



Meeting June 5, 2023

File: 61000-01

COUNCIL REPORT

TO: MAYOR & COUNCIL

FROM: DEPUTY GENERAL MANAGER PARKS, RECREATION AND CULTURE

SUBJECT: **PROPOSED RESPONSIBLE CONSUMPTION OF ALCOHOL IN PARKS BYLAW**

PURPOSE: To seek Council's approval to implement a bylaw allowing responsible alcohol consumption in four Burnaby parks during summer of 2023.

RECOMMENDATION

THAT staff implement a pilot program to allow for the responsible consumption of alcohol in Confederation Park, Central Park, Keswick Park and Edmonds Park from June 23, 2023 to October 30, 2023,

THAT the City Solicitor be authorized to bring forward the proposed Burnaby Responsible Consumption of Alcohol in Parks Bylaw 2023, substantially in the form set out in Attachment 1 of the report titled "Responsible Consumption of Alcohol in Parks Bylaw" dated June 5, 2023,

THAT the City Solicitor be authorized to bring forward amendments to the Burnaby Bylaw Notice Enforcement Bylaw 2009, in accordance with section 3.3 of the report titled "Responsible Consumption of Alcohol in Parks Bylaw" dated June 5, 2023, to impose penalties for violations of the proposed Burnaby Responsible Consumption of Alcohol in Parks Bylaw 2023,

and

THAT a copy of the report titled "Responsible Alcohol Consumption in Park" from the Deputy General Manager Parks, Recreation and Culture dated June 5, 2023 be forwarded to the Parks, Recreation and Culture Commission for information.

CHIEF ADMINISTRATIVE OFFICER'S COMMENTS

I concur with the recommendation of the Deputy General Manager Parks, Recreation and Culture.

1.0 POLICY SECTION

A program to allow for alcohol consumption in select City parks is authorized under the British Columbia *Liquor Control and Licensing Act* (s. 73) and related regulation (s. 197, *Liquor Control and Licensing Regulation*) ("Act and Regulation"), which authorizes the City to designate a public place, or part of a public place, over which the City has jurisdiction as a place where liquor may be consumed by the public. The Act and

Regulation require the public place or places to be designated by bylaw and the bylaw to include certain conditions and requirements.

2.0 BACKGROUND

At the May 8, 2023 Regular Council meeting, staff were directed to develop a pilot program to allow for the consumption of alcohol in select Burnaby parks for the 2023 summer season.

At this time, staff also outlined the following criteria that would be used to identify which parks would be selected as part of the pilot program:

- Size and layout of the space to ensure there is space for designated areas without interfering with other park activities,
- Accessibility to ensure sites are easily accessible and near public transportation,
- Existing ancillary amenities such as washrooms, seating areas and waste disposals, and
- Safety, such as lighting and visibility.

3.0 GENERAL INFORMATION

3.1 Designated Parks

Following Council's direction, staff reviewed potential locations where the responsible consumption of alcohol could be allowed based on the above criteria. Recognizing the experience of many municipalities who have also run similar pilots in previous years, staff have kept the pilot program small and limited to 4 specific parks: Confederation Park, Central Park, Keswick Park and Edmonds Park.

Each of these locations provide access to amenities such as washrooms, waste disposals and picnic/seating areas and are near public transit or walkable to nearby residents. The selected parks also ensure a geographic spread across the City, with locations near each town centre. Under the Act and Regulation, a city can designate a public place, or part of a place, where alcohol may be consumed. Staff considered identifying a specific location in each park, however it was noted by other communities that this often became confusing for the public and in some cases ignored. While the entire park boundary will be included, the proposed Burnaby Responsible Consumption of Alcohol in Parks Bylaw will stipulate specific restrictions to where alcohol can be consumed within these parks (see section 3.2 below). These exclusions are based on the type of activities taking place, typically where children and youth gather and play. It should also be noted that the bylaw is specific to outdoor areas and the consumption of alcohol within indoor buildings located in the park is not permitted.

A proactive staff presence is already in place at both Confederation Park and Central Park where a regular Park Attendant is assigned. To support this pilot, additional Park Attendants will be assigned to monitor Keswick Park and Edmonds Park. Appropriate waste and recycling bins are currently in place at Confederation, Central and Edmonds Park and additional temporary bins will be installed at Keswick Park. Staff will also monitor waste and the need for additional waste bins and pick-up as required during the pilot.

3.2 Proposed Burnaby Responsible Consumption of Alcohol in Parks Bylaw

The proposed Burnaby Responsible Consumption of Alcohol in Parks Bylaw (Attachment 1) will designate the outdoor areas of Confederation Park, Central Park, Keswick Park and Edmonds Park as public places where alcohol may be consumed, subject to the restrictions that alcohol cannot be consumed:

- outside of these 4 parks, except under at a Liquor Control and Licensing Act permit or licence;
- outside the hours of dawn to dusk, seven days per week (which is consistent with when City parks are open to the public);
- in or within ten metres of a playground, spray pad, wading pool, outdoor pool, skate bowl, parking lot or sport court;
- on any artificial turf surface or any trail, pathway, natural parkland or forested areas;
- in and within ten metres of a playing field while it is in use by a user group;
- outside of any boundaries identified by signage to be placed within these 4 parks.

As required by the *Liquor Control and Licensing Regulation*, the proposed bylaw will require appropriate signage to be placed at each designated park to identify the boundaries of where and hours when alcohol can be consumed in the park. The signage must meet the minimum size specified in the bylaw and be posted at the entrances and on general information signs for each park. The signage will also encourage park users to keep the park clean by using designated waste receptacles and avoiding the use of glass containers.

The bylaw is proposed to be effective from June 23, 2023 to October 30, 2023. This will allow the pilot to run through the summer months and provide staff sufficient time to evaluate the program.

In order to expedite the bylaw adoption process, the proposed Burnaby Responsible Consumption of Alcohol in Parks Bylaw appears elsewhere on the Council agenda for consideration of first, second and third readings.

3.3 Proposed Bylaw Violation Penalties

In order to address any violations that may arise, staff are recommending amendments to the Burnaby Bylaw Notice Enforcement Bylaw to allow bylaw violation notices and penalties to be issued for the restrictions set out in the proposed Burnaby Responsible Consumption of Alcohol in Parks Bylaw. The proposed penalty and discounted amounts of \$200 and \$160, respectively, are aligned with penalties for violations of restrictions of a similar nature under the Burnaby Parks Regulation Bylaw.

The proposed amendment will entail the addition of the following table to the Burnaby Bylaw Notice Enforcement Bylaw:

Burnaby Responsible Consumption of Alcohol in Parks Bylaw 2023				
Section	Offence	Penalty Amount (\$)	Discounted Penalty (within 15 days)	Compliance Agreement Available (50% reduction)
3.2(a)	Consuming alcohol in park or public place not designated for public alcohol consumption	200	160	No
3.2(b)	Consuming alcohol in a permitted space outside the hours of dawn to dusk, seven days per week	200	160	No
3.2(c)	Consuming alcohol in or within ten (10) metres of a playground, spray pad, wading pool, outdoor pool, skate bowl, parking lot or sport court within a permitted space	200	160	No
3.2(d)	Consuming alcohol on an artificial turf surface or in a trail, pathway, natural parkland or forested area within a permitted space	200	160	No
3.2(e)	Consuming alcohol in or within ten (10) metres of a playing field while in use under an allotment or other agreement with the City	200	160	No
3.2(f)	Consuming alcohol in part of a permitted space that is outside of the boundaries identified by posted signage	200	160	No

3.4 Program Evaluation

As noted in the May 8, 2023 Council report, staff will also be working directly with the Parks, Recreation and Culture Commission on the evaluation of the pilot program. An interdepartmental staff group is also collaborating regarding the implementation and evaluation of the program. Recognizing this is a pilot project, there may be circumstances that occur which were not anticipated during the development of the proposed Burnaby Responsible Consumption of Alcohol in Parks Bylaw. The purpose of

this pilot program is to allow staff to understand the realities of such a program in Burnaby, including the potential challenges and benefits associated with it. Upon completion of the pilot, staff will complete a full analysis and provide recommendations regarding the outcome of the program for Council's consideration.

4.0 COMMUNICATION AND COMMUNITY ENGAGEMENT

To support the pilot and ensure the responsible consumption of alcohol in public spaces staff will communicate the program guidelines to park attendees and the broader community through various channels including the city's website, social media and onsite signage.

During the pilot, a short survey will be administered through the City's website in order for park users and residents to provide feedback to inform future decisions regarding the program.

FINANCIAL CONSIDERATIONS

As described above, signage must be posted setting out the park boundaries and hours during which alcohol may be consumed. The one-time costs of these signs will be absorbed within the City's existing approved 2023 operating budget.

The increased costs related to waste removal, Park Attendants and other related items will be monitored and used to inform the evaluation of the pilot.

Respectfully submitted,

Carmen Gonzalez, Deputy General Manager Parks, Recreation and Culture

ATTACHMENTS

Attachment 1 – Proposed Burnaby Responsible Consumption of Alcohol in Parks Bylaw 2023

REPORT CONTRIBUTORS

This report was prepared by Carmen Gonzalez, Deputy General Manager Parks, Recreation & Culture, and reviewed by May Leung, City Solicitor, Mary Morrison-Clark, General Manager Parks, Recreation & Culture, Dave Critchley, General Manager Community Safety, and Clayton Hall, Manager Bylaw Services.

CITY OF BURNABY

BYLAW NO. 14571

A bylaw to regulate consumption
of alcohol in City parks

The Council of the City of Burnaby ENACTS as follows:

PART 1: CITATION

1.1 This Bylaw may be cited as **BURNABY RESPONSIBLE CONSUMPTION OF ALCOHOL IN PARKS BYLAW 2023**.

PART 2: DEFINITIONS

2.1 In this Bylaw, unless the context otherwise requires:

“ alcohol ”	means, subject to the <i>Liquor Control and Licensing Regulation</i> , beer, wine, spirits or other product that is intended for human consumption and contains more than 1% alcohol by volume
“ bylaw ”	means this bylaw, including all schedules attached hereto
“ City ”	means the City of Burnaby
“ General Manager ”	means the General Manager Parks, Recreation and Culture for the City or designate
“ playing field ”	means a grass field that is owned, leased or controlled by the City and used or intended to be used for the playing of sports
“ permitted space ”	means the City parks designated pursuant to section 3.1 of this bylaw

PART 3: PERMITTED SPACES, HOURS AND RESTRICTIONS

3.1 Subject to section 3.2 of this **bylaw**, the outdoor areas of the parks set out in Schedule “A” of this **bylaw** are designated as **permitted spaces** where **alcohol** may be consumed by members of the public between the hours of dawn to dusk, seven days per week.

- 3.2 No person shall consume **alcohol**:
- (a) in any **City** park or public space that is not a **permitted space**, except pursuant to a permit or licence under the *Liquor Control and Licensing Act* and related regulations;
 - (b) in any **permitted space** outside the hours of dawn to dusk, seven days per week;
 - (c) in or within ten (10) metres of any playground, spray pad, wading pool, outdoor pool, skate bowl, parking lot or sport court within a **permitted space**;
 - (d) on any artificial turf surface or in any trail, pathway, natural parkland or forested area within a **permitted space**;
 - (e) in or within ten (10) metres of any **playing field** in a **permitted space** while the **playing field is** in use pursuant to an allotment or other agreement with the **City**;
or
 - (f) in any part of a **permitted space** that is outside of the boundaries identified by signage posted in accordance with Part 4 of this **bylaw**.

PART 4: SIGNAGE

- 4.1 The **General Manager** shall post signs setting out the boundaries of each **permitted space** and the hours during which **alcohol** may be consumed in the **permitted space** and such signs shall:
- (a) be posted at all entry points into the **permitted space** and on general information signs in the parks set out in Schedule “A” of this **bylaw**;
 - (b) be at least 0.13 square metres in size; and
 - (c) state the hours during which **alcohol** may be consumed in the **permitted space**.

PART 5: LIQUOR PERMITS

- 5.1 Nothing in this **bylaw** exempts a person from the permitting and other requirements under the *Liquor Control and Licensing Act* and related regulations, other **City** bylaws or agreements with the **City** in respect to serving of **alcohol** at a public or private event in a **permitted space**.

PART 6: OFFENCES AND PENALTIES

- 6.1 Every person who violates any of the provisions of this **bylaw**, or who suffers or permits any act or thing to be done in contravention of any of the provisions of this **bylaw**, or

who neglects to do or refrains from doing anything required to be done by any of the provisions of this **bylaw**, is guilty of an offence and is liable, on summary conviction, to and a maximum fine of fifty thousand dollars (\$50,000.00).

- 6.2 If an offence continues for more than one day, a separate offence occurs on each day or part of a day, and separate fines may be issued for each day or part of a day in respect of which the offence occurs or continues.
- 6.3 A violation of any of the provisions identified in this **bylaw** shall result in liability for penalties and late payment amounts established in Schedule A of BURNABY BYLAW NOTICE ENFORCMENT BYLAW, 2009, and be subject to the procedures, restrictions, limits, obligations and rights established in BURNABY BYLAW NOTICE ENFORCMENT BYLAW, 2009 and the *Local Government Bylaw Notice Enforcement Act*.

PART 7: SEVERABILITY

- 7.1 If a portion of this **bylaw** is held invalid by a Court of competent jurisdiction, the invalid portion must be severed and the remainder of this **bylaw** is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

PART 8: EFFECTIVE DATE

- 8.1 This **bylaw** comes into force and effect on June 23, 2023.
- 8.2 This **bylaw** is repealed effective October 30, 2023.

Read a first time this	day of	, 2023
Read a second time this	day of	, 2023
Read a third time this	day of	, 2023
Reconsidered and adopted this	day of	, 2023

MAYOR

CORPORATE OFFICER

SCHEDULE "A"

PERMITTED SPACES

- 1) Confederation Park
- 2) Central Park
- 3) Keswick Park
- 4) Edmonds Park