



THE CORPORATION OF THE TOWN OF COBOURG

BY-LAW NUMBER 003-2012

**A BY-LAW TO PROHIBIT THE POSSESSION OF ALCOHOL IN
MUNICIPAL RECREATIONAL AREAS**

WHEREAS pursuant to section 35(1) of the *Liquor Licence Act*, R.S.O. 1990, Chapter L.19, the council of a municipality may by by-law designate a recreational area within the municipality that is owned or controlled by the municipality as a place where the possession of liquor is prohibited.

AND WHEREAS the Council of the Corporation of the Town of Cobourg deems it advisable to enact such a by-law;

NOW THEREFORE the Municipal Council of the Corporation of the Town of Cobourg enacts as follows:

PART I - DEFINITIONS

In this By-law:

“Board” means the Liquor Licence Board of Ontario

“By-law Enforcement Officer” means any person appointed by the Town to enforce its by-laws.

“Licence or Permit” means a licence or permit issued by the Board pursuant to the *Liquor Licence Act*, R.S.O. 1990, Chapter L. 19 and the regulations thereunder;

“Liquor” means spirits, wine and beer or any combination thereof and includes any alcohol in a form appropriate for human consumption as a beverage, alone or in combination with any other matter;

“Municipality” means the Corporation of the Town of Cobourg;

“Police Officer” as defined in the *Police Services Act R.S.O. 1990 c. P.15*;

“Recreational Area” means any land structure and/or building within the municipal limits of the Town of Cobourg that is owned or controlled by the Municipality and is used or designed to be used for athletic, social, leisure or cultural activities save an except the building known as “Victoria Hall” located at 55 King Street West in the Town of Cobourg.

PART II - INTERPRETATION/GENERAL

1. Every Recreational Area is hereby designated as a place where the possession of liquor is prohibited.
2. No person shall have liquor in a place designated under 35 (1) as a recreational area within the Municipality. *Liquor Licence Act* R.S.O. 1990, c. L.19, s. 35 (3).

3. Paragraph 1 does not apply to a person in possession of liquor under the authority of a licence or permit or in possession of liquor purchased on premises in respect of which a licence or permit is issued. *Liquor Licence Act* R.S.O. 1990, c. L.19, s. 35 (4).
4. The contents of this By-law shall be applicable to the Parks By-Law.

PART III - PROVINCIAL/MUNICIPAL REQUIREMENTS

5. Every person who applies to the Board for a licence or permit shall, in addition to satisfying the requirements of the *Liquor Licence Act*, R.S.O. 1990, Chapter L.19 and the regulations thereunder, comply with the following to the satisfaction of the Municipality, namely every such person shall:
 - a) Provide a letter or copy of proof of third party liability insurance to the Municipality from the Applicant's insurer certifying that the Applicant has arranged for and obtained comprehensive public liability and property damage insurance coverage including, without limiting the generality of the foregoing, person alcohol liability insurance in an amount and with an insurance company duly licenced to underwrite such insurance in the Province of Ontario and satisfactory to the Municipality, naming the applicant and the Municipality as co-insureds; and
 - b) A list of Certified 'Smart Serve' Servers and a 'Special Occasion Permit (S.O.P.) for the event must be provided to the Municipality fourteen (14) days before the event and at the time of the holding of the event on or in the Recreational Area for which the licence or permit is issued; and
 - c) Notify the Police Department of the Municipality at least thirty (30) days prior to the proposed issuance of the licence or permit; and
 - d) Submit letters to the Municipality and the Board from the Lakefront Utility Services Inc., Haliburton, Kawartha, Pine Ridge District Health Unit, Cobourg Fire Department and the Liquor Inspector for the Liquor Licence Board of Ontario confirming that the Recreational Area has been inspected by such individuals and is satisfactory for the intended purpose to each of the foregoing; and

LIQUOR TENTS

- e) In the case of outdoor liquor tents, satisfy the following conditions in addition to the foregoing, namely:
 - i. Review and complete the 'Municipal Alcohol Policy' – By-law No. 15-2005 and Agreement form attached hereto as Schedule "A" to this By-law;
 - ii. Double and/or 6 foot fencing shall be placed continuously around the tent and licensed area providing a two meter spacing between the fencing;
 - iii. All serving areas shall be arranged and properly lit so as to be in full view at all times;
 - iv. Proper toilet facilities shall be available;

- v. Waste containers constructed of non-combustible material or equipped with self-closing lids shall be provided by the Applicant within the licensed area; and
- vi. Entrances and exits to the licensed area shall be supervised and roving supervision shall be provided by the Applicant within the Licensed area; and
- vii. The holder of the licence or permit or his or her designate (approved by the Municipality) shall be present during all hours of the event as noted on the licence or permit.

PART IV - PENALTY

6. Any person who contravenes any portion of this By-law is guilty of an offence and upon conviction is liable to such fines and other penalties as provided for under the *Provincial Offences Act*, R. So. O. 1990, c.P-33 as amended.
7. In addition to any other remedy available to the Municipality, any person possessing or having liquor on or in a Recreational Area contrary to the provisions of this By-law shall have such liquor confiscated.
8. The provisions of the By-law shall be enforced by police officers of the Cobourg Police Service and By-law Enforcement officers on behalf of the Municipality.

PART V - VALIDITY/SEVERABILITY

9. If any section, clause or provision of this By-law is for any reason declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof, other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention of Council that the remaining sections, clause or provisions of the by-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions of this by-law shall have been declared to be invalid.

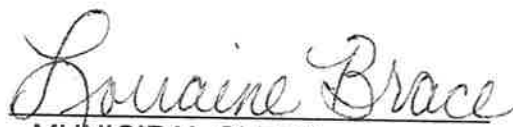
PART VII - REPEAL

10. That By-law No. 43-93 and By-law No. 57-2009 are hereby repealed.

This By-law shall come into force and take effect upon the date of final passing hereof.

READ a first, second and third time and finally passed in Open Council this 16th day of January, 2012 .


MAYOR


MUNICIPAL CLERK