



Instrument Title:	Liquor in Public Places Bylaw
Instrument No.:	2020-09
Council Motion No.:	20-536
Date Approved:	December 15, 2020
Instrument Type:	Bylaw
Legislative Authority:	<i>Part 6, Division 3, Liquor Act, RSY 2002, c.140 ("The Act")</i>
Enactment:	This Bylaw shall come into force and effect on the final passage thereof. Bylaw 02-04 is hereby repealed.
Revision/Amendment History:	
SUMMARY	The Liquor in Public Places Bylaw is a bylaw that governs which public spaces within the community where alcohol may be possessed and/or consumed.

Read a first time on the 10 day of December 2020.

Read a second time on the 15 day of December 2020.

Read a third time and adopted on the 15 day of December 2020.

Original signed by
Leonard Faber
Mayor

Original signed by
John Thomas
Chief Administrative Officer



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Preamble:

WHEREAS Section 89 (2) of the *Liquor Act, RSY 2002* “the Act” states that “the Minister may make orders in respect of any area in Yukon, in accordance with this section, that regulates any or all of the activities listed in subsection (3).”, and

WHEREAS, Section 89(4) of the Act states that “the Minister may make an order under section (2) only as follows (b) if the order is in respect of an area that is within a municipality, the minister may make the order only if the Council of the municipality has adopted a bylaw that requests the Minister to make the order,

NOW THEREFORE the Council of the Town of Faro hereby ENACTS AS FOLLOWS:

1. Title:

1.1. This Bylaw may be cited as “**Liquor in Public Places Bylaw**”.

2. Intent

2.1. Notwithstanding the amendments to the *Liquor Act, RSY, 2002, c.140.*, the intent of this bylaw is to preserve the practice of allowing public possession and/or consumption of liquor within the administrative boundaries of the Town of Faro by securing an exemption through ministerial order.

3. Definitions

3.1. In this Bylaw, the following terms or phrases shall be interpreted as follows:

1. “Administration” or “Administrative Official” means any person employed by or is an authorized Volunteer of The Corporation of the Town of Faro.
2. “Bylaw” means this bylaw and includes its Schedule, if any.
3. “Chief Administrative Officer” or “CAO” means the Chief Administrative Officer of the Town of Faro as appointed by Council.



4. "Corporation" means The Corporation of the Town of Faro.
5. "Elected Official" or "Member of Council" means a person duly elected to serve on Council.
6. "Liquor" means the definition in the *Liquor Act, RSY 2002, c.140*, as may be amended.
7. "Minister" means the Minister of Yukon Government who has been vested with the authority over the Yukon Liquor Corporation and the implementation of the Liquor Act.
8. "Public Place" means the definition in the *Liquor Act, RSY 2002, c.140*, as may be amended.
9. "Park" means the definition in the *Zoning Bylaw – Bylaw 2017-01*, as may be amended.
10. "Recreation Land" means the definition in the *Liquor Act, RSY 2002, c.140*, as may be amended.
11. "Town Property" means a parcel, lot, or other area of land that is located within the Town of Faro and which is either owned, leased, or legally occupied by the Town or in which the Town has vested interest pursuant to a statute.
12. "Structure" means the definition in *Zoning Bylaw – Bylaw 2017-01*, as may be amended.

4. Severability

- 4.1. In the event that any provision of this bylaw, including any schedule(s), is/are determined to be void, invalid, or unenforceable in whole or in part by a Court of competent jurisdiction, such provision shall be deemed not to affect or impair the validity of the remaining provisions, all of which shall be and remain in full force and effect

5. Compliance and Accountability

- 5.1. The offences set out in the *Liquor Act, RSY 2002, c.140* and as amended from time to time, will apply to persons in violation of this Bylaw.

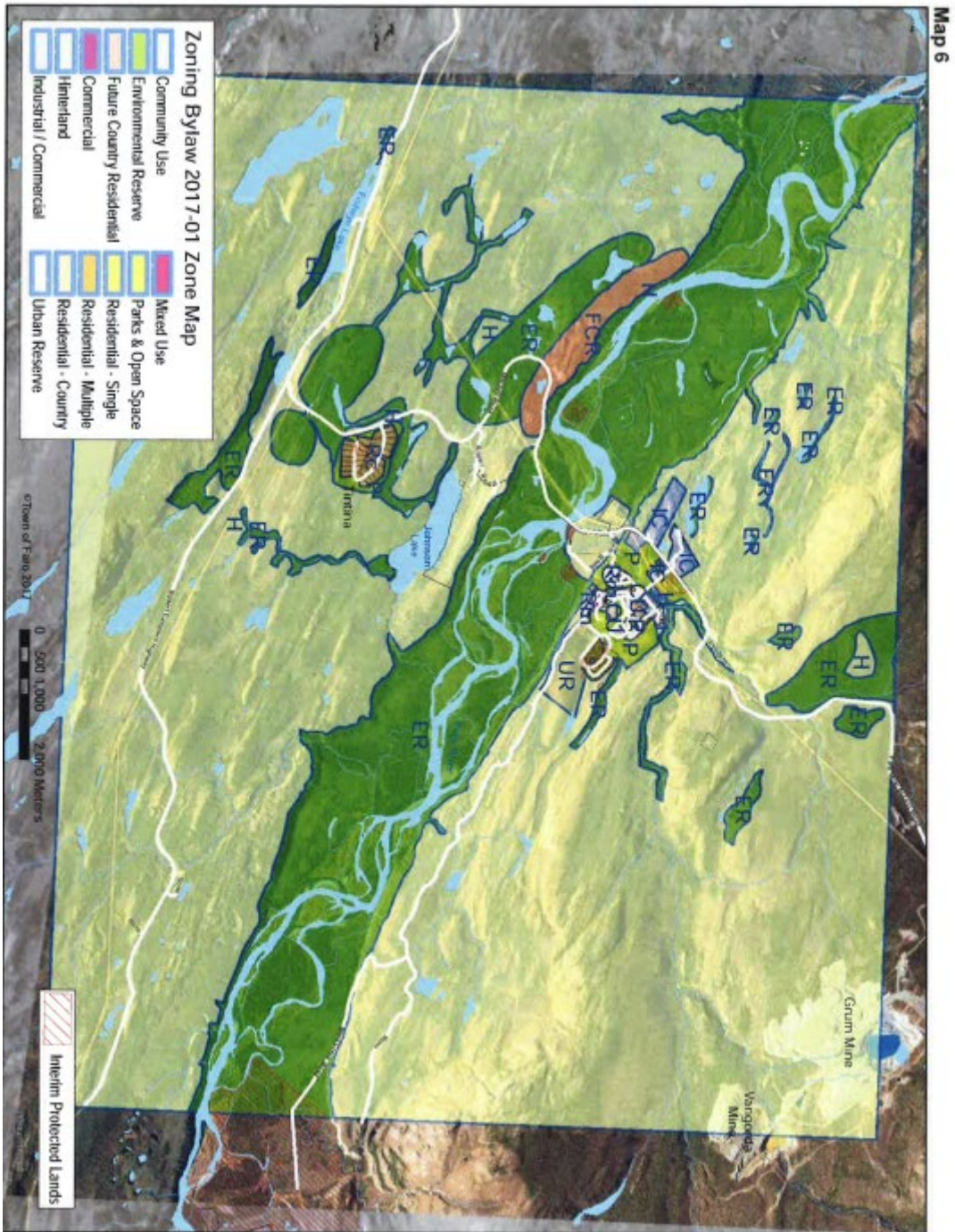


6. General Operations of the Bylaw

- 6.1. If there is conflict between the provision(s) of this bylaw and any other active bylaw or policy, the provision(s) of this bylaw shall prevail to the extent of the inconsistency.
- 6.2. Pursuant to section 89(4)(b) of the Act, upon adoption of this bylaw, the Mayor on behalf of Council, shall write to the Minister requesting that a Ministerial Order be issued granting an exemption from the Act, thereby allowing possession and/or consumption of Liquor in a Public Place and on Recreation Land within the administrative boundaries of the Town of Faro, except for the areas listed in Schedule C.
- 6.3. For clarity, the administrative boundaries for the Town of Faro is outlined in the Zoning Bylaw, Bylaw 2017-01 and as outlined in Schedule A.
- 6.4. Notwithstanding the definition of Public Place and unless express permission is granted by Council for the Town of Faro, the possession and/or consumption of Liquor is hereby prohibited within all municipal buildings and Structures, except those listed in Schedule B.
- 6.5. Schedules B and C of this Bylaw may be amended by a Resolution of Council.



SCHEDULE A – MUNICIPAL ADMINISTRATIVE BOUNDARY





SCHEDULE B – EXEMPTION FOR THE POSSESSION AND/OR CONSUMPTION OF LIQUOR IN MUNICIPAL BUILDINGS & STRUCTURE

The following is a list of buildings and structures owned by or under the care and control of the Town of Faro, including via a lease agreement where the possession and/or consumption of Liquor is allowed without expressed permission from Council.

1. Residential properties owned by the Town, i.e. staff house(s).
2. Spaces leased by the Town to a third party, for example the Legion Building.
3. Outdoor public washroom facilities.
4. Washroom facilities of the RV Campground.
5. Ski Chalet.
6. Arboretum, decks, viewing platforms.
7. Cabins and other structures on properties leased by the Town, for example the Dena Cho Trail.
8. Fisheye Lake Day use area.



SCHEDULE C – AREAS WHERE CONSUMPTION OF LIQUOR IS PROHIBITED.

The following is a list of areas within the Town of Faro where the consumption of Liquor in a Public Place or on Recreation Land is prohibited.

1. All areas within the Grum Mine Site – see Schedule A.
2. All areas within the Vangorda Mine Site – see Schedule A.