



City of Kelowna  
1435 Water Street  
Kelowna, BC V1Y 1J4  
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kelowna.ca

# Council Policy

## Liquor Licensing Policy & Procedures

ESTABLISHED: February 21, 2011

Contact Department: Development Planning

### **Guiding Principle**

The *Liquor Control and Licensing Act* and *Liquor Control and Licensing Regulation* provides opportunity for local governments to provide recommendations to the Liquor and Cannabis Regulation Branch (LCRB) on specified liquor license applications. Local government comments are a key component of the LCRB's licensing decisions.

### **Purpose**

To outline the criteria for evaluating a liquor license application and to establish standards and procedures for neighbour notification responsibilities.

### **Application**

This Policy applies to liquor license applications requiring local government input as per the *Liquor Licensing and Control Act*. This includes, but is not limited to, new, expanded, modified, relocated, or temporarily changed licenses for Liquor Primary Establishments, Food Primary Establishments, and Manufacturing Establishments.

### **Definitions**

"Capacity" means the total number of occupants as outlined on the Liquor Licence.

"Central Area" means the designated area identified in Schedule 'A'.

"Food Primary Establishment" means an establishment as defined by the Liquor and Cannabis Regulation Branch.

"Liquor Primary Establishment" means an establishment as defined by the Liquor and Cannabis Regulation Branch.

"Manufacturing Establishment" means an establishment as defined by the Liquor and Cannabis Regulation Branch.

"Outdoor Patio" means an area servicing patrons not located within a building.

"Patron Participation Endorsement" means an endorsement as defined by the Liquor and Cannabis Regulation Branch.

"Regular Format Development Notice Sign" means 4' x 2' signage for displaying notification requirements.

"Downtown Urban Centre" means 'Downtown Urban Centre' as defined in Kelowna 2040 – Official Community Plan Bylaw No. 12300.

### **Policy Statements**

#### **Liquor Licenses Requiring a Council Resolution**

In consideration of new, expanded, modified, or relocated establishments which serve liquor, the following guidelines shall be considered:

1. Hours:
  - a) Liquor service for a licensed establishment within the Central Area may be permitted between the hours of 9:00 AM and 2:00 AM. For a licensed establishment outside of the Central Area, liquor service may only be permitted between the hours of 9:00 AM and 12:00 AM;
  - b) Within the Central Area, an outdoor patio at a licensed establishment may not operate later than 11:00 PM.
  - c) Outside of the Central Area, an outdoor patio at a licensed establishment may not operate later than 12:00 AM. If the property, or any adjacent or abutting property, is designated or zoned for residential uses the patio must not operate later than 11:00 PM.
  - d) Establishments that operate roll shutters, bay doors, or similar large openings must close them by 11:00 PM.

- e) Amplified music and noise in an outdoor setting is discouraged but shall not occur after 11:00 PM.
- 2. Capacity:
  - a) A licensed establishment within the Central Area that closes later than midnight, must limit capacity to 500 persons. The capacity of a licensed establishment within the Central Area of greater than 500 persons may be considered in the following circumstances:
    - i. Where liquor service ends at or prior to 12:00 AM; or
    - ii. Where liquor service is provided in conjunction with alternative entertainment options that are less focused on alcohol consumption, including cultural or event-driven establishments.
  - b) For a licensed establishment outside of the Central Area, the capacity may not exceed 250 persons.
- 3. Siting:
  - a) A new licensed establishment, outside of the Downtown Urban Centre, with a proposed capacity of greater than 500 persons, may not be located within 250 meters of an existing licensed establishment with a capacity of greater than 500 persons.
- 4. Agricultural Land Reserve:
  - a) A licensed establishment located on parcels within the Agricultural Land Reserve (ALR) will only be permitted in accordance with the *Agricultural Land Commission Act* (ALCA) and ALR and Regulations. If not regulated by the ALCA or ALR regulations, liquor establishments on agricultural land must comply with all sections of this Policy.
- 5. Patron Participation Endorsement:
  - a) A patron participation endorsement may be supported where the proposal complies with all sections of this policy.
- 6. Other Consideration Criteria:
  - a) Pertinent input from other internal departments and external agencies;
  - b) Surrounding land uses and general impact on the local neighbourhood;
  - c) Proximity to other licensed liquor establishments; and
  - d) Public input.

#### Temporary Changes to Liquor Licenses:

- 7. Temporary license changes will be reviewed in accordance with the following guidelines:
  - a) A Temporary Change to Liquor Licence may not exceed 3 days;
  - b) Requests for Temporary Change to Liquor Licence must be submitted a minimum 6 weeks prior to the event.
  - c) RCMP input on policing impacts of proposed temporary license changes, including:
    - i) Payment of additional policing costs prior to the event;
    - ii) The number of temporary licence change requests received for each date, and their proposed capacity, proximity, and hours of service;
    - iii) Location of proposed temporary license change;
    - iv) Availability of policing resources;
    - v) Security Plan, including provision of qualified private security personnel.

#### Notification Requirements:

- 8. All structural change and change of hour applications must complete a neighbour notification prior to manager or council consideration. Prior to mail-outs or advertising the applicant must send package to staff for review prior to being sent out.
  - a) Notification Buffer Area:
- 9. For properties within the Permanent Growth Boundary as indicated on OCP Map 3.1, properties within a minimum of 50 m must be notified. The minimum notification distance may be increased at the discretion of the Department Manager, Development Planning based on the scale and specific characteristics of the application. An increase in

notification distance could include providing notification to a block end rather than stopping mid-block or capturing nearby residential areas that could be impacted.

- i) For properties outside of the Permanent Growth Boundary as indicated on OCP Map 3.1, all properties within 300 m must be notified.

Staff will generate a buffer map and list of properties for the applicant. Mail outs are required, and where possible, direct face-to-face notification with immediate neighbours is encouraged.

b) Neighbour Notification Content:

The Neighbour Notification will clearly state that this notification is from the applicant, and not from the City. The following items must be included in the mail-out or face-to-face notification:

- i) Location of the site
- ii) Detailed description of the proposal including specific changes proposed
- iii) Visual rendering or site plan of the proposal (if available)
- iv) Website for the proposal (if available)
- v) Contact information for the applicant
- vi) Contact information for staff

c) Summary of Neighbour Notification:

A summary of neighbour notification efforts, feedback, and responses must be provided to staff before the application can be scheduled for Council or considered by Department Manager. The summary report will be included in the Council report or Department Manager report and must not contain any personal details of attendees such as first and last names, addresses, phone numbers, etc. The summary must include the following information in the following order:

- i) Date the mail-outs or face-to-face notification was completed
- ii) Methods of notification (mail out, face-to-face, website, etc.)
- iii) List of all addresses notified
- iv) Details of the types of information provided
- v) Any feedback or key issues received from the neighbours
- vi) Outline any changes to the project resulting from neighbour notification

d) Signage:

Staff will coordinate with the applicant to order signs in a timely fashion to ensure signage is in place a minimum of 10 days prior to manager or Council consideration. Any costs associated with the production and installation of signage are the responsibility of the applicant and/or owner.

For sites with more than one frontage, a sign is required on each frontage. A sign is required for each 150 m of frontage, provided no more than three signs are required on any one site. Photographic evidence of the installation of the signs is required to be provided to staff prior to Council or Department Manager consideration.

Signage will be a Regular Format Development Notice Signs (4' x 2') and must contain:

- i) Detailed description of proposal including address and file number
- ii) Contact information for the applicant
- iii) Contact information for staff

e) Public Notice:

For applications requiring Council approval, the City will:

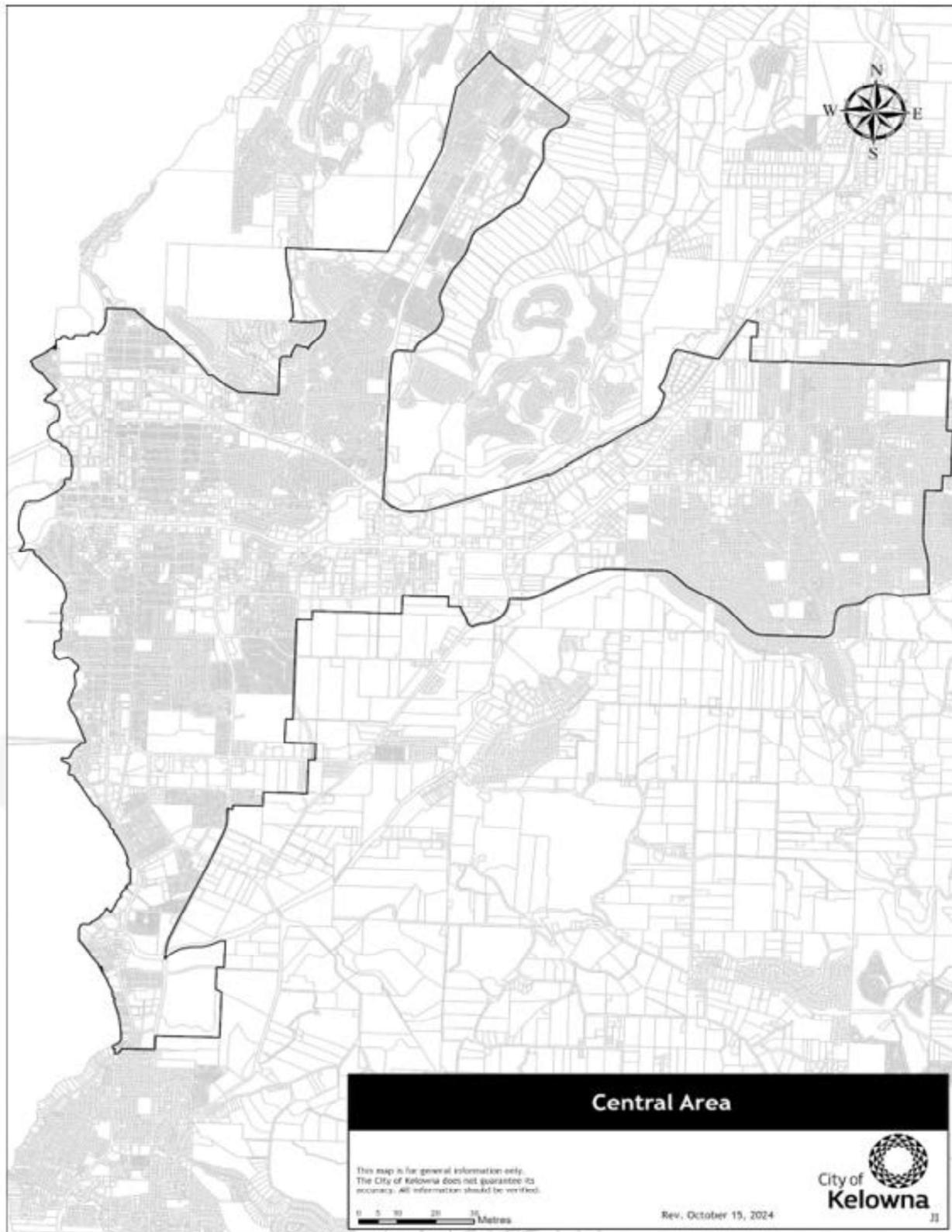
- i) Deliver notice of the application to owners and occupiers to a 50 m (or minimum four properties, whichever is greater) buffer a minimum of 10 days prior to the public meeting
- ii) Place newspaper advertisements in at least two consecutive issues with the last publication to appear not less than three and not more than 10 days before the public meeting

**Amendments**

Resolution:

Replacing: R458/16/05/30; R710/15/09/14; R170/11/02/21; Council Policy No. 315

**Schedule 'A'**





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# Council Policy

## Liquor and Cannabis Licences in Parks, Stadiums, and Facilities

ESTABLISHED November 23, 1992

Contact Department: Sport & Event Services

### Guiding Principle

The City of Kelowna recognizes events as playing a valuable role for a vibrant community, which improves quality of life by contributing to social and economic benefits, reflecting the city's diversity, and showcasing the city's attributes. An objective of the Kelowna Event Strategy is to foster the Event Services Committee structure and permitting process to provide solution-oriented expertise effectively and proactively for all facets of local event and film delivery.

### Purpose

To establish parameters for a licensed liquor or cannabis event.

### Application

This policy applies to an event held in a park or public space.

### Definitions

"Event" means a one-time or infrequent occurrence that provides the public social, leisure, or cultural opportunities outside the normal range of everyday experiences.

"Park" means 'Park' as defined in Parks and Public Spaces Bylaw No. 10680.

"Public Space" means 'Public Space' as defined in Parks and Public Spaces Bylaw No. 10680.

### Policy Statements

1. A licensed liquor or cannabis area may be allowed in conjunction with an organized event.
  - a) More than one licensed area may be allowed per event.
2. A City-owned Liquor Primary licence for a stadium, arena, or theatre will be maintained, which includes the Apple Bowl Stadium, Elks Stadium, Rutland Arena, or Kelowna Community Theatre.
3. The City may authorize in writing that a tenant may operate a City-owned Liquor Primary licence in a facility on the following conditions required by the authorized tenant:
  - a) to operate in accordance with the regulations set out in the Liquor Control and Licensing Act, in addition to the conditions as set out by the Liquor and Cannabis Regulation Branch or the City.
  - b) to be responsible for all financial aspects of operating the Liquor Primary licence, including payment of application or licence fee, necessary criminal record check fee, applicable tax, or operational and associated cost.
  - c) to maintain and provide proof of comprehensive, general liability insurance, release and indemnity of the City.
  - d) to provide financial reporting records to the City in a format determined by the City.
  - e) to remit 10% of annual gross profit earned through the operation of the Liquor Primary licence or \$2,000, whichever is greater.
4. The City may authorize a licensed event in a park or stadium subject to the following conditions:
  - a) An event organizer must apply through the Event Services' approval process to present a request for a licensed area. Logistical items must be identified, which include:
    - i. a site plan of the venue that shows the size, capacity, and location of the licensed area.
    - ii. provision of food and non-alcoholic beverage services;
    - iii. provision of portable washroom facilities;
    - iv. proposed hours of operation of the licensed area will be restricted between 11:00 a.m. and 10:00 p.m.;
    - v. a comprehensive security plan;

- vi. installation of fencing surrounding the licensed area; and
  - vii. any other information required by the City for the review process.
- b) Adhering to regulations of the Liquor Control and Licensing Act, the conditions as set out by the Liquor and Cannabis Regulation Branch or the City.
  - c) Incremental cost as required by the City arising out of the licensed area will be paid by the event organizer.
  - d) The operation of the licensed area does not have a negative impact on a neighbour or business.
  - e) A beverage must be served in plastic, paper, or other disposable container, unless authorized by the City.
  - f) The issuance or extension of a licence is approved by the Event Services Committee.

**Amendments**

Last Revised:

Replacing: R334/07/03/26; R768/04/08/09 R530/00/06/12; R399/1998/05/25, R290/1997/05/05; S1314/1992/11/23; R375/10/04/26



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# Council Policy

## Designated Driver Awareness Program

APPROVED March 24, 2003

RESOLUTION: R375/10/04/26  
REPLACING: R263/03/03/24  
DATE OF LAST REVIEW: April 2010

1. All holders of a liquor licence permitting service of alcoholic beverages for indoor and/or outdoor events at any City-owned facility or property are required to ensure that a "Designated Driver Awareness Program" is in place.
  - (a) FACILITIES OR EVENTS THAT ARE OPEN TO THE PUBLIC or OPEN TO INVITED GUESTS OR MEMBERS ONLY:  
The Designated Driver Awareness Program shall consist of no less than the following:
    - i) Designated Driver Awareness posters encouraging the use of a designated driver or alternate transportation for the event;
    - ii) Designated Driver information posted prominently at each station where alcohol is served; and
    - ii) Designated Driver reminders at each table where guests are seated.
2. Appropriate designated driver information or reminders may consist of materials such as posters, coasters, buttons, stickers, decals, tent cards to place on the tables, or anything else that would promote not drinking and driving.
3. Upon City approval for a Special Occasion Licence Application, the liquor licence holder will be required to obtain a Designated Driver Awareness Program kit. The kits are available free from organizations such as ICBC, Mothers Against Drunk Drivers (MADD), sponsors, etc. It is the responsibility of the liquor licence holder to implement the program in accordance with this policy.
4. Renters not complying with this policy will be subject to forfeit a portion of their facility damage deposit in accordance with damage deposit provisions as outlined in the City's Policy and Procedure Manual for Recreation Facilities, Theatre, Sportsfields and Parks, and will be suspended from having Special Occasion licence privileges at a City-owned facility for a period of one calendar year.

### **REASON FOR POLICY**

To encourage the public through the display of Designated Driver promotional materials to designate a driver or arrange an alternative way home when attending indoor and outdoor events in City facilities where alcoholic beverages will be served.

### **LEGISLATIVE AUTHORITY**

Council Resolution.

### **PROCEDURE FOR IMPLEMENTATION**

City staff will provide all holders of a liquor licence permitting service of alcoholic beverages for indoor and/or outdoor events at any City-owned facility or property with a copy of this policy and any available contact information for organizations that provide designated driver promotional materials at the time that use of the facility/property is booked/rented.