

EXPLANATION

A By-law to amend License By-law No. 4450 regarding certain liquor-serving establishments

Enactment of the attached By-law will implement part of Council's endorsement of the Liquor Policy Review on May 2, 2018.

Director of Legal Services
May 2, 2018

BY-LAW NO.

A By-law to amend License By-law No. 4450 regarding liquor requirements

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions of the License By-law.
2. In section 2, Council adds the following new definition in correct alphabetical order:

““Standard Hours Liquor Establishment – Class 8” means a community association with an arts and culture mandate, or a business the primary purpose of which is the sale of works of art, that includes the sale, or offering for sale, of liquor for consumption on the premises pursuant to a liquor primary licence under the BC Liquor Control and Licensing Regulation, and to which certain impact reduction measures and other requirements set out in section 19.2A apply.”
3. In section 2, Council deletes the definition of Standard Hours Liquor Establishment and replaces it with the following:

“ “Standard Hours Liquor Establishment” means a Standard Hours Liquor Establishment – Class 1, Standard Hours Liquor Establishment – Class 2, Standard Hours Liquor Establishment – Class 3, Standard Hours Liquor Establishment – Class 4, Standard Hours Liquor Establishment – Class 5, Standard Hours Liquor Establishment – Class 6, Standard Hours Liquor Establishment – Class 7, and Standard Hours Liquor Establishment – Class 8.”

4. Council deletes section 9A.1 and replaces it with the following:

“COMMENTS UNDER LIQUOR CONTROL AND LICENSING ACT

- 9A.1 (1) Council delegates to the Inspector its powers and duties under section 38(3) of the Liquor Control and Licensing Act to provide comments and recommendations to the general manager under that Act, on any application for a prescribed class of license, in prescribed circumstances, as set out in sections 71(1) through (5) of the BC Liquor Control and Licensing Regulation, except that Council does not delegate to the Inspector its power and duties with regard to the issuance of liquor primary licences.
- (2) Despite the delegation of powers and duties set out above in subsection (1), the Inspector may refer any application referred to in subsection (1) to Council for comments and recommendations.
 - (3) If the Inspector provides comments and recommendations, the applicant whose application is the subject of the delegated comments and recommendations has the right to a reconsideration by Council, and may apply for a reconsideration by delivering a request for reconsideration to the City Clerk setting out the reasons for the request.

- (4) Every applicant for a licence referred to in subsection (1) in respect of which Council or the Inspector provides to the general manager under that Act comments and recommendations, must pay the city the applicable fee specified in Part 1 or 2 of Schedule B to this By-law."
5. In section 19.2A (1), Council adds the words ", except a licensee of a Standard Hours Liquor Establishment – Class 8," after the words "a liquor establishment".
6. In section 19.2A(1), Council adds the following as subsection (j), and renumbers the remaining subsections accordingly:
- "(j) ensure that a list is available to customers that provides the standard drink size, or the size in fluid ounces or millilitres and the percentage of alcohol per volume, for all beer, wine and spirits sold, and that customers are made aware that such list is available."
7. In section 19.2A, Council adds the following as subsection (11):
- "(11) The licensee of a standard hours liquor establishment – class 8 must:
- (a) only sell, or allow the sale of, liquor during the regular business hours of the primary business of the licensee, but in any event, must not sell, or allow the sale of, liquor after 11:00 p.m.;
 - (b) hold their license in conjunction with a valid business license for the primary business of the licensee;
 - (c) have financial records that are consistent with the primary business of the licensee; and
 - (d) retain sales receipts for all sales of liquor for at least one year, and allow the Inspector to inspect and copy the sales receipts at any time. "
8. Council adds a new section 19.2B, as follows:

LIQUOR RETAIL STORE

- "19.2B (1) No person carrying on business as a liquor retail store that is located within a grocery store shall advertise or promote the consumption of liquor in any manner by which the advertising or promotion may reasonably be seen or heard by a minor who is outside the business premises."
9. In subsection 24.3(3), Council adds the following as subsection (d), and renumbers the remaining subsections accordingly:
- "(d) ensure that a list is available to customers that provides the standard drink size, or the size in fluid ounces or millilitres and the percentage of alcohol per volume, for all beer, wine and spirits sold, and that customers are made aware that such list is available."

10. Council adds a new section 27.1A, as follows:

VENUES

"27.1A The licensee of a venue must ensure that a list is available to customers that provides the standard drink size, or the size in fluid ounces or millilitres and the percentage of alcohol per volume, for all beer, wine and spirits sold, and that customers are made aware that such list is available."

11. In Schedule A, "Business License Fees", Council adds the following to column 1 immediately under "STANDARD HOURS LIQUOR ESTABLISHMENT – CLASS 7":

"STANDARD HOURS LIQUOR
ESTABLISHMENT – CLASS 8"

12. In Schedule B, "Miscellaneous Service Fees", Council deletes Part 1 and Part 2 and replaces them with the following:

" PART 1

Fee for assessing and providing comments on an application for the issue of a liquor license or a permanent amendment to a liquor license, other than a food primary

Base fee	\$929.00
Incremental Fees:	
Neighbourhood notification	\$1,116.00
Staff-held neighbourhood public meeting	\$1,921.00
Telephone survey	\$1,052.00

PART 2

Fee for assessing and providing comments on an application for a temporary amendment to a liquor licence

Term

Fee for assessing and providing comments on an application for a temporary amendment to a liquor license, other than a food primary license, requesting later closing hours of operation

\$0.45

per night per seat except that, despite the number of seats or the number of nights, the minimum fee will be \$92.00 and the maximum fee will be \$620.00

Fee for assessing and providing comments on an application for a temporary amendment to a liquor license, other than a food primary license, requesting earlier opening hours of operation

\$92.00

Fee for assessing and providing comments on an application for a temporary amendment to a liquor license requesting any other change to a liquor license

\$92.00

Fee for assessing and providing comments on an application for a permanent or temporary amendment to a food primary license requesting liquor service hours past midnight, or a temporary amendment to a food primary license requesting patron participation entertainment

\$92.00

Severability

13. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

Force and effect

14. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this day of , 2018

Mayor

City Clerk

EXPLANATION**A By-law to amend the Noise Control By-law
Re: Restaurants with live entertainment**

The attached By-law will implement Council's resolution on May 2, 2018 to amend the Noise Control By-law regarding restaurants with live entertainment. Enactment of the attached By-law will implement Council's resolution.

Director of Legal Services
May 2, 2018

BY-LAW NO.

**A By-law to amend
Noise Control By-law No. 6555
Regarding restaurants with live entertainment**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This by-law amends the indicated provisions of Noise Control By-law No. 6555.
2. In section 12A, Council strikes out the word "midnight" and replaces it with "1 a.m.".
3. A decision by a court that any part of this by-law is illegal, void, or unenforceable severs that part from this by-law, and is not to affect the balance of this by-law.
4. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this day of , 2018

Mayor

City Clerk