

Bylaw 3684/2022

Being a bylaw of The City of Red Deer, in the Province of Alberta, to designate Entertainment Districts.

WHEREAS the *Gaming, Liquor and Cannabis Act, R.S.A. 2000, c G-1* empowers Council to, by bylaw, designate a public place within the municipality as an Entertainment District.

AND WHEREAS where a person may use or consume liquor in an Entertainment District if the person's use or consumption of liquor complies with this and any other applicable bylaw.

AND WHEREAS in designating a public place as an Entertainment District Council may, by bylaw, establish the requirements for consuming liquor in that Entertainment District.

NOW THEREFORE COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

Short Title

1 This bylaw may be referred to as the "Entertainment District Bylaw".

Purpose

2 The purpose of this bylaw is to designate Entertainment Districts within the City of Red Deer.

Definitions

3 In this bylaw, the following definitions shall apply:

- (a) "**Act**" means the *Gaming, Liquor and Cannabis Act, R.S.A. 2000, c G-1* and its regulations;
- (b) "**Acceptable Container**" means a disposable, non-glass container approved by the Operator for the Entertainment District;
- (c) "**Commission**" has the same meaning as defined or provided in the Act;
- (d) "**Entertainment District**" means a public place designated as a place where a person may use or consume Liquor provided that the person's use or consumption of Liquor complies with the requirements of this and other applicable bylaws;
- (e) "**Licensed Premises**" means the premises described in a liquor licence;
- (f) "**Liquor**" has the same meaning as defined or provided in the Act;
- (g) "**Minor**" has the same meaning as defined or provided in the Act;
- (h) "**Operator**" means the person the City has designated to be in control of the operation of the Entertainment District;
- (i) "**Peace Officer**" includes a Bylaw Enforcement Officer, a Community Peace Officer and a member of the Royal Canadian Mounted Police.
- (j) "**Vendor**" means any person that has been granted a license by the Commission that allows that person to sell or provide Liquor for use or consumption within a specific Entertainment District and includes, but is not necessarily limited to, the person in control of a Licensed Premises.

Designation

- 4** The areas identified below and shown in Schedule A, attached to this bylaw, are designated as Entertainment Districts:
 - (a) Schedule A, The Ross Street Patio.
- 5** The boundaries of each Entertainment District are as described in the Schedules that are attached to and form part of this bylaw.

Rules

- 6** Notwithstanding any other provision in this bylaw or its Schedules, Liquor may only be used or consumed in public in an Entertainment District on those dates and during those times for which the City has designated an Operator for that Entertainment District.
- 7** Anyone selling or providing Liquor for use or consumption in an Entertainment District must:
 - (a) be a Vendor;
 - (b) comply with the terms of this bylaw and applicable Schedule; and
 - (c) comply with the terms and conditions of the license from the Commission, allowing the Vendor to sell or provide Liquor for use or consumption in an Entertainment District.
- 8** A person shall not use or consume Liquor in an Entertainment District unless the Liquor was purchased from a Vendor.
- 9** A Vendor may sell Liquor to be used or consumed in an Entertainment District provided that:
 - (a) the Liquor is served in an Acceptable Container; and
 - (b) it is within the hours during which Liquor may be used or consumed in the Entertainment District.
- 10** A person in control of a Licensed Premises shall not allow patrons to take Liquor from a Licensed Premises onto the area of an Entertainment District unless:
 - (a) the person is a Vendor;
 - (b) the Liquor is transferred to or served in an Acceptable Container; and
 - (c) it is within the hours during which Liquor may be used or consumed in the Entertainment District.
- 11** A person who has purchased Liquor to use or consume in an Entertainment District or who is using, or consuming Liquor in an Entertainment District shall not:

- (a) sell, share or give Liquor to a Minor to use or consume in the Entertainment District; or
- (b) sell, share or give Liquor to a Minor for consumption beyond the boundaries of the Entertainment District; or
- (c) remove Liquor from the Entertainment District.

- 12** A person must comply with all bylaws while in an Entertainment District.
- 13** A person must leave an Entertainment District if asked to do so by the Operator, someone authorized by the Operator or a Peace Officer.
- 14** In addition to the rules set out above, which are applicable to all Entertainment Districts, Operators, Vendors, and persons in an Entertainment District must comply with rules specifically set for that Entertainment District in the Schedule that establishes that Entertainment District.

Operator Designation

- 15** The City Manager may designate an Operator or Operators for an Entertainment District.
- 16** The City Manager must, as part of the designation of the Operator, provide the dates and times during which the Operator will be in control of the operation of the Entertainment District.
- 17** When more than one Operator is designated for an Entertainment district, the period of each Operator's control must not overlap.
- 18** The City Manager may impose such terms and conditions, costs, fees, or bonds on an Operator as the City Manager deems necessary, or revoke the Operator designation at any time. The terms and conditions imposed by the City Manager may relate to, but are not limited to, insurance, public notification, signage, and the costs of clean-up in the Entertainment District.
- 19** The City Manager may revoke the designation of an Operator at any time if the City Manager concludes that revocation of the designation of the Operator is in the public interest.

Offences And Penalties

- 20** Any person who breaches any section of this bylaw is guilty of an offence and is liable to a penalty of \$200 for the first offence, \$400 for the second offence, and \$600 for the third and subsequent offences, within a 12 month time period.
- 21** Any person, whether he or she is an owner or occupier of a property, or a member of the public, is guilty of an offence if he or she:

- (a) refuses to provide identification (name, address and date of birth) and proof thereof to a Peace Officer conducting enforcement action within lawful authority upon request;
- (b) interferes with, or attempts to obstruct, a Peace Officer conducting enforcement action within lawful authority; or
- (c) provides false or misleading information to a Peace Officer.

Municipal Tag

22 A Municipal Tag may be issued to any person where there are reasonable grounds to believe the person has contravened any provision of this bylaw.

23 If a Municipal Tag is issued in respect of an offence the Municipal Tag must specify:

- (a) the name of the person;
- (b) the offence;
- (c) the fine amount;
- (d) that failing to pay the fine amount within 14 days of the issuance of the Municipal Tag will result in prosecution for the offence; and
- (e) any other information as may be required.

Payment in Lieu of Prosecution

24 Where a Municipal Tag is issued in respect of an offence, the person to whom the Municipal Tag is issued may, in lieu of being prosecuted for the offence, pay the fine specified within the time period indicated on the Municipal Tag.

Violation Ticket

25 If a Municipal Tag has been issued and if the specified fine has not been paid within the prescribed time, a Violation Ticket may be issued, pursuant to the *Provincial Offences Procedure Act*, R.S.A. 2000, c P-34.

26 Despite section 25, a Violation Ticket may be immediately issued to any person where there are reasonable grounds to believe that person contravened any provision of this bylaw.

27 If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:

- (a) impose the specified penalty established by this bylaw for the offence and permit a person to make a voluntary payment; or
- (b) require a person to appear in court without the alternative of making a voluntary payment.

Voluntary Payment

28 A person who commits an offence and who wishes to plead guilty may plead guilty to the offence by making a voluntary payment of the specified penalty set out on the Violation Ticket, to a Clerk of the Provincial Court on or before the initial appearance date indicated on the Violation Ticket:

- (a) if a Violation Ticket has been issued in respect of the offence; and
- (b) if the Violation Ticket includes a specified penalty as established by this bylaw for the Offence.

Compliance With Other Laws

29 Nothing in this bylaw relieves a person from complying with any Federal or Provincial law or regulation applicable to the sale and consumption of Liquor in a public place.

Effective Date

30 This bylaw will come into effect June 10, 2022.

READ A FIRST TIME IN OPEN COUNCIL this 24 day of May, 2022.

READ A SECOND TIME IN OPEN COUNCIL this 10 day of June, 2022.

READ A THIRD TIME IN OPEN COUNCIL this 10 day of June, 2022.

AND SIGNED BY THE MAYOR AND CITY CLERK this 10 day of June, 2022.

“Mayor Ken Johnston”

 MAYOR

“Jackie Kurylo”

 CITY CLERK

SCHEDULE "A"

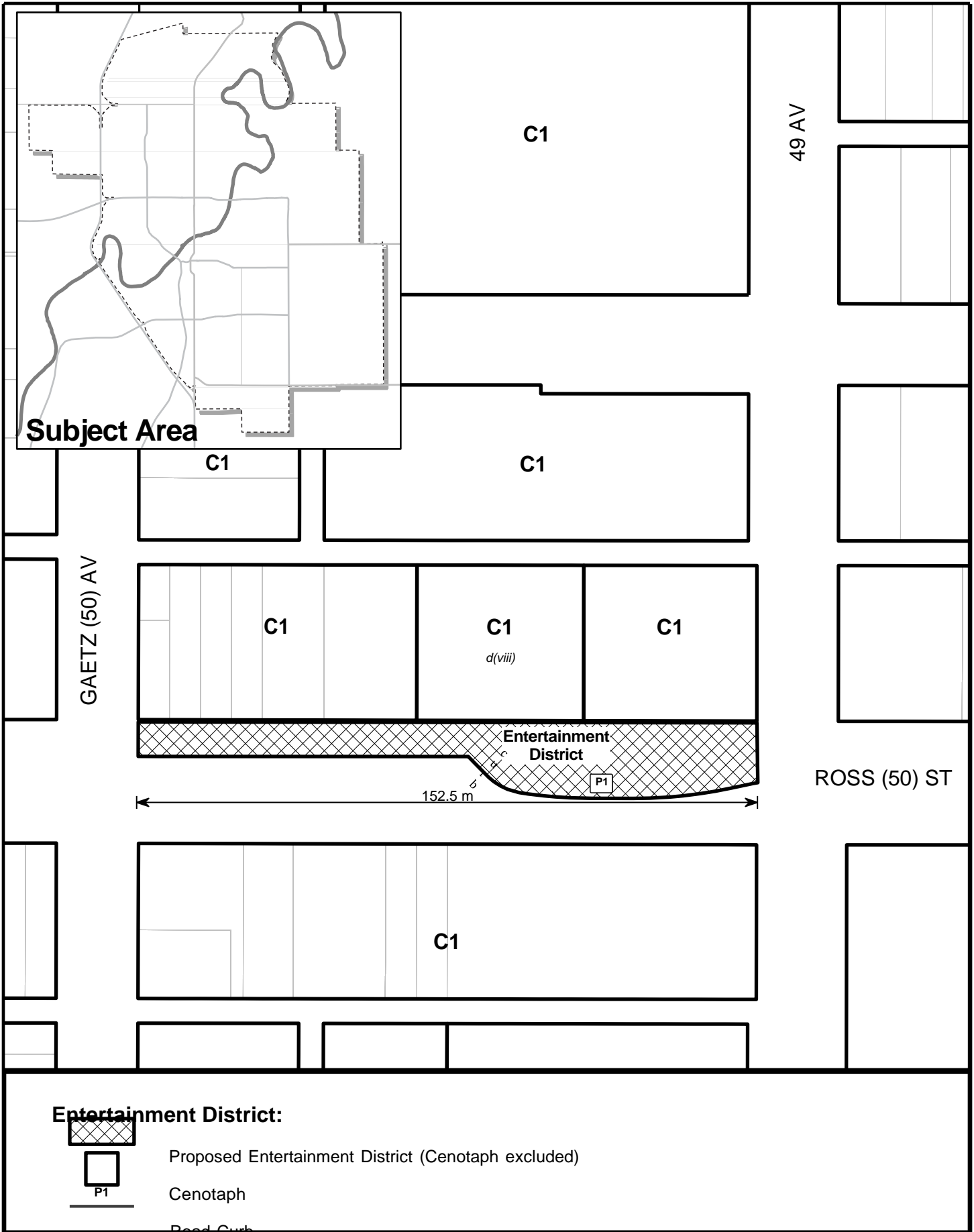
CITY OF RED DEER ENTERTAINMENT DISTRICTS

Schedule A-1

Ross Street Patio

1. The boundaries of the Ross Street Patio are as shown on the Schedule I Map.
2. Liquor may be used or consumed on the Ross Street Patio at the following times:
 - (a) Tuesday 12:00 p.m. – 11:00 p.m.;
 - (b) Wednesday 12:00 p.m. – 11:00 p.m.;
 - (c) Thursday 12:00 p.m. – 11:00 p.m.;
 - (d) Friday 12:00 p.m. – 11:00 p.m.; and
 - (e) Saturday 12:00 p.m. – 11:00 p.m.

Proposed Entertainment District



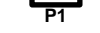
Entertainment District:



Proposed Entertainment District (Cenotaph excluded)



Cenotaph



Road Curb