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

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
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.
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.
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;
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.
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
Liquor Control and Licensing Act

Division 3 — Possession and Consumption of Liquor

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.
Liquor Control and Licensing Act Regulations

Division 6 — Bylaws Dealing with the Consumption of Liquor in a Public Place

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.
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 that 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
Lonsdale Ave (East Side) 13th Street to 18th Street

Lonsdale Ave (West Side) 14th Street to 18th Street