Town of Cobourg MUNICIPAL ALCOHOL POLICY



MUNICIPAL BY-LAW #: 106-2013

MUNICIPAL ALCOHOL POLICY

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Corporation of the Town of Cobourg MUNICIPAL ALCOHOL POLICY

INTRODUCTION

The Corporation of the Town of Cobourg owns and manages facilities where alcohol consumption is not permitted, and other facilities where alcohol consumption is permitted under the authority of a Special Occasion Permit or governed by a Liquor License both issued by the Alcohol and Gaming Commission of Ontario. The Corporation of the Town of Cobourg has developed an alcohol policy in order to prevent alcohol-related problems that arise from alcohol consumption within its facilities and to promote a safe, enjoyable environment for those who use these facilities

A variety of problems can arise from the inappropriate and excessive consumption of alcoholic beverages. These problems can affect not only the consumers of alcohol themselves, but also other individuals who use the facilities. These problems include:

- Vandalism
- Personal injury
- Public risk
- Legal action
- Police intervention
- Increased insurance premiums
- Suspension or loss of alcohol permit privileges by the Alcohol and Gaming Commission of Ontario

In most instances, these problems will not be attributable to moderate consumers or to those who respect the rules regarding alcohol consumption. The majority of these problems will arise from drinkers who engage in four specific drinking practices:

- 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 correspondingly diminish. For those who do not engage in these targeted drinking practices, the policy will be minimally intrusive. The policy is not intended to stand in opposition to legal and moderate drinking.

Purpose of the Policy

The Municipal Alcohol Policy consists of a range of measures designed to reduce alcohol related problems and to increase the enjoyment of all those who use the facilities. By reducing the potential for alcohol related problems, the Town of Cobourg concurrently reduces its risk of liability actions.

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Objectives of the Policy

- 1. To designate facilities where alcohol is permitted
- 2. To designate facilities where alcohol is prohibited
- 3. To provide conditions and operational procedures for those holding events in municipally owned facilities where alcohol is permitted
- 4. To comply with the provincial Liquor License Act
- 5. To provide enforcement procedures and penalties for violations of the Municipal Alcohol Policy in addition to those as contained in the Liquor License Act.

CONDITIONS FOR SPECIAL OCCASIONS PERMITS

Anyone who wishes to serve/sell alcohol at a designated site must complete a *Special Occasion Permit Holders Agreement* that stipulates the conditions under which alcohol may be served (**Appendix A**). In addition, the responsible person must obtain a Special Occasion permit from the Alcohol and Gaming Commission of Ontario (AGCO). The Special Occasion Permit holder must ensure that all the conditions of the Liquor License Act and the Corporation of the Town of Cobourg is adhered to at the event.

The Corporation of the Town of Cobourg reserves in its sole and absolute discretion the right to refuse any applicant permission to run a licensed event on its property and to impose on the event whatever restrictions it deems appropriate to the circumstances.

The Corporation of the Town of Cobourg reserves the right to have the organizing group hire licensed security services or police officers. Security measures will be determined on a case by case basis in consultation with the municipality. The permit holder is responsible for any expenses incurred for security requirements.

The Corporation of the Town of Cobourg reserves the right to introduce other conditions from time to time at its discretion.

The Corporation of the Town of Cobourg, in the interest of public safety may, in its discretion, direct termination of a Special Occasion Event (i.e. rowdy behavior)

The Corporation shall not be liable to the organization for any costs, damages, loss of profit or any other amount for terminating the event.

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1. FACILITIES AND OUTDOOR AREAS WHERE ALCOHOL USE IS PROHIBITED

The Liquor License Act of Ontario prohibits consumption of alcoholic beverages in public places unless a license or Special Occasion Permit (S.O.P.) has been issued. In accordance with the Liquor License Act, the consumption of alcoholic beverages is prohibited in all areas owned or operated by Corporation of the Town of Cobourg including parks, sports facilities, recreation facilities, cultural facilities and service facilities, unless specifically designated otherwise. (By-law No 003-2012 To Prohibit the Possession of Alcohol in Municipal Recreation Areas)

Cobourg Town Council may change the designation of any park/facility/street to allow alcohol at its discretion.

2. FACILITIES AND OUTDOOR AREAS FOR CONDITIONAL USE OF ALCOHOL

There are facilities and areas currently designated for alcohol use under the authority of a Special Occasion Permit (S.O. P.) Town Council may change the designation of any site at its discretion. Those who seek permission to use these facilities must obtain a Special Occasion Permit and must sign the *Special Occasion Permit Holder Agreement* (**Appendix A**) a form agreeing to the conditions of use/sale of alcohol.

In order to be eligible to rent/use a Town facility for a S.O.P. event, the sponsor(s) must conform to the terms and conditions established by the Alcohol Gaming Commission of Ontario. The signatory should be aware that all alcohol distributed/sold under a S.O.P. must be purchased from the Brewers Retails and/or the L.C.B.O.

All permit holders must comply with the Municipal Alcohol Policy.

3. CONDITIONS UNDER WHICH ALCOHOL USE IS PERMITTED (Special Occasion Permits)

Anyone who wishes to serve/sell alcohol at a designated site must complete an agreement form (see Appendix A) that stipulates the conditions under which alcohol may be served. In addition, the responsible person must obtain a Special Occasion Permit from the Alcohol and Gaming Commission of Ontario. The Special Occasion Permit holder must comply with the *Liquor License Act* and this policy is adhered to at the event.

The following municipal facilities are eligible to be designated as suitable for a Special Occasion Permit function:

- Victoria Hall Concert Hall
- Victoria Park
- Citizens Forum, Victoria Hall

- Donegan Park
- Westwood Park
- Lions Soccer Fields
- Legion Fields Sports Complex
- Cobourg Arena Complex
- Streets as approved by Council
- Parks as approved by Council
- Victoria Hall facilities as approved by Council
- Cobourg Public Library
- Cobourg Community Centre

The signatory must supply the Corporation of the Town of Cobourg within **60 days** of the event with a copy of the following (exceptions may be made for the list of Certified Servers where needed):

- Special Occasion Permit (S.O.P.)
- Letter from Insurance Company with appropriate Liability Insurance information

Cobourg Town Council is under no obligation to allow licensed events to be held on its property. If Council chooses to allow such events, it may impose whatever restrictions it deems appropriate.

A list of Certified Servers for the Event (please designate those with SMART SERVE) must be provided prior to the event date(s).

This policy will be reviewed regularly to conform to Provincial Laws.

<u>MANAGEMENT PRACTICES: Before the Event</u> <u>(Where Alcohol is permitted)</u>

Event Sponsor/Permit Holder Responsibilities:

- The organizing group must get the appropriate Special Occasion Permit from the Alcohol and Gaming Commission of Ontario, obtained at the local LCBO and show proof to the Special Events Coordinator or designate at least 60 days prior to the event.
- 2. When applying for the permit, the organizing group must notify the following agencies in writing with information of the proposed event, including a floor plan or site map:
 - Cobourg Police Services
 - Cobourg Fire Department
 - Kawartha Pine Ridge District Health Unit
 - Town of Cobourg Building Department
 Note: Notification needed only if the event is outdoors and/or requires the erection of a tent or structure.

A copy of the floor plan/site map must accompany the Special Occasion Permit application.

- 3. Renters must show the Special Events Coordinator that they understand the policy and their obligations and that they intend to comply with its regulations by signing the *Special Occasion Permit Holder Agreement* (see Appendix A). Failure to do so will result in the application being denied, even if a Special Occasion Permit has been obtained from the AGCO.
- 4. The permit holder must provide proof of liability insurance (\$5 million minimum) to the municipal representative at least 60 days before the event naming the Corporation of the Town of Cobourg as an additional insured. The permit holder will indemnify and save harmless the Corporation of the Town of Cobourg from all claims arising from the permit or event, any loss or damage resulting in bodily injury or death or damage to any property from any one incident and such policy shall name the Town as an additional insured and shall protect the Town for all claims for all damage, injury or death arising out of any act or omission on the part of the event organizer, its servants or agents. The policy shall be endorsed to provide that the policy shall not be altered, canceled or allowed to lapse without written notice to the Town.
- 5. The permit holder will try to provide a list of all bartenders, servers and other event workers, aged 19 or over to the Corporation of the Town of Cobourg at least 60 days before the event. Monitors will supervise the event; encourage legal and moderate drinking behavior and ensure that any problems that arise are dealt with appropriately. The permit holder must ensure that only those listed will serve alcohol.
- 6. Before the event begins, the permit holder and Municipal Staff must ensure the physical setting is safe for drinkers and non-drinkers. The facility must be adequately lit, signs visible and stairs clear.

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- 7. The permit holder must agree to attend the event and be responsible for making decisions about the operation of the event based on the Municipal Alcohol Policy and the Liquor License Act of Ontario.
- 8. At least one member of the organization/group wishing to rent a Municipal facility associated with a Special Occasion Permit must be Smart Serve Ontario certified. The certified person(s) must be present at the event.
- 9. The permit holder will ensure that a portion of the alcoholic beverages offered consists of low alcohol options (i.e. low alcohol beer, light wine and low alcohol spirits). Further, the permit holder shall endeavor to provide coffee/soda drinks and free access to water.
- 10. It is recommended that no "high alcohol" (over 5.5%) beer or coolers are to be served.
- 11. The renter understands that "food services" to be offered at special events must be approved by the Kawartha Pine Ridge District Health Unit. As well, Ontario Food Premises regulations are available through the local health unit office.

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MANAGEMENT PRACTICES: During the Event (Where Alcohol Permitted)

- 1. The permit holder will accept only an Age of Majority card, a photo driver's license, or a Government of Canada passport as identification for alcohol purchase or consumption. A sign regarding this procedure will be posted at the entrance during events (See Appendix B)
- 2. The monitors, bartenders, servers and permit holder will not consume alcohol during the event, nor will they be under the influence of any alcohol consumed before the event.
- 3. The Municipalities specified ratio (see Appendix C) of event workers to participants must be adhered to.
- 4. All event workers must wear highly visible identification e.g. shirts or badges.
- 5. At least one person aged 19 or over must monitor the entrance. This allows staff to screen for identification and to ensure under age, intoxicated, rowdy or potentially troublesome patrons are not allowed entrance.
- 6. In the case of a licensed function such as a special community event or entertainment venue (CCC) a person under the legal provincial drinking age may be permitted admission to enter designated facilities or area provided they are accompanied by a parent or guardian until a time as designated by the Town. At that time the permit holder is responsible to ask all minors to leave the Permitted area. A sign to this effect should be posted at the front of the entrance. It is mandatory that a "wristband policy" be in place when hosting events where minors are permitted.
- 7. Each exit must be monitored by at least one person, 19 years of age or over. This allows you to take reasonable steps to prevent impaired people from driving. This can include using a designated driver either from the non-drinking participants at the event or from your group of helpers or a taxi paid by either your group or the participants. If these efforts fail, staff may attempt to detain impaired drivers and call the police. A sign will be posted (See Appendix B) thanking designated drivers for their contribution to the health and safety of their friends and the community at large.
- 8. The renter will be responsible for providing and paying for (if required) the ticket taker and seller, and for crowd control and policing. Crowd control and policing will be at the discretion of the Chief of Police (see Municipal Event Application)
- 9. All event workers must be sober and drink no alcohol while working is in progress. (Workers may only drink alcohol if they have completed their shift and their work responsibilities have ended for the entire event or day of event.)
- 10. Patrons must purchase drink tickets from a designated ticket seller to a maximum of four tickets or drinks per purchase per person. No discounts will be offered for volume purchase of tickets.

- 10. Do not contravene the Liquor License Act by serving minors, intoxicated patrons, or by serving to intoxication. Ensure that serving staff know the signs of intoxication and are prepared to cut off patrons.
- 11. The permit holder and event staff must intervene if patrons begin to engage in risky or inappropriate activities that could harm themselves or others.
- 12. All bartenders are responsible to see that beverages are served in plastic or paper cups and no beer/liquor bottles are allowed to leave bar facility. Bartenders are responsible for enforcing the liquor regulations as set by the L.C.B.O. All bartenders shall to be Smart Serve Ontario certified.
- 13. If an alcohol-related violation occurs, act promptly to rectify the situation. Whenever the Liquor License Act is violated, you are at risk of being charged and of having a liability action launched against you.
- 14. No self-serve of alcohol is permitted.
- 15. In order to reduce the levels of intoxication and the rate of consumption, event staff should encourage patrons to consume food, low alcohol beverages and non-alcoholic beverages.
- 16. In order to reduce the risk of intoxication, avoid serving oversize drinks, double shots of spirits, or beer in pitchers. Do not allow drinking contests, volume discounts, or any other marketing practices, which encourage increased alcohol consumption.
- 17. All outdoor events and their entertainment are governed by the Municipal Noise Bylaw.# 011- 2011. Hours of operation and entertainment start and finish times will be determined by council on an individual event basis.
- 18. There must be no "LAST CALL." Ticket sales will not be permitted after 12:30 a.m. or time as designated. Bar will close no later than 1:00a.m or time as designated and all lights will be turned on.
- 19. If tickets are purchased for drinks, refund unused tickets for cash on demand. To do otherwise encourages increased consumption and intoxication
- 20. All spirits, wine and beer must be removed from the tables by 1:30a.m or time as designated. All remaining spirits, wine and beer must be removed from the facility immediately after 1:30a.m or time as designated. Any left at the facility are the responsibility of the renter.
- 21. Facilities must be vacated by 1:45a.m. (or time as designated) per the Liquor License Act of Ontario.
- 22. A sign, approved by the Town of Cobourg must be posted, stating the name of the Special Occasion Permit Holder and the telephone number of the facility operator and the Alcohol and Gaming Commission of Ontario.

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MANAGEMENT PRACTICES: After the Event Both Alcohol and Non-Alcohol Events

- 1. The renter will be responsible for the clean up of facilities used. This will include the wiping of tables, counter tops, washing and drying of any utensils used and the removal of all decorations. Renter must supply detergent, tea towels, dish cloths, etc., necessary for proper kitchen clean up.
- 2. Any damage to the facility and/or property during contracted times will be compensated in full and expenses will be invoiced to the renter.
- 3. The renter will be extra billed for all additional costs of labour to the department resulting from special set-ups or if additional clean up required.

ENFORCEMENT PROCEDURES AND PENALTIES

Facilities and Areas Where Alcohol is permitted

A violation of this policy occurs when the Special Permit holder fails to comply with the conditions of the Liquor License Act of Ontario or the Municipal Alcohol Policy.

Intervention can be initiated by:

- > a participant at the event
- a group member from the rental organization
- a staff member with recognized authority in the Corporation of the Town of Cobourg
- > a Police Officer
- an Inspector of the Alcohol and Gaming Commission of Ontario
- the Fire Department and/or Kawartha Pine Ridge District Health Unit

Enforcement Procedure:

- 1. A participant at the event should notify a member of the organizing group of the violation.
- 2. A member of the organizing group should inform the offending individual(s) of the policy violation and ask that it stop. If this fails, call police for enforcement.
- A staff member should inform the organizers of the event to stop the violation or they may close down the event. If this fails, call police for enforcement.
- 4. A Police Officer or Inspector from the Alcohol and Gaming Commission will intervene if they are on site or in response to a call from a staff member and/or group member. The offending individual(s) will be informed that they are in violation of the policy and be asked to stop. The offender(s) and perhaps the organizing group may be asked to leave the facility or area. Charges may be laid against the offending individual(s) under the Liquor License Act of Ontario and/or termination of the event may occur.

Penalties:

- 1. Where the Special Occasion Permit holders have violated the municipal policy, and have been confronted by Corporation of the Town of Cobourg staff, the group will be sent a registered letter advising of the violation, and indicating that no further violations will be tolerated.
- 2. Should the Special Occasion Permit holders violate the policy within one year of receiving notice of their first violation, the organizers will be suspended from organized use of the Corporation of the Town of Cobourg facility or area for a period of one (1) year. A registered letter will be sent to the contact person advising of the suspension. A copy of the suspension letter will be provided to Municipal Council.

ENFORCEMENT PROCEDURES AND PENALTIES

Facilities and Areas Where Alcohol is prohibited

A violation of this policy occurs when individuals consume alcohol in a municipal facility or area where alcohol consumption is prohibited.

<u>Intervention can be initiated by:</u>

- a participant at the event
- a group member from the rental organization
- a staff member with recognized authority in the Corporation of the Town of Cobourg
- > a Police Officer
- an Inspector of the Alcohol and Gaming Commission of Ontario
- > the Fire Department and/or Kawartha Pine Ridge District Health Unit

Enforcement Procedure:

- 1. A participant at the event should notify a member of the organizing group of the violation.
- 2. A member of the organizing group should inform the offending individual(s) that municipal policy prohibits alcohol consumption and ask that it stop. If this fails, call police for enforcement.
- A staff member should inform the offending individual(s) that municipal policy prohibits alcohol consumption and ask that it stop. Staff may request that the offender(s) or group leave the facility or area. If this fails, call police for enforcement.
- 4. A Police Officer will intervene if they are on site or in response to a call from a staff member or group member. The offending individual(s) will be informed that municipal policy prohibits alcohol consumption and be asked to stop. The offender(s) and perhaps the organizing group may be asked to leave the facility or area. Charges may be laid against the offending individual(s) under the Liquor License Act of Ontario.

Penalties:

- 1. When a member(s) or organized group(s) have violated the municipal policy, and have been confronted by Corporation of the Town of Cobourg staff, the group will be sent a registered letter advising of the violation, and indicating that no further violations will be tolerated.
- 2. Should members of an organized group/team violate the policy within one year of receiving notice of their first violation, the group will be suspended from organized use of the Corporation of the Town of Cobourg facility or area for a period of one (1) year. A registered letter will be sent to the contact person advising of the suspension. A copy of the suspension letter will be provided to Municipal Council.

APPENDIX A SPECIAL OCCASION PERMIT HOLDER AGREEMENT

Name of Contact Person: (Please print) Name of Contact Person: (Please print) Address & Phone: (Please print) Name of Facility: (Please print) Name of Facility: (Please print) In consideration of the Corporation of the Town of Cobourg permitting our organization to hold an event licensed for the sale of alcohol on Town prenhereby agreed and acknowledged that: 1) I have received and reviewed a copy of the Municipal Alcohol Policy I have read and understood the guidelines of said Policy. 3) I personally, and my organization, agree to adhere to the conditions Policy and the Liquor License Act of Ontario and as listed on the Sprocasion Permit. 4) I understand that if an infraction of the Policy occurs, the Corporation Town of Cobourg may warn or suspend my organization from using facilities for a period of one year. 5) I understand that I personally, and my organization, may be held lia injuries and damage arising from failing to adhere to the Liquor Lice Ontario, or from otherwise failing to take action that will prevent fore harm from occurring or from any act of negligence. 6) I understand that Cobourg Police Services and/or Alcohol and Gam Commission Inspector can lay charges for infractions of the Liquor	mises, it is	
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Act of Ontario or other relevant legislation.		
My organization agrees to indemnify and save harmless the Corporation of the Town of Cobourg from all claims arising from the permit or event, any loss or damage resulting in bodily injury or death or damage to any property from any one incident and such policy shall name the Town as an additional insured and shall protect the Town for all claims for all damage, injury or death arising out of any act or omission on the part of the event organizer, its servants or agents.		
Signature		
Organization Representative		
Position		
POSITION *	*****	
OFFICE USE: Agreement executed and received by:		

APPENDIX B

REQUIRED SIGNAGE AND IDENTIFICATION

1. All Entrances to the Event

Persons under 19 years of age are not permitted to purchase or consume alcoholic beverages, under the Liquor License Act of Ontario. Photo identification proof of age must be produced upon request.

2. At All Serving Areas

Bartenders and other staff have the right to refuse alcohol service. They are required by law not to serve an intoxicated person or to serve anyone to the point of intoxication.

No one under the age of 19 years will be served alcoholic beverages.

The Town of Cobourg Alcohol Policy applies at this event. If you have concerns about the service of alcohol, please speak to the event organizer.

3. Wall signs at all Exits

A sign approved by the Municipality of the Town of Cobourg must be posted, stating the name of the Special Occasion Permit Holder and the telephone number of the facility operator and the Alcohol and Gaming Commission of Ontario.

4. Wall signs at all exits and bar areas

We appreciate our Designated Drivers and thank them for their contribution to the health and safety of their friends and community.

APPENDIX C

GUEST RATIOS – MINIMUM REQUIREMENTS

The following criteria are to be followed as a guideline regarding the ratio of certified staff/volunteer to Guests attending events in municipal facilities where alcohol is served.

NUMBER OF PARTICIPANTS	BARTENDERS	FLOOR SUPERVISORS	DOOR SUPERVISORS	TICKET SELLERS
Up to 99	2 (all to be Smart Serve Trained)	Optional	Monitor at Each access point	0
100- 199	2 (all to be Smart Served Trained)		Monitor at Each access point	1
200 - 299	2 (all to be Smart Serve Trained)		Monitor at Each access point	2
300 - 399	3 (all must be Smart Serve Trained)		Monitor at Each access point	2 -3
400 - 499	3 (all must be Smart Served Trained		Monitor at Each access point	3 - 4

The Event Organizer shall consider the need for their own training and for additional staff above minimums including other security and planning for attendance numbers

APPENDIX D

Definitions

Permit Holder: Signs the alcohol permit, is the general manager of the event and assumes responsibility and liability for the operation of the event.

Event Sponsor: she/he must attend the event, ensure that adequate server-trained staff is available, co-ordinate and help staff, ask for help from security if necessary.

Bartenders: Accept tickets for the purchase of alcohol drinks, serve drinks, monitor for intoxication, refuse service when patron appears to be intoxicated or near intoxication and offer no-alcohol substitutes.

Floor Supervisor/Monitor: Chats with participants, monitors patron behavior, monitors for intoxication, responds to problems and complaints, refuses service, removes intoxicated persons, suggests safe transportation alternatives.

Door Supervisor/Monitor: Checks identification and for signs of intoxication, keeps out intoxicated and troublesome individuals, monitors for those showing signs of intoxication when leaving the event, recommends safe transportation options, and arranges for coat checking.

Ticket Seller: Sells alcohol tickets to a maximum of four (4) per person per purchase, monitors for intoxication, refuses sale to patrons at or near intoxication, refunds tickets on request.

Town representative with recognized authority: designated as per facility or event.

APPENDIX E REFRESHMENT TENT CHECKLIST

ITEM	ACTION	INITIAL
1	Entrance and exits will be separated and	
	clearly marked.	
2	Exit to have an "out" counter.	
3	Entrance to have an "in" counter	
4	Second person at entrance checking ID for	
	everyone who enters and hand stamping	
5	All minors must be out byhrs*	
6	Beer tent to close for ½ hour from to	
	to facilitate the removal of minors*	
7	After* only persons 19 years of age	
	plus to be allowed to enter refreshment tent.	
8	Only four tickets can be sold at one given	
	time Two drink maximum per bar visit	
9	Shirts or uniforms should be worn by	
	individuals to readily identify all staff	
	members	
10	200 person(s) or less than what the SOP	
	permit allowed in tent where applicable	
11	Minimum of 8 - 11 staff inside the	
	refreshment tent at all times (depends on	
	size)*	

Please keep a copy of this appendix on file at the refreshment tent and available for any inspections that may occur by the local municipality/and or Day shift Sergeant before 11a.m. each day of a festival to ensure compliance. Please note any future breaches of any LLA will result in the immediate suspension of the remainder of the festival.

*times to be determined at the discretion of Town staff and/o event	or Cobourg Police and will be set prior to the
Day Shift Sergeant	Date of Inspection