

# Consumption of Alcohol in Outdoor Public Places

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## TOWN OF SOUTHEY

### BYLAW NO. 04-2023

#### A BYLAW OF THE TOWN OF SOUTHEY IN THE PROVINCE OF SASKATCHEWAN TO PERMIT THE CONSUMPTION OF ALCOHOL IN OUTDOOR PUBLIC PLACES

**WHEREAS** Section 107 (4-9) of *The Alcohol and Gaming Regulation Amendment Act* authorizes the Council of the Town of Southey to enact a bylaw designating an outdoor public place, or part thereof, a place where Alcohol may be consumed during certain hours; and

**WHEREAS** the Council of the Town of Southey deems it expedient to designate certain outdoors public places within the town boundaries where Alcohol may be consumed.

**NOW THEREFORE**, the Council of the Town of Southey, in the Province of Saskatchewan, enacts as follows:

#### 1. Title

1.1 This Bylaw may be referred to as the "Alcohol Consumption in Outdoor Public Places Bylaw".

#### 2. Definitions

2.1 In this Bylaw:

"**Alcohol**" means beer, wine, spirits or other product that is intended for the human consumption and that contains more than one percent (1%) Alcohol by volume.

"**Alcohol and Gaming Regulation Act**" means *The Alcohol and Gaming Regulation Act, 1997*, as amended from time to time;

"**Alcohol and Gaming Regulation Amendment Act**" means the *Alcohol and Gaming Regulation Amendment Act, 2022*, as amended from time to time;

"**Council**" means the Council of the Town of Southey;

"**Designated Officer**" means the RCMP or any other person designated by the Council or Administrator of the Town of Southey;

"**Permitted Outdoor Public Place**" means an Outdoor Public Place that is Town Property and has been designated by Council by this Bylaw as a place where Alcohol may be consumed, but does not include a building, structure, or other installation within the Outdoor Public Place unless that has been expressly designated by Council in this Bylaw;

"**Sign/Signage**" means any printed material that guides, informs, warning or directs;

"**Town**" means the Town of Southey;

**"Town Property"** means a parcel, lot, block, park, or public park other area of land that is located in the Town of Southey and which is either owned or occupied by the Town;

### **3. Designation of Permitted Outdoor Public Places and Hours**

3.1 Outdoor Public Places or parts thereof described in Schedule A of this Bylaw and further identified by signage posted in accordance with this Bylaw are hereby designated as Permitted Outdoor Public Places where Alcohol may be consumed.

3.2 Alcohol may be consumed in any of the Permitted Outdoor Public Places from 11:00a.m. to 12:00a.m. the following day, seven (7) days a week.

3.3 A person shall not consume Alcohol in parts of Outdoor Public Places;

3.3.1 that are outside the boundaries of the Permitted Outdoor Public Places;

3.3.2 that is under the legal age to consume Alcohol in the Province of Saskatchewan; or

3.3.3 outside the permitted hours of 11:00a.m. to 12:00a.m. the following day.

### **4. Signage**

4.1 Signs setting out the boundaries of each Permitted Outdoor Public Place and the hours during which Alcohol may be consumed in the Permitted Outdoor Public Place must be posted.

4.2 Signs posted in Permitted Outdoor Public Places designating where Alcohol may be consumed must:

4.2.1 be at least 12 inches by 18 inches in size;

4.2.2 have at least four (4) signs to designate the boundaries of the Permitted Outdoor Public Place;

4.2.3 state the hours the Alcohol may be consumed; and

4.2.4 be posted or affixed to other items forming the boundary of the Permitted Outdoor Public Place.

### **5. Severability**

5.1 If any section, subsection, clause or sub-clause of the 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.

### **6. Offence and Penalties**

6.1 Every person who contravenes or fails to comply with any provision of this Bylaw, is guilty of an offence and liable on summary conviction to a penalty of:

i. A single monetary amount not exceeding \$2,000;

ii. A daily monetary amount not exceeding \$500; or

iii. A combination of both clauses (i) and (ii).

### **7. Voluntary Payments**

7.1 Where the Designated Officer believes that a person has contravened any provision of this Bylaw, the Designated Officer may serve such person a Bylaw Violation Notice as provided by this section either personally or by mailing or leaving the same at the person's last known address and such service shall be adequate for the purpose of this Bylaw.

7.2 Such notice shall be deemed served:

i. On the expiration of twenty-four (24) hours after it is posted, if the notice is mailed; or

ii. On the day of actual delivery, if the notice is served personally.

7.3 A Bylaw Violation Notice shall state the section of the Bylaw, which is contravened, and the amount, provided in Schedule B, that will be accepted by the Town in lieu of prosecution.

7.4 Upon production of a Bylaw Violation Notice issued pursuant to this section within thirty (30) days from the issue thereof, together with the payment of the penalty provided in Schedule B to the Town, the person to whom the notice was issued shall not be liable for prosecution for the contravention in respect of which the notice was issued.

7.5 Where a person contravenes the same provision of this Bylaw two or more times within one twenty-four (24) hour period, the specified amount payable in respect of the second or subsequent contravention is double the amount shown in Schedule B of this Bylaw with respect to provision.

7.6 Notwithstanding the provisions in this section, a person to whom a Bylaw Violation Notice has been issued pursuant to this section may exercise the right to defend against any charge of committing a contravention of any of the provisions of this Bylaw.

#### 8. Schedules

Schedule A – Map of Lion's Park showing the Permitted Outdoor Public Place;  
Schedule B – Voluntary Payments

#### 9. Coming Into Force

This Bylaw comes into effect on the date on which it receives third reading as is adopted by Council.

Mayor

  
Chief Administrative Officer



Readings:

Read a first time this 22<sup>nd</sup> day of August, 2023  
Read a second time this 14<sup>th</sup> day of November, 2023  
Read a third time this 14<sup>th</sup> day of November, 2023

**SCHEDULE A**  
**Bylaw No. 04-2023**



**SCHEDULE B**  
**Bylaw No. 04-2023**

**Voluntary Payments**

<b>First Offence</b>	<b>\$250.00</b>
<b>Second and Subsequent Offence(s)</b>	<b>\$500.00</b>