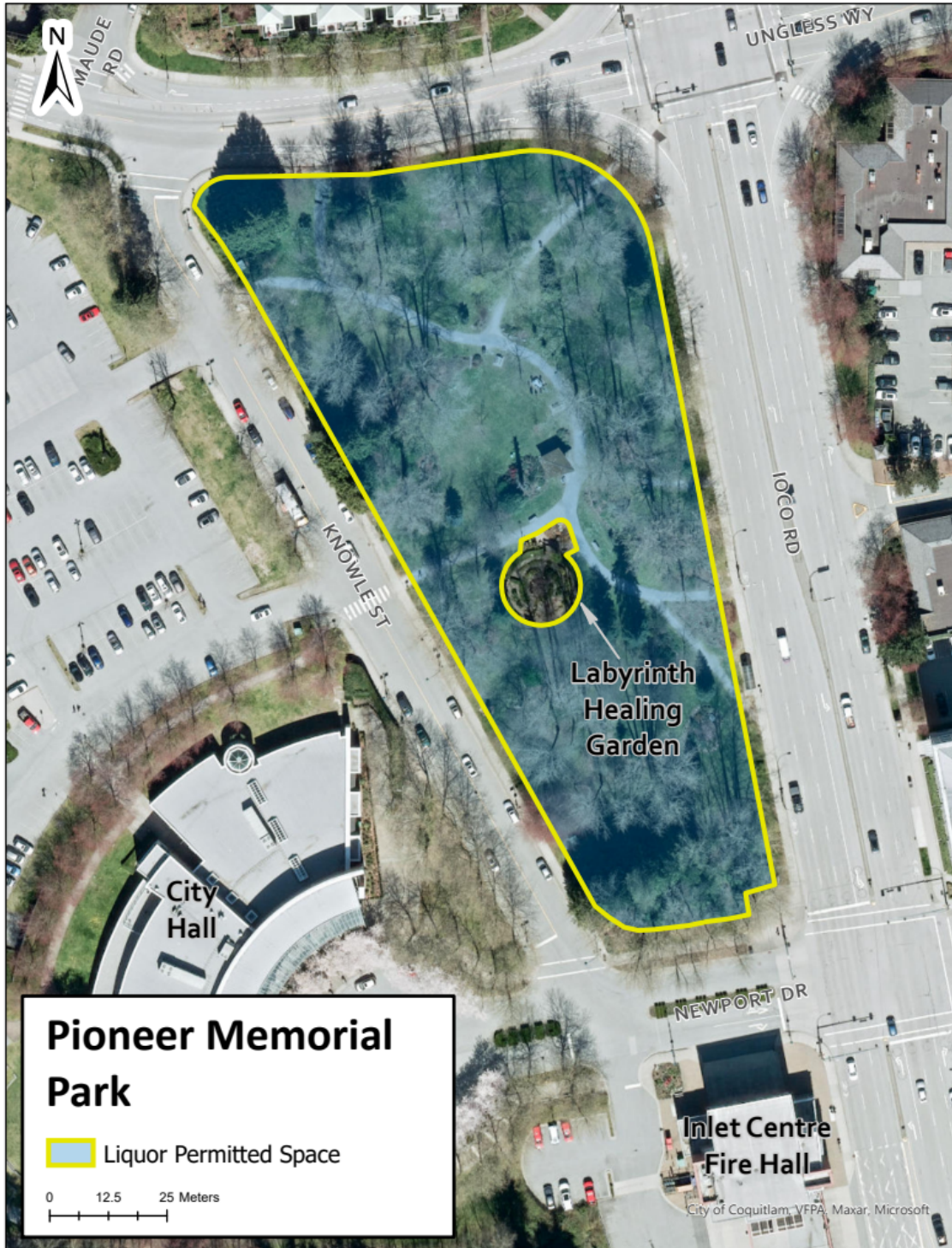
2. Old Orchard



Considered at the February 28, 2023, Regular Council meeting

140

3. Pioneer Park



Considered at the February 28, 2023, Regular Council meeting

141

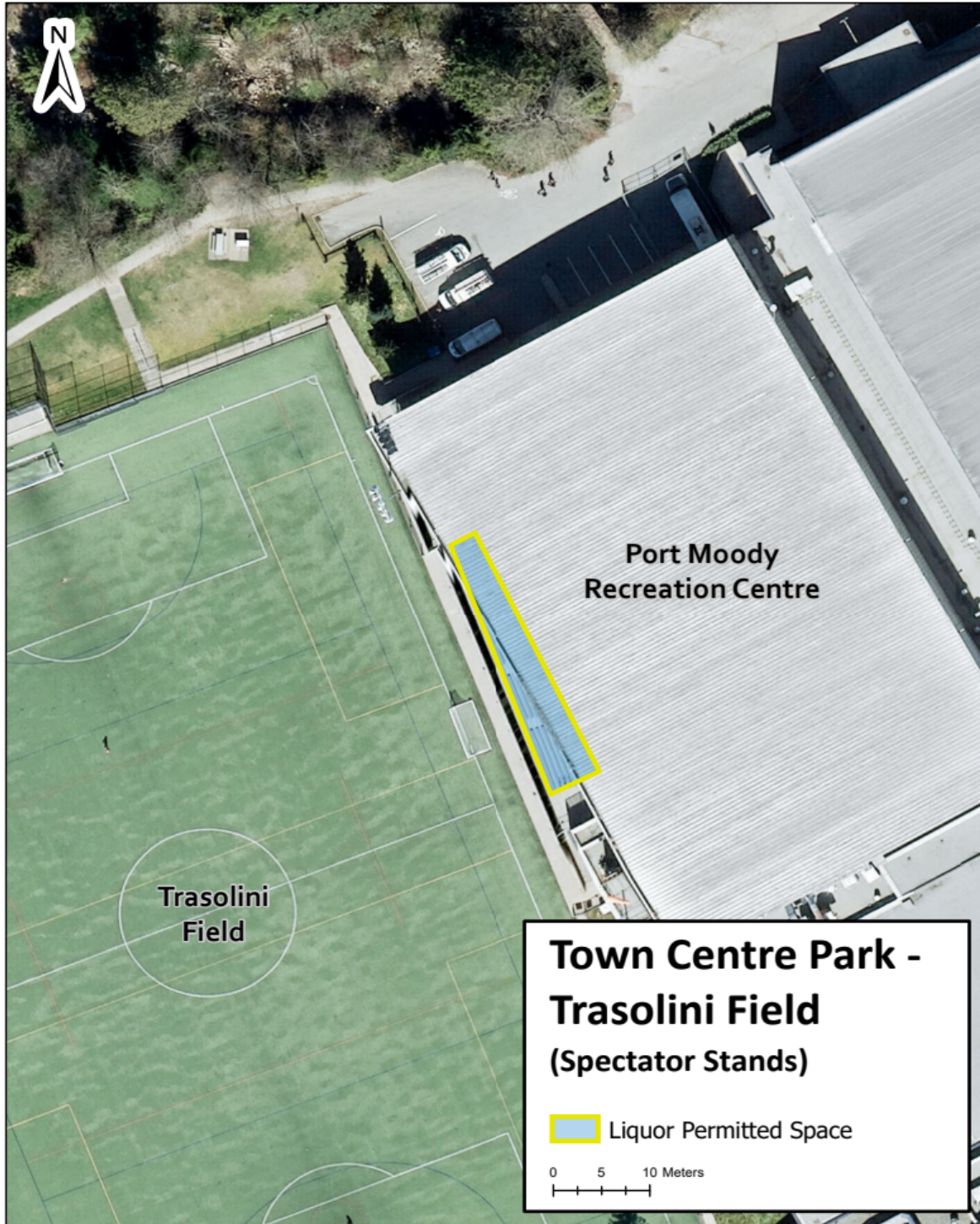
4. Kyle Centre pop-up park



Considered at the February 28, 2023, Regular Council meeting

142

5. Trasolini Field spectator stands



Considered at the February 28, 2023, Regular Council meeting

143

6. Queen Street Plaza



Considered at the February 28, 2023, Regular Council meeting

144

SCHEDULE “B” to Bylaw 3392

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

1. Rocky Point Park
2. Old Orchard
3. Pioneer Park
4. Kyle Centre pop-up park
5. Trasolini Field spectator stands
6. Queen Street Plaza