

# REPORT

## *Community Services*

**To:** Mayor Johnstone and Members of Council  
**Date:** March 10, 2025

**From:** Blair Fryer, Director of Community Services  
**File:** 2645256

**Item #:** 2025-75

**Subject:** **Extending Patio Hours – Street and Sidewalk Patio Bylaw Amendment**

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### **RECOMMENDATION**

1. *THAT Street and Sidewalk Patio Bylaw No. 8318, 2022, Amendment Bylaw No. 8514, 2025 be given first, second and third readings;*
  2. *THAT staff be directed to endorse the applications of establishments with existing patios on public property that apply to the Liquor and Cannabis Regulation Branch for increased hours.*
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### **PURPOSE**

To present Council with an amendment bylaw to Street and Sidewalk Patio Bylaw No. 8318, 2022 that would align patio closing hours on private and public property.

### **SUMMARY**

Staff are recommending a bylaw amendment to the Street and Sidewalk Patio Bylaw No. 8318, 2022 to align patio hours for those located on public and those located on private property by removing the specified closing times for those patios located on public property. The regulations within the City's Noise Bylaw No.6520, 1999 remain as an enforcement tool for situations negatively impacting local residents. The intent of this change is to create more consistency for patios, encourage activation in commercial areas, and support local businesses while also protecting nearby residents' peaceful enjoyment of their homes.

## **BACKGROUND**

In the 1990's, the City's Sidewalk Café Patio program was initiated. In 2022, during the COVID-19 pandemic, the program was updated and a new bylaw was adopted. During this update, the closing time for liquor primary and manufacturer related patios located in industrial areas was extended from 10:00 pm to 11:00 pm. The closing time for a liquor primary in a commercial zone remained at 10:00 pm. The rationale behind the extension being applied only to patios in industrial locations was a concern relating to proximity to residents.

On May 29, 2023, Council passed the following motion:

**THAT** Council direct staff to seek opportunities for all patio service hours to be extended to 11:00 p.m. as part of the City of New Westminster liquor licence review.

Due to staff resourcing challenges and additions to work plans, staff were unable to advance the liquor licence review in 2024. A temporary policy was endorsed on June 17, 2024 that permitted liquor primary licensed patios to remain open to 11:00 pm. This time extension was applicable to two liquor primary establishments, one of which participated in the extended closing time. The temporary policy change was time limited and expired November 1, 2024 and was an opportunity to gauge public support and identify gaps.

This proposed bylaw amendment reflects the learnings from the temporary policy period, while providing more certainty and equity to businesses until the more fulsome work of the liquor policy development can be completed.

## **DISCUSSION**

### **Street and Sidewalk Patio Bylaw No. 8318, 2022**

The Street and Sidewalk Patio Bylaw governs when a restaurant or bar can have outdoor seating on City property adjacent to their business. Additionally, if a business wants to serve alcohol on their outdoor patio, they require approval from both the City and the Provincial Liquor and Cannabis Regulation Branch (LCRB). Per the Street and Sidewalk Patio Bylaw, patios connected to a liquor primary (pub) or brewery must close by 10:00 pm in commercial areas and 11:00 pm in industrial areas. The closing time for patios primarily serving food (and not alcohol) isn't specified, but businesses must ensure their patio doesn't make excessive noise after 10:00 pm, per the City's Noise Bylaw. As noted in Table 1, patios associated with liquor primary establishments that are located on private property do not have a specified closing time, provided they meet the Noise Bylaw requirements.

**Noise Bylaw No. 6520, 1999**

The City’s Noise Bylaw regulates or prohibits the making or causing of certain noises or sounds in the municipality. While sections 5, 6, and 7 of the bylaw list maximum decibel levels of continuous and non-continuous noise during the day and at night, these sections best address predictable and constant noise, such as construction fans or generators.

Sections 3 and 4 contain broad prohibitions about disturbing the quiet, peace, rest, enjoyment, comfort or convenience of persons in the vicinity. These sections best address unpredictable and intermittent noise such as those likely to be generated on a patio. These are the sections Bylaws staff have indicated they most frequently reference with noise generated from conversation or music.

The bylaw prescribes lower maximums at night and defines night as occurring from 10:00 pm to 7:00 am. This supports resident expectations for reasonable quiet after 10:00 pm. All real property within the boundaries of New Westminster must comply with the Noise Bylaw and this includes patios, regardless of whether they serve alcohol or not, or whether they are on private or public property.

Bylaws staff have indicated that relatively few complaints have been received over the years with respect to noise emanating from patios. Staff have worked closely with those establishments that have generated complaints to remedy the situation, on a case-by-case basis.

**Table 1: Types of Patios and Hours Policy & Bylaw – New Westminster**

Patio Type	Private Property	Public Property (sidewalk/street)
<b>Restaurant/café patio (food primary)</b>	No limitations to patio operating hours provided the noise does not disturb the peace, quiet, and enjoyment of neighbouring properties after 10 pm. If serving liquor, the business also needs to follow the hours listed on their liquor licence.	No limitations to patio operating hours provided the noise does not disturb the peace, quiet, and enjoyment of neighbouring properties after 10 pm. If serving liquor, the business also needs to follow the hours listed on their liquor licence.
<b>Pub/manufacturer patio (liquor primary)</b>	No limitations to patio operating hours provided the noise does not disturb the peace, quiet, and enjoyment of neighbouring properties after 10 pm. The business also needs to follow the hours listed on their liquor licence.	Patios must close at 10 pm in commercial areas and 11 pm in industrial areas with the Noise Bylaw still applying (e.g. noise past 10 pm does not disturb the peace, quiet, and enjoyment of neighbouring properties after 10 pm). The business also needs to follow the hours listed on their liquor licence.

**Patios Associated with Liquor Primary Establishments & Manufacturers**

Currently the following patios are associated with liquor primary establishments and manufacturers in the city.

- Liquor Primary licensed establishments – 18 licensed establishments
  - With patios on private property – 10 (no specified closing time)
  - With patios on public property – 3 (10:00 pm closing time, per bylaw)
  
- Manufacturers – 3 licensed establishments
  - With patios on private property – 1 (no specified closing time through City regulations; operator chose patio closing hours of 8:00 pm and 10:00 pm)
  - With patios on public property – 1 (11:00 pm closing time, per bylaw)

Patio hours for those establishments/manufacturers on private property follow the closing time of the general/indoor space liquor licence times. This ranges by establishment but generally from 12:00 am to 2:00 am. It’s important to note that although their liquor service hours may be until 12:00 am to 2:00 am, in discussion with several operators they generally close their patios at 10:00 pm due to operational factors such as staffing, and being mindful of noise levels, although one pub did keep their patio open until 12:00 am.

**Permitted Patio Hours in Surrounding Municipalities**

As shown in the table below, patio closing times vary across municipalities in the region.

**Table 2: Municipal Scan of Patio Closing Times**

Municipality	Patio Closing Times
Vancouver	11 pm. Pilot program where businesses can apply to 1 am if no noise complaints in past 12 months and no restrictions on liquor licence. Can be revoked at anytime. Public and private patios are treated the same.
City of North Vancouver	Service must end at 10 pm and the patio area closed by 11 pm. Public and private patios are treated the same.
Burnaby	10 pm, unless otherwise indicated on business licence, patio permit and/or liquor licence.
Surrey	10 pm if within 100 metres of a residential area. Public and private patios are treated the same.
Coquitlam	Do not regulate patio hours; complaint based.
Port Moody	9 pm Sun-Wed and 10 pm Thurs-Sat. Public and private patios are treated the same.
Port Coquitlam	Nothing in bylaws limiting hours but would default to hours specified on liquor licence. Noise bylaw regulates no noise between 11 pm and 7 am. Public and private patios are treated in the same way.
Richmond	10 pm. Public and private patios are treated the same.

**Proposed Bylaw Amendment**

Staff recommend removing a specified patio closing time in the Street and Sidewalk Patio Bylaw, based on:

- the municipal scan indicating most patio closing times are treated the same on public vs. private property
- limited concern or calls for service from both NWPD and Integrated Services related to patios in recent history
- the overarching regulation of the existing Noise Bylaw which seeks reasonable quiet by 10 pm, and
- the recognition of the City’s desire to facilitate more active commercial areas.

There are two liquor primary establishments and one manufacturer that, as a result of the proposed bylaw change, would be able to apply to the LCRB for a change of hours for their patios located on public property:

- 609 Columbia Street – Judge Begbie’s Tavern
- 320 Sixth Street – The River’s Reach Pub
- 1319 3<sup>rd</sup> Avenue – Steel & Oak Brewing Co.

**Liquor and Cannabis Regulation Branch (LCRB)**

Changes to a liquor licence require approval from the Province through the LCRB. Applicants wishing to change their hours of operation permanently would apply for the necessary amendment through the LCRB, which would then refer it to the City for comment. The City’s standard practice is to “opt in” to providing input and City staff work with the applicant to conduct a community input process, which includes a sign placed on site for 30 days that outlines the proposed change, two notices in the Citypage e-newsletter seeking public input on the proposed change and correspondence to local residents and business associations.

Given these operators have operated for several years without concern, staff recommend Council direct staff to “opt out” of conducting community input and providing a municipal resolution. When a municipality opts out, the LCRB conducts their own community input process. City staff would process future requests for new patios following the City’s standard process, which would include “opting in” to running a community input process and providing a municipal resolution.

**FINANCIAL IMPLICATIONS**

There are no financial implications to the City.

**INTERDEPARTMENTAL LIAISON**

This report was prepared with feedback from the Manager of Integrated Services.

**OPTIONS**

Three options are presented for Council’s consideration:

1. THAT Street and Sidewalk Patio Bylaw No. 8318, 2022, Amendment Bylaw No. 8514, 2025 be given first, second and third readings;
2. THAT staff be directed to endorse the applications of establishments with existing patios on public property that apply to the Liquor and Cannabis Regulation Branch for increased hours.
3. THAT Council provide staff with alternative direction.

Staff recommend options 1 and 2.

**ATTACHMENT**

Attachment 1 – Street and Sidewalk Patio Bylaw No. 8318, 2022, Amendment Bylaw No. 8514, 2025

**APPROVALS**

This report was prepared by:  
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