

LIQUOR ACT

R-015-2022

Registered with the Chief Legislative Counsel

2022-05-27

LIQUOR REGULATIONS, amendment

The Minister, under sections 11 and 54 of the *Liquor Act* and every enabling power, makes the annexed amendments to the *Liquor Regulations*.

1. These regulations amend the *Liquor Regulations, R.R.N.W.T. 1990,c.L-34*.

2. Section 1 is amended by repealing the definition of "cocktail lounge (cabaret)" and adding the following definitions in alphabetical order:

"patio" means an outdoor area used as part of a licensed premises; (terrasse)

"patio licence" means one of the following licences established under subsection 42.1:

- (a) a dining room (patio) licence, or
- (b) a cocktail lounge (patio) licence; (licence de terrasse)

3. Subsection 3(2) is repealed.

4. The following is added after section 42:

Subclasses of commercial licences

42.1. (1) The following subclasses of licences are established:

- (a) dining room (patio) licence as a subclass of dining room licence;
- (b) cocktail lounge (patio) licence as a subclass of cocktail lounge licence.

(2) The Board may issue a patio licence only for licensed premises that include both a patio and an indoor area.

(3) For greater certainty, a patio may not be included as part of any licensed premises other than one operated under a patio licence.

Patio licences

42.2. (1) The following requirements apply to licensed premises with a patio licence:

- (a) the patio must be owned or controlled by the licence holder;
- (b) the patio must be
 - (i) directly connected to the indoor area of the licensed premises, or
 - (ii) connected to the indoor area of the licensed premises by way of a walkway that is owned or controlled by the licence holder and is part of the licensed premises;
- (c) the patio must be enclosed by a fence that is of a minimum height established under subsection (2);
- (d) the patio must be controlled by the use of both doors or gates and staff monitoring to prevent the entry of persons not authorized to be on the licensed premises under the Act and these regulations;
- (e) the licence holder must ensure that staff monitor the consumption of liquor by customers;
- (f) in the case of a dining room (patio) licence,
 - (i) the patio must be equal to or less than the size of the indoor area of the licensed premises,
 - (ii) the patio may only be open during the hours that the indoor area of the licensed premises is open, and
 - (iii) all other requirements under these regulations for dining rooms;

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- (g) in the case of a cocktail lounge (patio) licence, all other requirements under these regulations for cocktail lounges.

(2) When issuing a patio licence, the Board must establish the minimum height of the fence referred to in paragraph (1)(c) as follows:

- (a) the minimum height established by the Board must be no less than 60 centimetres and no more than 155 centimetres; and
- (b) the minimum height must be established by the Board based on
 - (i) the impact that the patio may have on neighbouring properties, and
 - (ii) the risks associated with the patio.

(3) The Board may allow for persons under the age of 19 years to be present on the walkway referred to in subparagraph (1)(b)(ii).

(4) The Board may establish a licensed capacity for a patio, which, if applicable, must be less than the occupant load.

(5) If the Board has established a licensed capacity for a patio under subsection (4), the licence holder must not permit the number of persons on the patio to exceed the licensed capacity.