Consumption of Liquor with Food in Designated Public Places By-law 37-2021

Consolidated Version

As amended by:

- By-law 153-2023 adopted December 11, 2023
- By-law 119-2024 adopted October 15, 2024

BY-LAW NUMBER 37-2021
OF
THE CORPORATION OF THE CITY OF STRATFORD

BEING a By-law to establish consumption of liquor with food in designated public spaces and at permitted times and to repeal By-laws 106-2020 and 118-2020.

WHEREAS section 11 of the *Municipal Act, 2001* S.O. 2001, c. 25 ("**Municipal Act**") provides that a municipality may pass by-laws respecting matters within the spheres of jurisdiction of culture, parks, recreation and heritage;

AND WHEREAS section 8.(1) of the Municipal Act provides that the powers of the municipality shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS section 31(2)(d) of the *Liquor Licence Act* R.S.O. 1990, Chapter L.19 ("**Liquor Licence Act**") allows a municipality to designate by by-law a public space that is owned or controlled by the municipality as a place where the consumption of liquor is permitted;

AND WHEREAS Regulation 719 under the *Liquor Licence Act* subject to the specified restrictions and conditions allows liquor sales licenses to sell liquor for takeout and delivery;

AND WHEREAS section 425 of the Municipal Act provides that the City may pass by-laws providing that a person who contravene a by-law passed under the provisions of the Municipal Act is guilty of an offence;

AND WHEREAS section 429 of the Municipal Act allows the City to establish a system of fines for offences under a by-law of the City passed under the Municipal Act;

AND WHEREAS the Council of The Corporation of the City of Stratford (the "**City**") deems it in the public interest to allow for the consumption of liquor with food from area restaurants in the designated public spaces;

NOW THEREFORE BE IT ENACTED by the Council of The Corporation of the City of Stratford as follows:

Short Title

1. This By-law shall be known and referred to as "Consumption of Liquor with Food in Designated Public Places By-law".

Definitions

2. In this By-law the following definitions shall apply:

"*Applicable Laws*" means all applicable statutes, regulations, enforceable and published rules, guidelines and policies, laws and by-laws of Canada, the Province

of Ontario, and the City or other Regulatory Authorities, including without limitation the Alcohol Gaming Commission of Ontario;

"*By-law Enforcement Officer*" means a police officer of Stratford Police Services, commissionaire, assistant or any other officer, peace officer or civilian person engaged by Stratford Police Services and/or appointed by The Corporation of the City of Stratford to enforce or carry out the provisions of this by-law or any part thereof*;*

"*City*" means The Corporation of the City of Stratford;

"*City Property*" means a parcel, lot, block, strata lot, public park or other area of land that is located in the City and which is either owned or occupied by the City, or in which the City has vested interest pursuant to a statute and includes a "Highway";

"*Highway*" includes a common and public highway, street, avenue, parkway, driveway, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property line thereof;

"*Liquor*" has the meaning set out in the *Liquor Licence Act* as may be amended from time to time;

"*Liquor Licence Act*" means the *Liquor Licence Act* R.S.O. 1990, Chapter L.19, as may be amended and/or replaced from time to time;

"*Permitted Space*" means a Public Space or part of a Public Space that has been designated by the City by this By-law as a place where Liquor may be consumed, but does not include a building, structure, vehicle or other installation within the Public Place unless specifically designated by Council by this By-law;

"*Public Space*" includes a place, building or vehicle to which the public is invited or has or is allowed access;

"*Regulatory Authorities*" includes but are not limited to the Alcohol Gaming Commission of Ontario, and Ontario Ministry of Transportation.

Permitted Spaces and Hours

3. The following Public Spaces shall be designated as a Permitted Space where the City shall allow, during the specified hours, the consumption of Liquor subject to the terms and conditions set out in this By-law:

    a. The Public Spaces or parts thereof listed on the attached Schedule A to the By-law and which Public Spaces shall be further identified by signage posted in accordance with this By-law are hereby designated as Permitted Spaces where Liquor may be consumed subject to the provisions set out in section 5 of this By-law.

    b. The hours that Liquor may be consumed in any Permitted Spaces are as follows:

        The hours that Liquor may be consumed in any Permitted Spaces are as follows:

        - Sunday to Thursday from 11:00 a.m. to 8:00 p.m.
        - Friday to Saturday from 11:00 a.m. to 9:00 p.m.

c. Liquor may not be consumed in any part or portion of the Public Space that are outside of the boundaries of the Permitted Spaces as identified by signage posted in accordance with this By-law.

Signage

4. The City shall post the appropriate signage setting out the boundaries of the Permitted Space and the hours during which Liquor may be consumed in the Permitted Spaces.

Terms and Conditions Consumption in Permitted Spaces

5. The consumption of Liquor in the Permitted Spaces shall only be permitted subject to the following terms and conditions:

   a. Only Liquor purchased from City restaurants registered in the Stratford Al Fresco program shall be allowed in the Permitted Spaces;

   b. The consumption of Liquor must be in a responsible manner and in compliance with all Applicable Laws including all City policies, by-laws, practices and procedures; and

   c. Liquor shall not be consumed in any area situated outside of the designated Permitted Spaces.

Offence

6. Any person who contravenes any provision of this By-law is guilty of an offence and liable to the maximum fine and such other penalties as provided in the *Provincial Offences Act,* R.S.O. 1990, c.P 33, as amended, and the Municipal Act, and every fine is recoverable under the *Provincial Offences Act*.

Interpretation

7. In this By-law, unless the context otherwise requires words importing the singular number shall include the plural.

8. If a Court of competent jurisdiction declares any section or part of a section of this By-law invalid, it is the intention of Council that the reminder of the By-law shall continue to be in force.

Repeal

9. By-laws 106-2020 and 118-2020 are hereby repealed upon final passage of this By-law.

Effective

10. This By-law shall come into force and take effect upon final passage thereof.

Read a FIRST, SECOND and THIRD time and

FINALLY PASSED this 22nd day of March, 2021.

"Daniel B. Mathieson"

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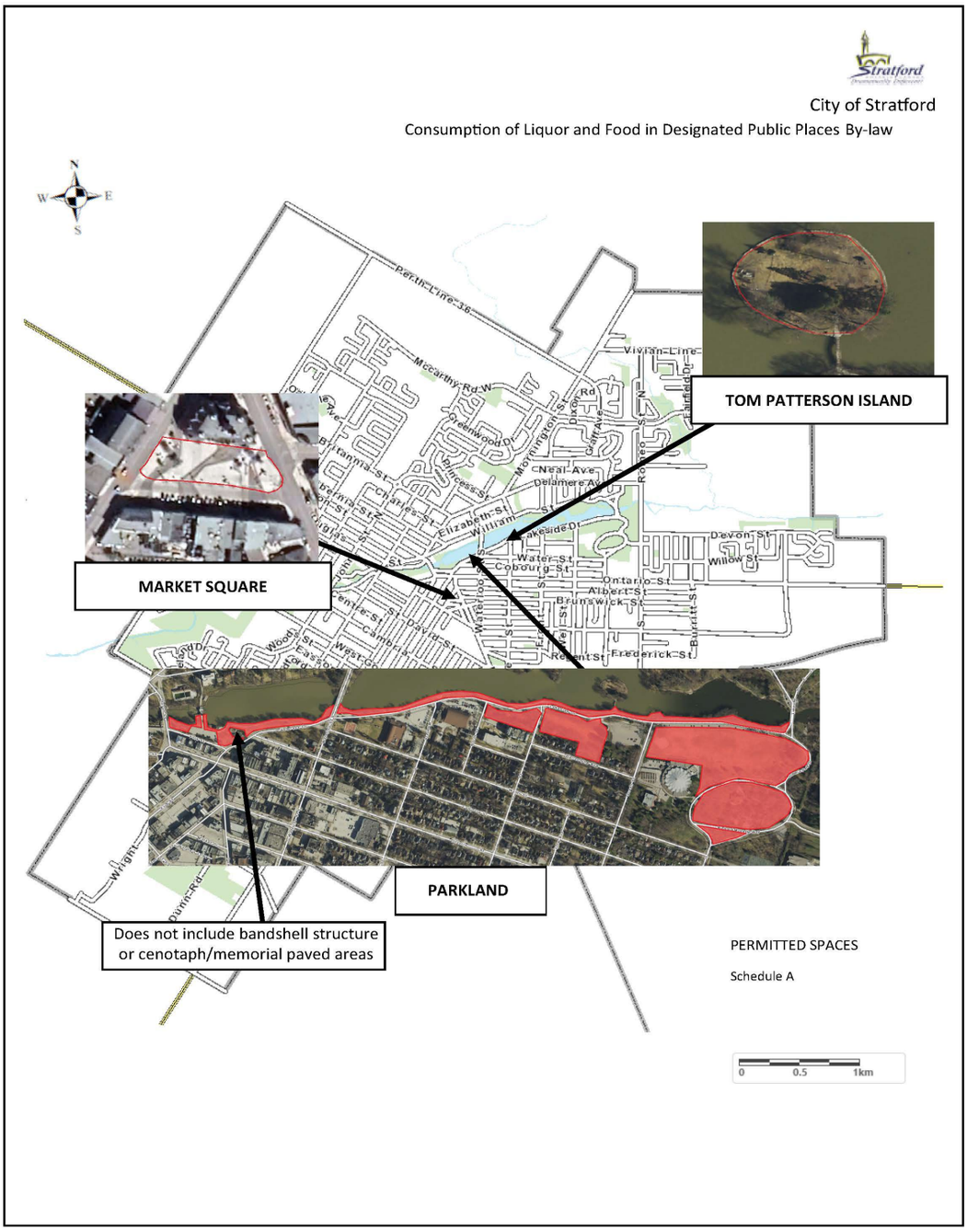
Mayor – Daniel B. Mathieson

"Chris Bantock"

_____

Deputy Clerk – Chris Bantock

SCHEDULE A to By-law 37-2021
Adopted this 22nd day of March, 2021