

DISTRICT OF FORT ST. JAMES
POLICY AND PROCEDURE MANUAL

POLICY GROUP:	Miscellaneous
POLICY NO.:	7.4
SUBJECT:	LIQUOR LICENSE APPLICATIONS
ADOPTED:	May 11, 2005
REVISED:	
ADMINISTERED BY:	Administration

Policy: The Council of the District of Fort St. James participates in the review of liquor license applications.

Scope: This policy applies to local government resolutions required by the Province of British Columbia, Liquor Control and Licensing Branch (LCLB) for new or amended liquor primary or food primary liquor licenses. The general manager of the LCLB issues liquor licenses under the authority of the *Liquor Control and Licensing Act* and Regulation. This document is intended to clarify the role of the District of Fort St. James in the review of liquor license applications.

Procedure:

1. Applications

a. Application Forms

Applications for local government resolution shall be made to the Administrator and shall contain:

- Name, address, and signature of the applicant,
- Name, address, and signature of registered owner, if different from the applicant, or a letter of consent from the owner, if the applicant is not the owner,
- Title search for the property, including copies of any charges on title,
- Legal description of the property, and street address of the property
- Type of application being made:
 - Application for new liquor primary license
 - Application for an amendment to an existing liquor primary license
 - Application for a food primary license
 - Application for a temporary amendment to an exiting liquor license
- Reasons, comments, or plans in support of the application, and
- Documentation that the necessary application has been made to, and accepted by, the LCLB

b. Application Fees

At the time of application for local government resolution the applicant shall pay the District of Fort St. James an application fee in the amount of \$250.00 (to cover the cost of public notice).

c. Consideration of Applications

The Administrator shall prepare a report for Council containing:

- details of the application;
- an evaluation of the proposal in accordance with section 2 of this policy (*Evaluation Criteria for Liquor License Applications*);
- a summary of referral responses;
- a draft resolution for Council's consideration in accordance with the *Liquor Control and Licensing Act* and Regulation.

The Administrator shall submit applications received for a local government resolution to:

- Fire Chief
- RCMP

The Administrator will consider applications keeping in mind:

- Infrastructure Planning
- Long Range Planning
- Leisure Services
- Bylaw Services

Applications shall be considered at a regular meeting of Council. Council may approve the draft resolution, amend the draft resolution and approve it, or provide no comment.

d. Obtaining Community Opinion

The District of Fort St. James will collect the views of residents that may be affected by the application.

Council shall hold a public hearing, which shall be advertised in accordance with Section 1(e). On the date identified in the public notice, Council will hear the applicant and members of the public who may be affected if the liquor license is granted.

Where an application is associated with an application for rezoning or an Official Community Plan (OCP) amendment, the public hearing for the rezoning or OCP

amendment shall be used to obtain public input on the liquor license application, provided the requirements of Section 1(e) are met.

e. Public Notice

All of the following methods of public notice must be given. Each method shall advise the public of the name of the applicant, the type of application, the location of the subject property, their right to be heard by Council, the date, time and location of the public hearing, and where and when copies of the application may be read.

- i) Each applicant shall post a sign on the site that is the subject of the application at least 10 days prior to the date of the hearing.
- ii) The Administrator shall provide written notification to owners of all parcels within 100 metres of the subject property at least 10 days prior to the date of the hearing.
- iii) The Administrator shall place advertisements in two consecutive issues of a newspaper, the last publication to appear not less than 3 nor more than 10 days before the date of the hearing

f. Resolution Outline

The resolutions passed by Council shall take the form outlined in the document *Role of Local Government and First Nations* in the Provincial Liquor Licensing Process prepared by the Liquor Control and Licensing Branch.

Council may make a resolution conditional upon some term or condition; however, prior to doing so Council should ensure that the term or condition is within the jurisdiction of the Liquor Control and Licensing Board to impose or enforce.

g. Special Occasion Licenses

An application for local government resolution for a public special occasion license on lands administered by the District shall be made to Administration.

2. Evaluation Criteria for Liquor License Applications

a. Community Impact

Council may consider the following when providing a resolution with respect to an application for a new liquor license, or an amendment to an exiting license:

- Location of the establishment
- Proximity of the establishment to other social or recreational facilities and public buildings
- Occupant load and hours of liquor service

- Number and market focus or clientele of liquor primary establishments within a reasonable distance
- Traffic, noise, parking and zoning,
- Population density
- Relevant socio-economic information
- Whether the proposed amendment will result in the establishment being operated in a manner that is contrary to its primary purpose
- The impact on the community if the application is approved.

b. Hours of Liquor Service

The following section details the suggested hours of liquor service for liquor primary and food primary licensed establishments. Council may increase or decrease the suggested hours of operation on a case-specific basis in consideration of the evaluation criteria in Section 1(a).

i) Liquor Primary

Liquor primary licenses within the Commercial Core (C-1) Zone may be permitted to have hours of liquor service between 9 a.m. and 3 a.m.

Liquor primary licenses outside of the Commercial Core (C-1) Zone may be permitted to have hours of liquor service between 9 a.m. and 1 a.m.

Hours of liquor service for existing Liquor Primary establishments will not change without an application to LCLB, and referral to the District of Fort St. James for a resolution from Council pursuant to the *Liquor Control and Licensing Act* and Regulation.

ii) Food Primary

Food primary licenses within the Commercial Core (C-1) Zone may be permitted to have hours of liquor service between 9 a.m. and 1 a.m.

Food primary licenses outside of the Commercial Core (C-1) Zone may be permitted to have hours of liquor service between 9 a.m. and 12 midnight.

Hours of liquor service for existing Food Primary establishments will not change without an application to LCLB, and referral to the District of Fort St. James for a resolution from Council pursuant to the *Liquor Control and Licensing Act* and Regulations.

c. Occupant Load

The following section details the suggested occupant load for liquor primary licensed establishments. Council may increase or decrease the following suggested occupant

loads on a case specific basis in consideration of the evaluation criteria in Section 1(a).

Liquor primary licenses within the Commercial Core (C-1) Zone may be permitted to have an occupant load no greater than 200.

Liquor primary licenses outside of the Commercial Core (C-1) Zone may be permitted to have an occupant load no greater than 100.

For new liquor license applications and amendments to existing liquor licenses the occupant load shall be taken as the lesser number of persons allowed in a license establishment under the following provisions:

- British Columbia Building Code
- Fire Services Act and British Columbia Fire Code
- Guidelines for calculating occupant load for licensed liquor establishments published by the *Building Policy Branch, Ministry of Social Development and Economic Security*

Occupant load for existing Liquor Primary establishments will not change without an application to LCLB, and in some cases a referral to the District of Fort St. James for a resolution from Council pursuant to the *Liquor Control and Licensing Act* and Regulation.

d. Patron Participation Entertainment

Council may add or subtract from the following lists on a case specific basis, in consideration of the evaluation criteria in section 1(a). Patron participation entertainment may not alter the primary focus on the service of food.

The following types of patron participation entertainment may be permitted in food primary establishments: karaoke, comedy club, music club, and dinner theater.

The following types of patron participation entertainment may not be permitted in food primary establishments: exotic dancing, electronic interactive gaming, games rooms.

e. Location of liquor primary establishments

Council may increase or decrease the following suggested minimum separation between liquor primary establishments on a case specific basis in consideration of the evaluation criteria in Section 1(a).

Liquor primary establishments outside of the Commercial - Core (C-1) Zone may be permitted with a minimum separation of 1.6 km.

f. Existing licensed establishments

Hours of liquor service, occupant load, and patron participation entertainment for existing licensed establishments, which are above the suggested limits within this policy, shall not be reduced by this policy, but shall be permitted as non-conforming.