

THE CORPORATION OF THE MUNICIPALITY OF SOUTH DUNDAS

BY-LAW NO. 2017-57

A BY-LAW to rescind By-law No. 2012-56; and, to adopt Policy No. 9-1.

WHEREAS *the Municipal Act, 2001*, as amended, states that a municipality and a local board shall adopt policies with respect to certain matters;

AND WHEREAS the Municipal Alcohol Policy has been reviewed by the Eastern Ontario Health Unit with recommended changes;

NOW THEREFORE the Council of the Corporation of the Municipality of South Dundas hereby enacts as follows:

1. THAT By-Law No. 2012-56 is hereby repealed in its entirety.
2. THAT this By-law and the Policy attached as Schedule "A" shall come into full force and effect on the date of passing.

READ and passed in open Council, signed and sealed this 18th day of July, 2017.

MAYOR

CLERK

**Schedule "A"
to By-Law No. 2017-57**

POLICY MANUAL	Policy 9-1
For the Municipality of South Dundas	Effective Date: July 17, 2012 Revised: July 18, 2017
Subject: Municipal Alcohol Policy	Department: Administration

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GOAL

The Municipality of South Dundas wishes to provide a policy for responsible management practices at Special Occasion Permit functions held in parks and facilities. The Municipality also wishes to reduce and/or avoid alcohol related problems that could result in litigation being directed towards the Corporation, its staff, community organizations, volunteers and participants.

OBJECTIVES

- I. To provide appropriate procedures and education to individuals or groups wishing to hold events in municipally-owned facilities in order to insure that all Liquor License Board of Ontario legislation pertaining to Special Occasion Permits is properly understood and strictly complied with.
- II. To ensure proper supervision and proper operation of Special Occasion Permit events in order to protect the organizers, the participating public, volunteers, the Corporation and its staff from liability by providing education in prevention and intervention techniques and through effective management procedures.
- III. To encourage and reinforce responsible, moderate drinking practices for consumers through the development of appropriate operational procedures, controls, training and education.
- IV. To honor the decision of abstainers not to drink alcohol and to encourage their participation by providing alternative, non-alcoholic drinks.
- V. To provide for a balanced use of alcohol through Special Occasion Permits so that alcohol becomes a responsible part of a social function rather than the reason for it.
- VI. To provide a balance of wet and dry facilities and programs in order to ensure that consumers, abstainers, adults, youth and families will be adequately serviced and protected.

POLICY REGULATIONS

SECTION 1: AREAS/FACILITIES ELIGIBLE FOR SPECIAL OCCASION PERMIT

EVENTS

1.1 See Appendix "A"

Rationale:

This Municipal Alcohol Policy applies to all events sponsored by the Municipality or its designate. This Municipal Alcohol Policy applies to everyone using Municipal property or facility.

SECTION 2: AREAS/FACILITIES NOT ELIGIBLE FOR SPECIAL OCCASION PERMITS EVENTS

2.1 See Appendix "B"

SECTION 3: EVENTS NOT ELIGIBLE FOR SPECIAL OCCASION PERMITS

3.1 Youth & Family Events

That in order to be eligible to rent/use a municipal facility for youth or minor sports events, including banquets or family oriented events, the sponsor(s) must agree that these will not be special occasion permit events.

Rationale:

These events are intended for young people and families.

Non-consumption by participating adults provides a positive example for young people.

Since adults supervise and drive young people to and from these events, alcohol consumption does not provide a positive example regarding drinking and driving.

SECTION 4: YOUTH ADMISSION TO ADULT EVENTS

- 4.1 That in order to be eligible to rent/use a municipal facility for a special occasion permit event, the sponsor(s) must agree that persons under the legal drinking age shall not be admitted to adult social events being held in these facilities except in the case of a family occasion or function such as a wedding or anniversary.

Rationale:

There is a high risk of an underage consumption when youth are admitted to adult special occasion permit events.

There is a history of underage consumption at adult special occasion permit events. This practice increases the municipality's liability risk.

Most events are family events such as weddings and anniversaries; therefore, it is not possible to prohibit youth admission to these events.

Outdoor events are family-focused therefore it would be inappropriate to restrict youth admission.

An alcohol-free family event results in reduced liability risk and helps to control underage drinking.

Some communities have decided that family days should be alcohol-free, with adult events held later in the day. This has resulted in a positive example for young people, proving that it is possible to have

- 4.2 Alcohol Advertising at Youth Events

In all municipal facilities where children and youth are allowed entry, advertising and posters that promote alcohol products or brand names are prohibited.

SECTION 5: SIGNS

- 5.1 Statement of Intoxication

A wall sign, supplied by the municipality, is to be located in the bar areas.

Servers are required by law not to serve an intoxicated person or to serve anyone to the point of intoxication.

Rationale:

In Ontario, it is illegal for anyone to serve a person to the point of intoxication.

Signs provide authoritative support to servers and supervisors should they have to refuse service to consumers approaching the point of intoxication.

This message is consistent with the L.L.B.O. Special Occasion Permit Application which states that the holder of the Special Occasion Permit and the facility owners are jointly responsible for the "safety" and sobriety of the people attending the event.

5.2 No-Alcohol Areas

Areas other than those defined on the Special Occasion Permit be designated as no-alcohol areas.

Rationale:

While many of these areas have never been eligible for Special Occasion Permit events, there is a history of alcohol consumption by some individuals and/or groups. This specific notation is intended to serve notice that illegal consumption of alcohol will no longer be tolerated.

5.3 Ticket Sales

That a sign, supplied by the lessee, be posted at the alcohol tickets sales table outlining the regulations. (Maximum 4 tickets per purchase per person; ticket sales ending a minimum of one half hour prior to the finish time on the Special Occasion Permit, and no last call.)

Rationale:

This sign supports the ticket sellers who are responsible for enforcing the ticket sales regulations.

5.4 Proof of Age

Signs, supplied by the municipality, posted near entrances to designated Special Occasion Permit areas which read:

"You must be 19 years of age or older to attend a Special Occasion Permit Event. The only acceptable proof of age is photo identification."

Rationale:

This sign informs participants that door supervisors are authorized to request identification from participants who wish admission but appear to be under the legal drinking age.

SECTION 6: SERVER TRAINING

- 6.1 In order to be eligible to rent a municipal facility, the sponsor must demonstrate to the satisfaction of the municipality or its designate that 60% of the workers at the event or 2, whichever is greater, are available at all times during the course of the event and have attended a L.L.B.O. approved server intervention course and have been trained in responsible server techniques.
- 6.2 It is necessary to provide all names of bartenders and sixty (60%) must have smart serve numbers for licensed events.

Rationale:

Reducing the risk of litigation requires not only the components of policy and procedures, but also the recruitment of appropriately trained supervisors and servers.

The municipality is morally obliged to inform volunteers of the potential for litigation and to provide them with the tools to avoid such action.

Required Ratio of Event Bartenders

Number of Participants	Bartenders
Under 25	1
25 to 50	1
51 to 100	2
101 to 200	2
201 to 300	3
301 to 400	3
401 to 500	4
501 to 750	6

SECTION 7 PROVISION OF LOW-ALCOHOL & NO-ALCOHOL DRINKS

- 7.1 In order to be eligible to rent a municipal facility, the sponsor must demonstrate to the satisfaction of the municipality or its designate that low-alcohol beverages will be made available. Non-alcohol drinks must be available at no charge or at a cost significantly lower than that of drinks containing alcohol.
- 7.2 Where wine is provided with a meal, a no-alcohol substitute, such as ginger ale or sparkling fruit juice, must be provided to ensure that children and abstainers are included in toasting the celebrants.

Rationale:

1-1/2 oz. Of spirits, 5 oz. of table wine and 12 oz. of 5% beer all contain equal amounts of pure alcohol.

Low-alcohol drinks reduce the consumption of absolute alcohol, reduce the likeliness of intoxication and permit participants to socialize throughout the evening without becoming intoxicated.

The Liquor License Act requires that a variety of brands be offered and that licensed premises have lists or signs prominently displayed which indicate the varieties and prices of alcohol and non-alcohol beverages available.

The availability of low-alcohol drinks reduces the likelihood of impaired driving.

SECTION 8 STANDARD ALCOHOL CONTENT DRINKS

- 8.1 In order to be eligible to rent a municipal facility, the sponsor must demonstrate to the satisfaction of the municipality or its designate that no extra alcohol content drinks will be provided.

Rationale:

Extra strength alcohol drinks make it difficult to monitor the number of standard drinks consumed by participants at a Special Occasion Permit event.

Standards drink: 12 oz. 5% beer; 5 oz. 12% wine; 1-1/2 oz. 40% spirits

- 8.2 All bottles must be kept within the bar area. All drinks must be served in disposable paper or plastic containers.

SECTION 9 SAFE TRANSPORTATION

- 9.1 Prior to receiving rental privileges of municipal facilities for special occasion permit functions, event sponsors shall be required to demonstrate to the satisfaction of the municipal facility manager that a safe transportation strategy will be implemented.

9.2 Sober Driver Spot Check Awareness

- 9.2.1 Post wall and/or table signs and/or print messages on paper serving cups that read:

"The local detachment of the Ontario Provincial Police **Reduce Impaired Driver Everywhere (RIDE)** Program thanks you for helping to reduce impaired driving everywhere in the Municipality of South Dundas.

Rationale:

Awareness of police spot-checks for impaired drivers raises the possibility of probable apprehension.

The positive tone of the "RIDE Awareness" sign reinforces responsible behaviour by the majority of drivers and does not deter from the party atmosphere of a social event.

SECTION 10 CONTROLS

Rationale:

The law clearly states that the sponsor of an event has a “duty to control”, that is to protect participants from foreseeable harm to themselves or others.

- 10.1 Demonstrate to the municipality or it’s designate that the policy is understood, that regulations will be observed, and that sufficient controls are in place to assist in ensuring compliance to the policy.

Rationale:

The municipal representative who approves the rental of a municipal facility to an individual or group must ensure that the group and/or individuals are aware of Municipal Alcohol Policy and of the controls required to facilitate its implementation.

- 10.2 The event sponsor must obtain a Special Occasion Permit from the Liquor Licence Board of Ontario and must show proof of this to the municipality or it’s designate at least five (5) days prior to the event.

Rationale:

Alcohol may not be served in public areas without a Special Occasion Permit or a Commercial Liquor Licence.

- 10.3 Event sponsor to provide a list of event workers at least one week prior to the event, with Smart Serve registration number.

Rationale:

This permits the municipal representative to verify that the designated number of event workers were Smart Serve trained.

- 10.4 Entrance monitored by two people 19+.

- 10.5 Acceptable I.D. – Age of Majority, Driver’s Licence with photo, passport, Armed Forces Card, Secure Indian Status Card, (Canadian), Permanent Resident Card (Canadian), Secure Indian Status Card (Canadian), Permanent Resident Card (Canadian), any photo card issued under the Photo Card Act, 2008.

Rationale:

Credentials which include a photograph provide a more reliable form of identification and are usually more difficult to tamper with.

- 10.6 Special Occasion Permit signatory must attend event and be responsible for making decision regarding the operation of event.

Rationale:

Although police will be called if a situation becomes risky, it is the responsibility of the Special Occasion Permit holder to ensure the proper management of an event.

- 10.7 Event sponsor is responsible for event, therefore must refrain from consuming alcohol while the event is in progress.

Rationale:

If an accident were to occur, it could be difficult to demonstrate commitment to sponsor’s “duty to control” if the sponsor/licence had been consuming an intoxicating substance.

- 10.8 All event workers to refrain from consuming alcohol while the event is in progress. Workers may consume alcohol if they are working a shift and their work responsibilities have ended for the entire event.

Rationale:

If supervisors were compensated for their volunteer work with free alcohol and if an accident were to occur, it would be difficult to demonstrate control if the control agents had been consuming an intoxicating substance.

10.9 Event sponsor and the municipality or its designate must ensure physical setting is safe for drinkers and non-drinkers.

Event sponsor and the municipality or its designate must ensure that patrons do not engage in activities that could harm them or others.

Rationale:

The term "occupier" is defined to include anyone who has control of the premises and the power to admit or exclude others.

The Ontario Occupies' Liability Act imposes a broad general duty on all occupiers.

Section 3 (1) provides that an occupier "owes a duty to take such care as in all of the circumstances of the case is reasonable to see that" entrants are "reasonably safe while on the premises".

The alcohol liability cases can be divided according to whether they relate to the condition of the premises, the conduct of the entrants, or the activities that are permitted on the premises.

10.10 All exits must be supervised.

Rationale:

This practice is necessary in order to ensure that:

- those attending the event have been monitored at the door and are not underage, intoxicated or known troublemakers;
- Underage participants attending family events do not leave or arrive through an unsupervised access area in order to consume alcohol in another location.

10.11 A floor supervisor must be available to ticket sellers who require assistance in managing a person who is refused a sale.

Rationale:

This practice ensures that ticket sellers have backup should they encounter hostility when refusing to sell to those approaching intoxication or who object to a limit on ticket sales.

Personnel must be available to ticket sellers who require assistance in managing a person who is refused a sale.

10.12 Licensee to abide by rules of the Municipal Alcohol Policy as enforced by municipal representative.

10.13 The municipality or its designate has the right to enter any Special Occasion Permit event and take control if they feel it necessary at the time.

Rationale:

This policy will help to reduce and/or avoid alcohol-related problems that could result in litigation being directed towards the Corporation, its staff, community organizations and participation.

The Special Occasion Permit Application states that the permit holder and the hall owner are jointly responsible for the safety and sobriety of those attending the event. It is therefore important that licenses comply with the Municipal Alcohol Policy and that the municipal representative be authorized to enforce the Policy.

10.14 No marketing practices which encourage increased consumption, i.e. oversized drinks, double shots, drinking contests, volume discounts.

Rationale:

These practices are prohibited under the Liquor Licence Act.

Consumption of non-standard drinks make it difficult for staff to monitor consumption.

10.15 Tickets must be purchased from designated ticket seller and redeemed at the bar; maximum 4 drinks per purchase per person.

Rationale:

By limiting number of tickets per purchase, event workers are provided additional opportunities to verify the sobriety of patrons.

This provides another line of defence for the municipality in the prevention of intoxication.

10.16 Unused tickets to be redeemable for cash at any time during the event.

Rationale:

Most participants will not exercise this option. This practice could help avoid a confrontation with a patron who may be nearing intoxication but who wishes to purchase additional drinks in order to get his/her "money's worth".

10.17 The municipality or its designate reserves the right to require the presence of two (2) police officers for the duration of an event, the cost to be borne by sponsoring group or individual.

Rationale:

Although police will be called if a situation becomes risky, it is the responsibility of the Special Occasion Permit holder to ensure the proper management of an event.

This practice would be particularly beneficial at events where large numbers of people are expected to attend or where a history of problems exist.

The presence of off-duty police officers in uniform could act as a deterrent to potential trouble-makers.

10.18 All event workers are encouraged to wear visual identification approved by the municipality or it's designate.

Rationale:

This enables participants to quickly contact an event worker should problems occur.

Compliments "Accountability"

10.19 Event sponsors required to report in writing to the municipality all policy infractions and remedial actions taken.

Rationale:

Should someone be refused admission to an event because she/he was intoxicated or near intoxication or insist on driving home despite the efforts of the sponsors to offer alternate transportation (Police should be notified immediately if this occurs), a journal could provide valuable evidence should such a participant have an accident and subsequently decide to sue the Municipality.

Documentation does not absolve Special Occasion Permit event workers and sponsors from their responsibility not to break the law.

10.20 Police to be notified by the municipality or it's designate before situation is out of control.

Rationale:

Although police will be called if a situation becomes risky, it is the responsibility of the Special Occasion Permit holder to ensure the proper management of an event.

Most Special Occasion Permit events are held on Friday or Saturday night, which is prime time for other occurrences requiring police attention. This could result in a slower response time by police when they are called.

Early notification of potential problems will facilitate the ability of the police to plan their availability should they be required.

10.21 No last call.

Rationale:

Last call usually results in high and rapid consumption and results in high blood alcohol levels which may peak after an event and lead to impaired driving.

10.22 Entertainers / Dee Jay will be informed that there is no last call.

Rationale:

Entertainment and Dee Jays often announce last call without being requested to do so.

10.23 Ticket sales to conclude no later than one half hour prior to finish time of the Special Occasion Permit.

Rationale:

Required under Liquor Licence Act.

10.24 All entertainment to be completed no later than fifteen minutes after the finish time of the Special Occasion Permit.

This is covered in our facility agreement

SECTION 11 CONSEQUENCES FOR FAILURE TO COMPLY

Rationale:

It is important that a clear set of guidelines be developed and that penalties for failure to comply to the policy be consistently applied.

This practice ensures that user groups and participants recognize the policy as being fair, consistent and enforced when required.

11.1 The municipality or its designate shall report any infraction of this policy to legal authorities whenever they believe such action is required.

11.2 Any infraction will be reviewed at a following Council meeting.

11.3 A registered letter describing the problem will be sent by the municipality or it's designate to the sponsor and the Committee may refuse future rental privileges to the sponsor for one year or longer.

- 11.4 Disallowing of group's rental privileges for next scheduled game and registered letter sent by the municipality or its designate to lessee and sponsoring group.
- 11.5 Where underage youth are found to have consumed or to be consuming alcohol at the Special Occasion Permit and non-Special Occasion Permit events, the authorities may be called.
- 11.6 Where adults and/or youth engage in disruptive behaviour at social events, authorities may be called.
- 11.7 When individuals are found to be consuming alcohol in restricted areas, police will be called to enforce the law.
- 11.8 Future rental privileges to penalized individuals or groups will depend on demonstrating to the municipality or its designate that all rules will be followed at future functions.
- 11.9 When a permit holder contravenes the MAP a second time following a warning, the permit holder and sponsoring group will not be allowed to rent municipally owned facilities *for a minimum period of one year*.
- 11.10 Should a permit holder or group contravene the municipality's MAP a third time, they will be *permanently barred* from renting municipally owned facilities unless the decision is overturned through appeal to council.

SECTION 12 ACCOUNTABILITY

- 12.1 At least one municipal representative with authority to demand correction or shut down an event on behalf of the municipality has the right to enter any Special Occasion Permit event and take control if they feel it necessary at the time.

Rationale:

The presence of a municipal representative or its designate could facilitate early correction of potentially risky situations.

The Special Occasion Permit application states that the permit holder and the hall owner are jointly responsible for the safety and sobriety of those attending the event.

The designation of several individuals to represent the municipality at Special Occasion Permit events would ensure the availability of at least one municipal representative at these events.

SECTION 13 INSURANCE

- 13.1 All events must provide a certificate of insurance with proof of a minimum of \$2,000,000 in liability insurance. In addition, the Municipality of South Dundas must be listed as an additional insured for the aforesaid event. This certificate must be provided at least ten (10) days prior to the event.

Rationale:

By insisting on insurance, potentially risky groups may be discouraged from sponsoring events since they may be unable to obtain insurance.

Case law indicates that judges and juries are sympathetic towards the injured plaintiff.

Municipalities can be held jointly liable and could end up paying the predominant share of an award to a plaintiff should the sponsor be uninsured.

SECTION 14 COMMERCIAL LIQUOR LICENCE APPLICATIONS

- 14.1 The Municipality of South Dundas Council, when approving a liquor licence application submitted to the L.L.B.O., shall recommend approval on condition that the applicant (restaurant, lodge, store, etc.) develop an operating policy through a process similar to that of the Municipality.

Rationale:

The L.L.B.O. customarily requests that the Municipality express its position when a private entrepreneur applies for a liquor licence.

SECTION 15 POLICY MONITORING AND REVISIONS

- 15.1 The policy shall be reviewed annually based on information provided by the municipality or its designate and other invited sources, and reported to Council with suggested policy changes if required and all community user groups must be advised and informed.

Rationale:

This permits the policy to be changed to meet the changing community needs, adding new facilities and program demands.

As the policy is implemented, procedures requiring adjustments for improvement can be suggested.

This also allows adjustments to any further changes to the Liquor License Act.

Most people are law abiding citizens and will comply with rules if adequately informed.

SECTION 16 EXCEPTIONS

- 16.1 Any and all requests for exceptions to this policy must be approved by Council a minimum of 30 days prior to the proposed event.

Rationale:

From time to time, Council may wish to slightly alter any particular section(s) of this policy to accommodate what they would consider a special event organized under special circumstances. This situation may arise especially when considering onetime events of general public significance.

APPENDIX "A"

Areas/Facilities Eligible for Special Occasion Permit Events

George Jowett Memorial Hall

North Williamsburg Recreation Hall & Tennis Courts

Municipal Firehalls

Winchester Springs Recreation Hall

Dunbar Recreation Hall

Matilda Hall

Morrisburg Arena (during off season only)

Iroquois Civic Centre

Waterfront Park

Earl Baker Park

Municipal Building – Council Chambers

Iroquois Municipal Campsite

APPENDIX "B"

Areas/Facilities Not Eligible for Special Occasion Permit Events

South Williamsburg Recreational Area

Duncan Park Playground

Steward Drive Playground

Coyle Drive Playground

J.C. Whitteker Park

Municipal Buildings – Library

Winchester Springs Playground

Dunbar Recreation Playground

McIntosh Heritage Park

Haldane Park

Iroquois tennis courts & lawn bowling

Galop Canal Marina

Orchard Way Playground

Felker Way Playground

Morrisburg Arena (lobby & dressing rooms)

Edith Render Park

Loyalist Park

Glen Stewart Park

Matilda Memorial Park

Williamsburg, Morrisburg, Iroquois Fire Stations

APPENDIX "C"

AGREEMENT FORM

FOR

SPECIAL OCCASION PERMIT HOLDER

1. I have received and reviewed a copy of the Municipality of South Dundas Municipal Alcohol Policy for Special Occasion Permit holders.
2. I understand that I must adhere to the conditions of the Municipal Alcohol Policy and the Liquor Licence Act of Ontario.
3. I understand that if I or other individuals at the event fail to adhere to the Municipal Alcohol Policy, the Municipality of South Dundas or its designate may take appropriate action. This action may include immediate cancellation of the rental agreement, stoppage of the event and the notification of local authorities.
4. I understand I can be held liable for injuries and damages arising from failure to adhere to the Liquor Licence Act of Ontario.
5. I understand and acknowledge that I must attend the event and be responsible for making decisions regarding the operation of the event.
6. I understand and acknowledge that I must refrain from consuming alcohol while the event is in progress.
7. I confirm that I am the signatory on the Special Occasion Permit issued by the L.L.B.O.

NAME (print)

SIGNATURE

DATE

APPENDIX "D"

**Servers are required
by law not to serve
an intoxicated
person or to serve to
the point of
intoxication.**

APPENDIX "E"

**You must be 19
years of age or older
to attend a Special
Occasion Permit
Event. The only
proof of age is photo
identification.**