



District of West Vancouver

# **Consumption of Liquor in Public Places Bylaw No. 5118, 2021**

Effective Date: May 31, 2021

District of West Vancouver

# Consumption of Liquor in Public Places Bylaw No. 5118, 2021

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# Consumption of Liquor in Public Places Bylaw No. 5118, 2021

A bylaw to establish consumption of liquor in public places.

WHEREAS the *Liquor Control and Licensing Act* authorizes Council to enact a bylaw designating a public place, or part thereof, as a place where liquor may be consumed during certain hours,

AND WHEREAS Council of The Corporation of the District of West Vancouver deems it expedient to designate certain public places within District Property where Liquor may be consumed out of doors;

NOW THEREFORE, the Council of The Corporation of the District of West Vancouver enacts as follows:

## Part 1 Citation

- 1.1 This bylaw may be cited as Consumption of Liquor in Public Places Bylaw No. 5118, 2021.

## Part 2 Severability

- 2.1 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.

## Part 3 Definitions

- 3.1 In this Bylaw:

“District Property” means a parcel, lot, block, strata lot, public park, or other area of land that is located in the District of West Vancouver and which is either owned or occupied by the District, or in which the District has vested interest pursuant to a statute, and includes a highway that is vested in the District;

“District” means the District of West Vancouver;

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

“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 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;

“Permitted Space” means a Public Place or part of a Public Place that is District Property and 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 that has been expressly 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.

“Sign” has the meaning ascribed to it in the “Sign Bylaw No. 4499, 2007”.

## **Part 4 Designation of Permitted Spaces/ Hours**

- 4.1 Public Places or parts thereof described 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.
- 4.2 Despite section 5.6 (h) of the District’s Parks Regulation Bylaw No. 4867, 2015, as amended or replaced from time to time, while this Bylaw is in effect, Liquor may be consumed in any of the Permitted Spaces from 12 noon to Dusk, seven (7) days a week in accordance with the *Liquor Control and Licensing Act* and this Bylaw.
- 4.3 A person must not consume Liquor in parts of Public Places:
  - 4.3.1 that are outside of the boundaries of the Permitted Spaces; or
  - 4.3.2 before 12 noon or after dusk.

## Part 5 Sign Specifications

- 5.1 The Director of Parks, Culture & Community Services 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.
- 5.2 Signs posted in Permitted Spaces designating where Liquor may be consumed must:
- 5.2.1 be at least 12 inches by 24 inches in size;
  - 5.2.2 have at least four (4) Signs to designate the boundaries of the Permitted Space;
  - 5.2.3 state the hours that Liquor may be consumed; and
  - 5.2.4 be posted on posts or affixed to other items forming the boundary of the Permitted Space.

## Part 6 Offence and Penalty

- 6.1 Every person who violates a provision of this Bylaw, or who permits, allows or suffers an act or thing to be done, or who neglects to or refrains from doing anything required to be done by a provision of this Bylaw, is guilty of an offence and is liable to the penalties imposed under this Bylaw, and is guilty of a separate offence each day that a violation continues to exist.
- 6.2 A person found guilty of committing an offence is liable:
- 6.2.1 if proceedings are brought under the *Offence Act*, to pay a maximum fine of \$10,000;
  - 6.2.2 if a bylaw notice is issued under the Bylaw Notice Enforcement Bylaw No. 4368, 2004, as amended or replaced from time to time, to pay a penalty of up to \$500; or
  - 6.2.3 if proceedings are brought under the *Liquor Control and Licensing Act*, to pay a fine to a maximum amount established under that Act or to imprisonment for not more than 6 months, or to both.
- 6.3 This Bylaw may be enforced by any member of the West Vancouver Police Department or by any Bylaw Enforcement Officer appointed by District of West Vancouver Council.

## **Schedules**

Schedule A – Map of Millennium Park showing Permitted Space

READ A FIRST TIME on May 10, 2021

READ A SECOND TIME on May 10, 2021

READ A THIRD TIME on May 10, 2021

ADOPTED by the Council on May 31, 2021.

*[Original signed by Mayor]*

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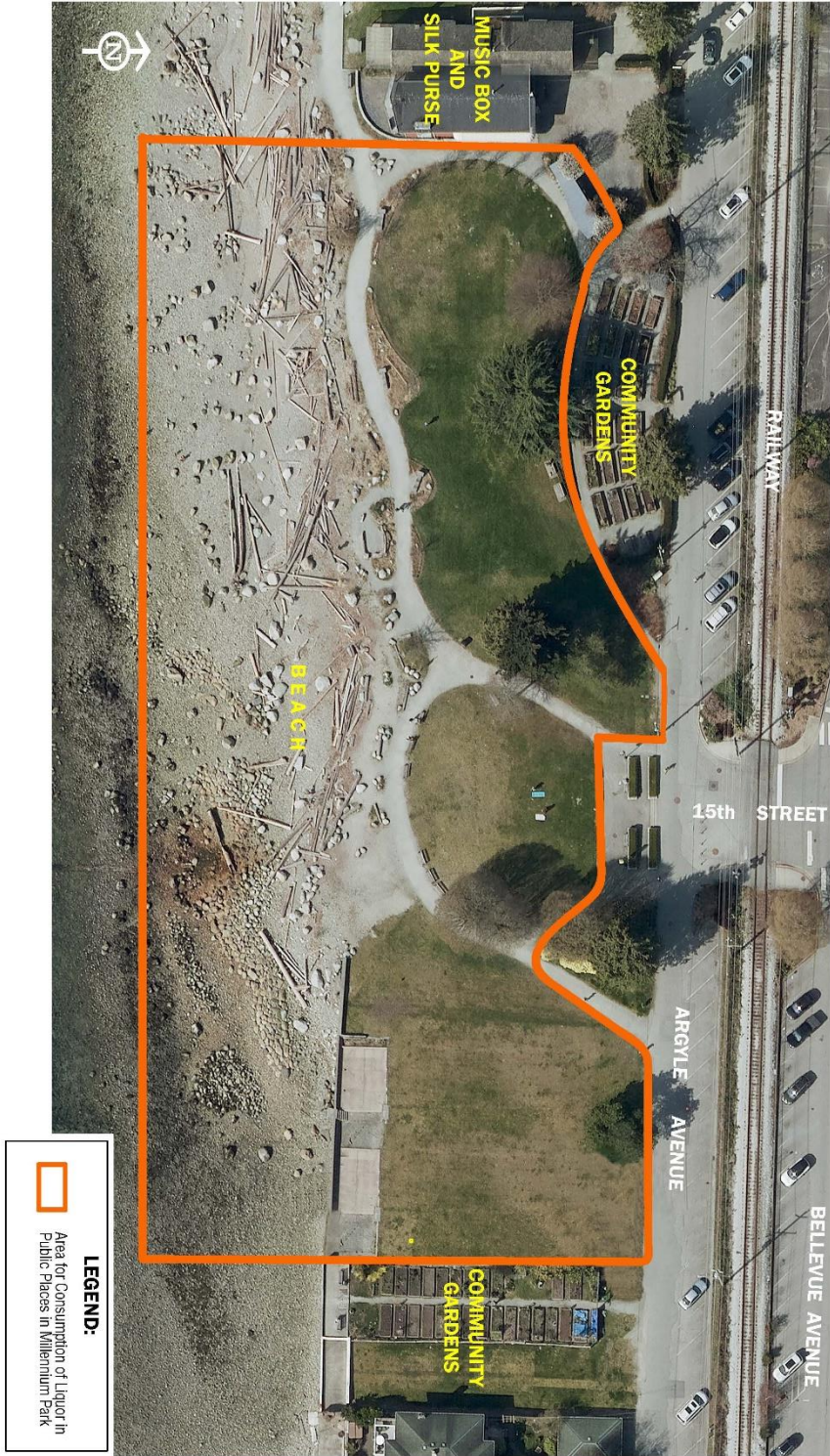
Mayor

*[Original signed by Corporate Officer]*

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Corporate Officer

## Schedule A – Map of Millennium Park Showing Permitted Space



Schedule A - Millennium Park