

POLICY MANUAL

SUBJECT: MUNICIPAL ALCOHOL RISK MANAGEMENT POLICY	EFFECTIVE DATE: MAY 8, 1996
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TOWNSHIP OF TAY ALCOHOL RISK MANAGEMENT POLICY

FORWARD

A range of problems can arise from alcohol consumption. These problems can affect not only the alcohol consumers but also other people who use the facilities. In many instances, these problems will not be attributed to moderate drinkers or to those who respect the rules regarding alcohol consumption. The majority of problems arise from drinkers who engage in:

1. Drinking to Intoxication
2. Drinking and Driving
3. Underage Drinking
4. Drinking in Prohibited Areas

To the extent that these four drinking practices can be reduced, the likelihood of alcohol related problems will diminish. The completion of the Smart Serve Program (S.S.P.) training course is required for bartenders involved with functions on municipal property that have a L.L.B.O Special Occasion Permit. The completion of this course is recommended for individuals involved with functions that have a L.L.B.O. Special Occasion Permit.

POLICY

To provide a management strategy for the control of alcohol in municipal parks and recreation facilities which reflects the municipality's philosophy, considers the needs of the community and ensures the health and safety of the participants and facilities where alcohol may be deemed suitable for use.

The primary objective of this policy is to advance public health in the Township of Tay by reducing the opportunities to engage inherently high risk alcohol consumption, thereby promoting responsible, moderate drinking practices for those who consume alcohol on all Municipal premises. In addition, the adoption of a range of measures, including education and training, designed to reinforce the safe and legal use of alcohol will, in all likelihood, reduce the possibility of injury and harm to all persons and property due to alcohol consumption on Municipal property.

DEFINITIONS AND SHORT FORMS:

- a) "**ALCOHOL**" means spirits, wine or beer, or any combination thereof and includes any product of fermentation or distillation in a form appropriate for human consumption as a beverage, alone or in combination with another matter;

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- b) "**HIGH-ALCOHOL BEER**" means any beer with more than 6% alcohol per serving;
- c) "**LOW-ALCOHOL DRINK**" means an alcohol beverage with less than 5% alcohol per serving of beer, less than 40% alcohol per serving of spirits and less than 11% alcohol per serving of wine;
- d) "**POLICY**" means the Municipal Alcohol Policy set out herein;
- e) "**MUNICIPAL**" or "**MUNICIPAL CORPORATION**" means the Corporation of the Township of Tay;
- f) "**MUNICIPAL PROPERTIES**" means all Municipally-owned or Municipally-leased premises;
- g) "**SPECIAL OCCASION PERMIT**" means a permit issued to pursuance to the Liquor License Act;
- h) "**SPONSOR/AGENT**" means an individual, a group of individuals or an organization seeking to hold events on Municipal property which may involve the serving of alcohol;
- i) "**MUNICIPAL REPRESENTATIVE**" means anyone employed by the Municipality;
- j) "**DESIGNATE**" means Parks Foreman, Roads/Parks Superintendent, Recreation Co-ordinator and the Administrator/Clerk.
- k) "**Private Event**" shall include weddings, reunions, family functions, anniversaries, birthday parties, any event that is not run by an organized group as a fundraiser of any kind.
- l) "**S.O.P.**" refers to a Special Occasion Permit, which is required any time alcohol is served in a non-private place. An outdoor place that is available for rental by members of the public for occasional use is not a private place;
- m) "**L.L.B.O.**" refers to the Liquor License Board of Ontario;
- n) "**M.A.P.**" refers to the Municipal Alcohol Policy;
- o) "**S.S.P.**" refers to the Smart Serve Program training course or equivalent;
- p) "**Youth Sponsored Event**" means a function being held for those under the age of 19, (e.g. Minor Baseball Tournaments, youth dances, Minor Hockey Tournaments). This does not however, include events held by Associations for fundraisers, (e.g. Adult Mixed Baseball Tournaments with proceeds to the Minor Baseball Association).

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PROCEDURES

SECTION 1 - AREAS DESIGNATED WHERE ALCOHOL USE IS PROHIBITED

The consumption of alcoholic beverages is prohibited in the majority of parks and service facilities in the Township of Tay. The Township of Tay Council, at its discretion, may change the designation of any site. Users of these facilities will be required to sign an agreement that will exclude alcohol during their event. The said Agreement is attached hereto as Appendix "A" forming part of this policy.

SECTION 2 - AREAS DESIGNATED FOR ELIGIBLE USE OF ALCOHOL

The following facilities and areas are currently designated for alcohol use under the authority of A Special Occasion Permit. The Township of Tay Council, at its discretion, may change the designation of a site.

NO FUNCTIONS ARE PERMITTED AT ANY OF THE FACILITIES WHICH ARE GENERALLY DEFINED AS FUNCTIONS WHICH ARE RUN FOR THE MONETARY GAIN OF AN INDIVIDUAL AND/ OR GROUP WHOSE PURPOSES ARE NOT DESCRIBED AS BEING CHARITABLE IN NATURE OR FOR THE GENERAL GOOD OF THE COMMUNITY AT LARGE.

2.1 Facilities for Special Occasion Agreements:

1. Port McNicoll Community Centre
2. Talbot Park
3. Patterson Park
4. Oakwood Park
5. Bridgeview Park
6. Waverley Park
7. Oakwood Park Community Centre

2.2 Signs:

During events where alcohol is to be served an approved Municipal sign, with the following wording shall be displayed in a prominent location within the bar area:

THE TOWNSHIP OF TAY STRIVES TO PROVIDE FACILITIES FOR THE ENJOYMENT OF ALL MEMBERS OF OUR COMMUNITY. SERVERS ARE REQUIRED BY LAW NOT TO SERVE UNDERAGE PARTICIPANTS, AN INTOXICATED PERSON OR TO SERVE ANYONE TO THE POINT OF INTOXICATION.

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SECTION 3 - CONDITIONS FOR SPECIAL OCCASION PERMIT

Anyone who wishes to serve alcohol at a designated site must complete an agreement form that stipulates the condition under which alcohol may be served. The said Agreement is attached hereto as Appendix "B" forming part of this policy. In addition, the responsible person must obtain a Special Occasion Permit from the Liquor License Board of Ontario. The Special Occasion Permit holder must ensure that all the conditions of the Liquor License Act and policies and by-laws of the Township of Tay are adhered to. The Township of Tay will not issue permits for alcohol consumption at any youth sponsored event.

All Special Occasion Permit holders are required to adhere to the following conditions:

1. The permit holder will accept only Age of Majority card, a photo driver's license, or a passport as identification for alcohol purchases or consumption.
2. For most events one bartender is required for functions with attendance up to 100 patrons, while two bartenders are required for functions ranging from 101 to 350. However, more bartenders may be required and the ratio may be different depending on the nature of the event, and shall be at the discretion of the Municipality. All bartenders must have completed the Smart Serve Program and be qualified and aware of their responsibilities and legal liabilities. The Township shall provide a list of approved-trained individuals to the permit holder in complying with the regulations as set out for the appointment of Bartenders. Bartenders must be on the approved Township list before being able to bartend at any Township facility. The payment of bartenders, floor supervisors and floor monitors is the responsibility of the permit holder and the rates shall be no less than \$10.00 per hour per individual payable in cash to the Township Office prior to the said event.
3. The bartender or bartenders will display their Smart Serve Certificate at the bar.
4. The permit holder will provide 1 floor supervisor for functions of 1-100 persons in attendance and provide 2 floor supervisors for functions of 101-350 persons in attendance to supervise patrons, monitor entrances. However, the ratio for the supervisors and the number appointed may be different depending on the nature of the event and shall be at the discretion of the Municipality. All supervisors must be at least nineteen years of age and be aware of the legal liability and understand who is to attend the event, and keep control of the event.
5. A Special Occasion Permit holder signatory must attend the event and be responsible for making decisions regarding the operation of the event. The organization named as the holder of the S.O.P. Shall ensure responsible individuals carry out the duties as required.

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6. The bartenders shall not consume alcohol during the event, nor will they be under the influence of any alcohol consumed 6 hours prior to the start of the event.
7. Two floor monitors who have taken the Smart Serve Program shall be hired by the Special Occasion Permit holder for events of attendance of 350-500 persons to monitor the area where alcohol is being served. For events of attendance of 500 persons and over it is required that either two off duty police officers, or one off duty police officer and two floor monitors who have completed the Smart Serve Program, be hired to monitor the area where alcohol is being served. The above requirements may be increased or decreased at the discretion of the Municipality.
8. Special Occasion Permit forms must be submitted to the L.L.B.O. as per regulations set by the L.L.B.O.
9. A Municipal Representative through the designate may drop in on an event at any municipal facility at anytime.
10. Applicants should be aware that holders of S.O.P. may be held liable for damages arising from patrons under the influence of alcohol or not under the influence of alcohol. To reduce the risk of liability, permit holders should familiarize themselves with their rights and obligations under the Liquor License and obtain the necessary insurance.
11. The Sponsor/Agent shall remove the alcohol within forty-five minutes after the end of the period during which liquor may be sold or served under the permit.
12. The Municipal Representative through the designate and/or bartenders has the absolute discretion and authority to close down the event at anytime.

Sale of Alcohol

1. Bartenders shall not serve to any one person at any one time more than two alcoholic beverages. Discounts will not be offered for the volume purchase of tickets.
2. Bartenders will not handle cash. The Special Occasion Permit holder shall provide a suitable person to sell drink tickets.
3. No alcohol shall be taken outside the boundaries designated by the Township. For banquet halls, the designated area shall be the main hall. For outside events, the designated area shall be within the fenced in areas. It is mandatory for all outside events to use plastic glasses for all drinks, therefore no bottles or cans shall be taken from the serving area of the building or bar area.

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4. Bar area to close after the last patron is served in accordance with the closing time on the L.L.B.O. Special Occasion Permit with no lasts call. All patrons must vacate the premises within a half-hour after closing time, as stipulated on the Special Occasion Permit.

Low Alcohol and Non-Alcohol Options

The permit holder will ensure that 30% of the alcohol beverages offered consist of low alcohol options (i.e.: low alcohol beer, light wines and low alcohol spirits). Non-alcohol beverages will be available at a lower cost than alcohol beverages.

A sign will be posted identifying the low alcohol and non-alcohol beverages and food available at the event.

Only liquor, wine or beer purchased under the authority of the Special Occasion Permit issued by the L.L.B.O. may be sold or served on the premises.

Accountability

A copy of the L.L.B.O. Special Occasion Permit must be posted for public view. The telephone numbers for the Township of Tay and the Liquor License Board of Ontario shall also be posted for public view. The permit holder is required to purchase event insurance such as but not limited to Party Alcohol Liability Insurance (P.A.L.). The Township of Tay requires any permit holder of a special occasion permit for an event held at any Township facility to add the Township of Tay as an additional Insured to their respective policy in the amount of \$1,000,000.00. The permit holder will indemnify and save harmless the Township of Tay from all claims arising from the permit event.

No marketing practices which encourage increased consumption of alcoholic beverages will be allowed, such as but not limited to the following: over sized drinks, drinking contests, double shots and volume discounts. A permit holder may not allow alcohol to be offered as a prize for a contest, competition or draw.

Safe Transportation

The Permit Holder will be responsible for promoting safe transportation options for all the drinking participants, such as but not limited to the following: provide free non-alcoholic beverages for Designated Drivers; post the phone numbers of local taxi companies; or run a bus service.

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Enforcement

Random monitoring of events where alcohol is served will be conducted by the police.

When Municipal staff become aware of a Guideline/Policy infraction, the violation will be immediately brought to the attention of the Sponsor/Agent with a request to rectify the situation.

Municipal Staff should not attempt to enforce a Guideline/Policy infraction that could lead to a confrontation resulting in personal injury or property damage.

Failure to Comply

Sponsor(s)/Agent(s), individuals and/or groups who fail to comply with the M.A.P. will be subject to the following consequences:

- i) loss of their deposit, and/or;
- ii) suspension for a specific period, from booking any Township facilities, and/or;
- iii) suspension for an extended period of time, and/or;
- iv) appropriate action as determined by the Recreation Co-ordinator and/or Administrator/Clerk, and/or Council.

After which the Sponsor, Applicant, Agent, individual or group must meet personally with a Township representative to discuss ways to ensure that all rules will be followed in the future in order that a similar situation does not occur. The Township will report any infraction of this Policy including the Liquor License Board policies to authorities, whenever they believe such action is required.

Policy Monitoring and Revisions

Minor variations to the policy can be approved by either the Roads/Park Superintendent, Recreation Co-ordinator, C.A.O. and/or Council. The minor variations shall not change the intent of this policy in anyway.

The Policy will be automatically updated to reflect legislated changes.

The Township of Tay reserves the right to make any changes to this policy as they deem necessary.

Guidelines

A copy of the document entitled "GUIDELINES FOR SPECIAL OCCASIONS PERMIT HOLDERS" shall be provided to all S.O.P. applicants by staff. The Sponsor/Agent, or designate shall initial the rental agreement to verify that they have received, read, understood and will strictly observe and ensure compliance with the controls detailed in the Guidelines.

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APPENDIX "A"

TOWNSHIP OF TAY FACILITY USE AGREEMENT

Name of Organization _____

Name of Contact Person _____

CERTIFICATION:

1. I understand that alcohol cannot be consumed in the Township of Tay facilities and areas, in compliance with the Liquor License Act of Ontario.
2. I understand that if any member of the organization or participant attending the event is consuming alcohol in these facilities or any other area designated as a facility where alcohol is prohibited, the policy is considered violated and appropriate action will be taken by the Municipal Representative through the designate. Independent action can be taken by the Ontario Provincial Police, at its discretion.
3. I understand that if any member of the organization violates the policy within two years of receiving a warning, our group will be suspended from using any Township of Tay facilities or area for a period of two years.
4. Prior to using the facilities, I will provide the Township of Tay Recreation Co-ordinator with the names and addresses of the contact person (s) so that the policy can be sent to them.

(SIGNATURE OF USER)

(SIGNATURE OF TOWNSHIP REPRESENTATIVE)

(DATE)

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APPENDIX "B"

TOWNSHIP OF TAY SPECIAL OCCASION AGREEMENT

Name of Organization _____

Name of Contact Person _____

CERTIFICATION:

1. I have received and reviewed a copy of the Municipal Alcohol Risk Management Policy.
2. I agree to adhere to the conditions of this Policy and the Liquor License Act of Ontario.
3. I understand that if an infraction to the policy occurs, the Township of Tay may warn or suspend my organization from using the facilities for an extended period of time.
4. I understand that the organization named above can be held liable for injuries and damage arising from the failure to adhere to the Liquor License Act of Ontario or from otherwise failing to take action that will prevent foreseeable harm from occurring.
5. I understand that the Ontario Provincial Police and the Liquor License Board Inspector can lay charges for infractions of the Liquor License Act of Ontario or other relevant legislation.

(SIGNATURE OF USER)

(SIGNATURE OF TOWNSHIP REPRESENTATIVE)

(DATE)

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GUIDELINES FOR SPECIAL OCCASION PERMIT HOLDERS

As the contact person, you and your group can be held liable for injuries and damages arising from failure to adhere to the Liquor License Act of Ontario. These infractions include but are not limited to serving someone to intoxication, serving someone who is already intoxicated, serving minors, and failing to prevent impaired individuals from driving. In order to reduce your groups' risk of liability, the following Guidelines are provided to you; **THEY MUST BE READ BY YOU**, you must acknowledge by initialing the permit or rental agreement that you understand these Guidelines and you must strictly observe and ensure compliance with the controls/policy detailed in the Guidelines. Remember these are Guidelines only.

1. Prior to the event the sponsor/agent or designate shall:
 - a) obtain confirmation from the Municipality that the facility is available for rental on the date required and pay all appropriate fees,
 - b) obtain from the Liquor Licence Board of Ontario, a S.O.P. that allows for the operation of a bar. Evidence of such permit shall be provided to Municipal staff at least five (5) working days prior to the event.
 - c) provide proof that the permit holder has purchased a minimum of one million (\$1,000,000.) dollars of liability insurance, naming the Township as an additional insured, or such higher limits as requested by the Municipality at their discretion as set out in the policy under Accountability.
 - d) provide a variety of safe transportation options to those attending the said event.
2. The sponsor/agent must abide by the Guidelines and controls set out herein, and shall also be required to adhere to all other Municipal Policies.
3. The sponsor/agent must display the Special Occasion Permit and any other required by this Policy in the immediate area where alcohol is to be sold or distributed.
4. All alcohol permitted on the site must be purchased or approved under the S.O.P. application.
5. In order to reduce the risk of intoxication and the rate of consumption, the sponsor/agent must ensure that the available alcohol consists of a variety of low-alcohol beverages. Non-alcohol drinks must also be available. If beer is served, we encourage the availability of 0.5 percent alcohol beer.
6. The sale and/or distribution of high alcohol beer is discouraged.

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7. The sponsor/agent must supply food sufficient to serve the persons attending the event. Snacks such as chips, pretzels, popcorn and peanuts are not considered food. The provisions of foods such as sandwiches, soups, vegetable dishes, hot dogs, hamburgers or pizza slices is required.
8. The Sponsor/Agent must ensure that the physical setting is safe for both drinkers and non-drinkers. All exits must be kept clear of obstructions.
9. Persons under the legal drinking age must be accompanied by an adult. It is understood that underage participants will not be provided/served alcohol. The only acceptable forms of identification will be an age of majority card, a Driver's License with photo or a passport.
10. The Sponsor/Agent or designate, must attend the event and must remain on the premises, including during the post event clean-up, until the last person attending the event has left. The Sponsor/Agent must be the person responsible for making decisions regarding the operation of the event.
11. The ratio of staff required to work at the event designated by the Municipality will be as follows for most events, however the Municipality has the right to change the ratio and numbers required depending on the nature of the event:

Bartenders: 1-100 people in attendance requires 1 bartender
 101 - 350 in attendance requires 2 bartenders

Ticket Seller: provided by the sponsor/agent.

Floor Supervisors: provided by the sponsor/agent,
 one required for events of 1-100 persons
 two required for events of 101-350 persons

Floor Monitors: two required for functions 351-500 persons in attendance,
 provided by the sponsor/agent,
 must have taken the Smart Serve Program.

All bartenders, ticket sellers, floor supervisors and floor monitors are the responsibility of the Permit Holder and payment for these persons shall be the responsibility of the permit holder and fees for same shall be no less than \$10.00 per hour.

12. The Sponsor/Agent, or designate, is responsible for decision-making during the event and therefore must refrain from consuming alcohol while the event is in progress.

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13. All event staff must refrain from consuming alcohol while the event is in progress.
14. All bottles and cans shall be retained within the building for all outside events. No alcohol shall be taken outside the boundaries designated by the Township. For banquet halls, the designated area shall be the main hall. For outside events, the designated areas shall be within the fenced in areas.
15. The Sponsor/Agent shall ensure that no alcohol sold or served on the premises to which the permit applies is removed from the premises by a person attending the event.
16. Marketing practices which encourage increase consumption, such as oversized drinks, double shots of spirits, drinking contests, and volume discounts are not permitted.
17. The Municipality reserves the right to require a security plan to be submitted and/or the presence of police officers or security guards for the duration of an event, the cost of which will be borne by the Sponsor/Agent.
18. The municipality and/or representative has the absolute authority to demand immediate correction of a guideline infraction and/or to close down an event.
19. The Sponsor/Agent, or designate, will be available upon request to assist bar servers, floor supervisors and/or floor monitors who require assistance in managing a person who is refused a sale, or service, or becomes unmanageable.
20. Should the Sponsor/Agent become aware of a situation that could lead to injury or property damage, immediate and decisive action must be taken to prevent patrons from engaging in activities or conduct that is drunkenness or riotous, quarrelsome, violent or disorderly which could cause property damage or harm themselves or others.
21. The police will be notified immediately by the Sponsor/Agent, when disorderly conduct involving assault, which has or may result in bodily injury is in progress.
22. Announcements at the end of the evening stating that the bar will be closed shortly are prohibited; however, an announcement can be made one hour prior to the closing of the event.
23. The serving of alcohol will cease not later than 15 minutes prior to the hour specified on the Special Occasion Permit (S.O.P.).

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24. The Sponsor/Agent shall remove all evidence of the service and consumption of alcohol from the area where the S.O.P. was held within forty-five (45) minutes after the end of the period during which liquor may be sold or served under the permit (1:30 a.m.)
25. Failure to comply with these guidelines could result in loss of the deposit, suspension for a specific period of time from Municipal facilities or suspension for an extended period of time.
26. Monitoring of S.O.P. events to ensure compliance with these guidelines may be conducted by the municipality.
27. The Sponsor/Agent shall assume sole responsibility and liability for any personal injuries or property damage arising from or in any way related to the S.O.P. event.
28. The Sponsor/Agent, or designate, shall indemnify and save harmless the Municipal Corporation from any and all claims, demands, causes of action, losses, costs or damages that the Municipality may suffer, incur or be liable for, resulting from the Sponsor's/Agent's performance of his/her obligations under the S.O.P. and these guidelines.