

Proposed Alcohol Consumption in Parks

ISSUE

City Council has requested that the Administration report on legislative and/or regulatory barriers that prevent alcohol consumption in municipal parks. What are the legislative and regulatory barriers that prevent alcohol consumption in municipal parks in Saskatchewan?

BACKGROUND

City Council resolved as follows at its [June 28, 2021 Regular Business Meeting](#):

Whereas the City of Saskatoon does not have jurisdiction around alcohol consumption in municipal parks, and

Whereas the City may wish to seek jurisdiction,

Therefore be it resolved that Administration report back on legislative and/or regulatory barriers that prevent alcohol consumption in municipal parks.

CURRENT STATUS

Currently, alcohol consumption in a municipal park in Saskatchewan is prohibited unless an event-specific permit or special occasion permit is issued by the Saskatchewan Liquor and Gaming Authority. Section 107(1) of *The Alcohol and Gaming Regulation Act, 1997* (the “Act”) sets out a general prohibition on consumption of alcohol in public places, including parks, “except as allowed pursuant to this Act and the regulations” and the Act and its regulations then set out specific exceptions to that general prohibition, such as in the case of special occasion permits.

DISCUSSION/ANALYSIS

Currently, the City does not have jurisdiction to permit the consumption of alcohol in its parks where the Province has prohibited that consumption. However, the Province could elect to amend the Act to give the City the authority to permit public consumption of alcohol in its parks. Whether or how to make that change is, of course, the Province’s decision.

In comparison, section 89 of Alberta’s *Gaming, Liquor and Cannabis Act*, states as follows:

89(1) Except as provided in this Act, no person may use or consume liquor in a public place or any place other than a residence, temporary residence, licensed premises or a place or class of place prescribed in the regulations where liquor may be used or consumed.

(2) Despite subsection (1), **a person may consume liquor in a public park in a picnic area designated by the owner or operator of the public park during the hours designated by the owner or operator if a sign is posted that:**

(a) states that a person may consume liquor in the designated picnic area,

(b) sets out the designated picnic area, and

(c) sets out the hours when liquor may be consumed.

(3) A person must stop consuming liquor in a designated picnic area if a peace officer on reasonable and probable grounds believes that the person is intoxicated and the peace officer requests that person to stop consuming liquor

[emphasis added].

If City Council wishes to pursue legislative amendments like Alberta, it would require engagement with the Minister Responsible for the Saskatchewan Liquor and Gaming Authority. This could be done by directing the Mayor to write a letter to the Minister proposing such legislative amendment(s).

For further information and background, the legal status of alcohol consumption in municipal parks in all provinces was reviewed. Alcohol consumption in municipal parks is generally prohibited in all provinces except where there is an event-specific, or special occasion permit issued by a provincial authority. However, the following additional exceptions to the prohibition are in place in the following provinces:

- Alberta A municipality can designate specific picnic areas where alcohol consumption is permitted during designated hours.
- British Columbia *Vancouver Charter* municipalities can designate permitted public areas and times where alcohol consumption is permitted.
- Ontario Municipalities can designate areas by bylaw where public consumption of alcohol is permitted.
- Quebec Alcohol may be consumed in a park if it is with a meal.

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Of note, in Calgary and Edmonton where this was most recently undertaken as a pilot program for the 2021 summer season, both cities undertook extensive community consultation prior to launching the pilot, and neither City has yet reported back on the pilot. In both cities, the consumption of alcohol in public parks was only permitted in specified parks, while seated at the picnic sites within the specified parks, and during specified hours of the day. Further to this, signage was installed at the picnic tables which were used on a first-come, first-served basis or could be reserved with a free permit that gave priority use. Users were only able to drink alcohol at tables clearly labelled with the appropriate signage. The parks chosen for the pilot programs in these cities were due to the existing presence of enforcement (peace officers) and operational teams (parks maintenance) which was to help ensure efficient oversight of the pilot and minimize additional costs

Report Approval

Written by: Andrew Glum, Solicitor
Reviewed by: Darren Crilly, Director of Parks, Community Services
Andrew Roberts, Director of Recreation and
Community Development, Community Services
Mike Jordan, Chief Public Policy and Government Relations Officer
Lynne Lacroix, General Manager, Community Services
Jeff Jorgenson, City Manager
Approved by: Cindy Yelland, City Solicitor