

THE CORPORATION OF THE TOWN OF KEARNEY

By-Law No. 2009-75

**Being a By-Law to authorize the adoption of a Municipal Alcohol Policy**

**WHEREAS** pursuant to the Municipal Act, 2001 and amendments thereto, Part II, General Municipal Powers, Subsection 9 and Subsection 11 authorizes a Municipality to pass by-laws;

**AND WHEREAS** it has been deemed necessary to adopt a policy to manage the use of alcoholic beverages in municipal facilities where special occasion permits are involved;

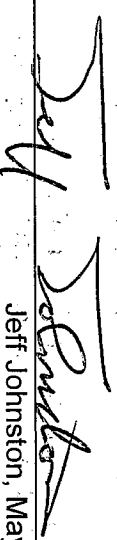
**AND WHEREAS** this policy is to allow users of recreation facilities, and participants in special community events, to have safe and healthy fun by reducing the risk of alcohol-related problems;

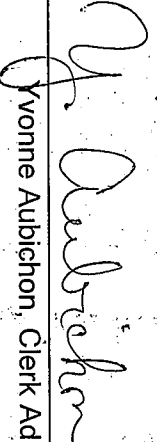
**AND WHEREAS** the Corporation of the Town of Kearney owns and operates a range of facilities where alcohol consumption may be permitted under the authority of the Alcohol & Gaming Commission – Special Occasion Permit, and all municipal facilities and buildings are considered as part of the proposed Municipal Alcohol Policy and are listed as either eligible or ineligible as host facilities for Special Occasion Permit functions;

**NOW THEREFORE BE IT RESOLVED** that the Corporation of the Town of Kearney enacts as follows:

1. That the Mayor and Clerk/Administrator are hereby authorized to sign and seal this By-Law adopting an Alcohol Risk Management Policy for the Corporation of the Town of Kearney.
2. That all other alcohol-related policies be rescinded/revoked in their entirety.

**READ A FIRST, SECOND AND THIRD TIME**, passed, signed and the Corporate Seal attached hereto, this 16<sup>th</sup> day of December, 2009.

  
Jeff Johnston, Mayor

  
Yvonne Aubichon, Clerk Administrator

**CORPORATION OF THE TOWN OF KEARNEY**

Policy Manual

SECTION NAME	SECTION NO.	POLICY NO.
General Administration		
<b>POLICY</b>	<b>REVIEW DATE</b>	<b>NO. OF PAGES</b>
<b>MUNICIPAL ALCOHOL POLICY</b>		
<b>EFFECTIVE DATE</b>	<b>REVISIONS</b>	
<b>IMPLEMENTATION</b>	<b>ADMINISTERED BY</b>	

**1.0 PURPOSE**

1.1 This Municipal Alcohol Policy is a policy to manage the use of alcoholic beverages in municipal facilities where special occasion permits are involved. It may also be referred to as an **ALCOHOL RISK MANAGEMENT POLICY**.

1.2 The prime purpose of this policy is to allow users of recreation facilities, and participants in special community events, to have safe and healthy fun by reducing the risk of alcohol-related problems. In addition, this policy adds protection to the community against liability.

Since the late 1980's and early 1990's Municipalities have taken a proactive approach to developing alcohol management policies as a risk management tool, based on the many negative alcohol-related accidents and incidents that have occurred. This process has been supported by both the Addiction Research Foundation and the North Bay Parry Sound Health Unit.

- It is in the best interest of the Corporation of the Town of Kearney to provide a safe environment for community social functions involving the consumption of alcoholic beverages
- Proper risk management suggests that regulating the consumption of alcoholic beverages in community facilities is wise, based on sizable court awards presented for individuals killed, hurt, or disadvantaged through alcohol-related incidents
- An alcohol management policy can be effectively used as a positive pro-active educational tool for all involved.

## **2.0 ELIGIBLE AND INELIGIBLE FACILITIES**

2.1 The Corporation of the Town of Kearney owns and operates a broad range of facilities where alcohol consumption may be permitted under the authority of the Alcohol and Gaming Commission – Special Occasion Permit. All municipal facilities and buildings are considered as part of the proposed Municipal Alcohol Policy and are listed as either eligible or ineligible as host facilities for Special Occasion Permit functions. This eligibility may be changed at the discretion of the Corporation of the Town of Kearney at any time (See Appendix A).

## **3.0 SPECIAL OCCASION PERMIT FUNCTIONS HELD AT ELIGIBLE FACILITIES**

3.1 The following conditions need to be met by all Special Occasion Permit holders for all Special Occasion Permit functions held in **eligible** municipal facilities:

**Note:** This policy endeavours to highlight the requirements of all related regulations with the Alcohol and Gaming Commission of Ontario with the understanding that site specific concerns can be dealt with at the local level.

### **3.2 Basic Responsibilities**

- a. Special Occasion Permit holders, individuals or organizations wishing to book any of the eligible municipal facilities for a Special Occasion Permit function must agree in writing (by way of the rental contract), to all conditions of this policy
- b. It must be recognized that the Corporation of the Town of Kearney reserves the right to refuse any applicant permission to book facilities for Special Occasion Permit functions.
- c. No alcoholic beverages shall be brought onto or consumed in municipal facilities at any time unless under the auspices of an Alcohol & Gaming Commission – Special Occasion Permit and in accordance with permit conditions.
- d. Special Occasion Permits must be given to the Facility Manager if available or at the Municipal Office, prior to the renter taking possession of the premises.
- e. All property, including alcoholic beverages or empty beverage containers belonging to or used by the renter shall be removed from the premises the same evening as the event or an additional days rental will be charged (unless other suitable arrangements have been negotiated).
- f. As per the Occupier Liability Act (1980), it is the responsibility of the host of a Special Occasion Permit function and the holder of the Special Occasion Permit to ensure the safety and sobriety of guests attending the function.

### **3.3 Purchase of Liability Insurance**

- a. All renters of municipal facilities for Special Occasion Permit functions shall provide proof of a minimum of one million dollars liability insurance coverage for the event (e.g. "Party Alcohol Liability" insurance; coverage by a sponsoring organization e.g. Service Club; a personal home owner's policy; or other event specific coverage). For Special Occasion Permit events sponsored by groups and organizations (as opposed to private families or individuals), the Corporation of the Town of Kearney shall be added as an additional insured. The Corporation of the Town of Kearney also reserves the right to request even higher limits of insurance from hosts depending on the size and nature of the function.

### 3.4 Serving Controls

- a. The Special Occasion Permit holder or signatory shall be present during the function and refrain from consumption of alcohol.
  - b. Alcoholic beverages shall only be sold and served under the authority and conditions of a Special Occasion Permit, during the hours specified on the Permit. All evidence of the service and consumption of alcoholic beverages shall be removed from the premises within three hours after the end of the time period indicated on the permit (unless other suitable arrangements have been negotiated).
  - c. No one under the legal drinking age shall be served alcoholic beverages at a Special Occasion Permit function. Minors will not be admitted into the facility during "Stag & Doe" events unless they have been listed on a minors list. Serving staff shall ask anyone who appears to be under the legal drinking age for valid photograph identification. Acceptable forms of identification include but not limited to the following:
    - i. L.C.B.O. -- Proof of Age Card
    - ii. Photo identification -- Driver's License
    - iii. Passport
    - iv. Military ID
  - d. Anyone not having appropriate identification shall not be served, and may be expelled from the function, unless they have been listed as one of the minors allowed at the function.
  - e. Door monitors shall observe the age and condition of individuals wishing to enter a function, and stop and question anyone who appears underage or impaired. If they are either underage or impaired, individuals shall not be allowed entry into a function. The **DOOR MONITORS** may, in their discretion, request the assistance of **FLOOR MONITORS** to manage any unruly persons.
    - i. Persons under the age of 18 shall not assist in the sale or service of alcoholic beverages in any manner.
    - ii. Servers of alcoholic beverages at Special Occasion Permit functions shall not be intoxicated prior to working, or consume alcoholic beverages while on duty during a function.
    - iii. The sale of the number of tickets to an individual per trip shall be limited by the permit holder.
- The following selling practices are recommended but not limited to but the final decision may be made by the facility manager or permit holder:**
- iv. Servers shall not permit more than **FOUR** drinks to each person per trip to the bar
  - v. Servers shall not serve more than **TWO** drinks to each person after midnight
  - vi. Servers will not serve anyone to the point of intoxication.
  - vii. Patrons shall be able to redeem all unused liquor tickets for a refund within **15 MINUTES AFTER THE BAR CLOSSES**. This fact shall be posted in a visible location throughout the function.
  - viii. There shall not be any "**last call**" announcement
  - ix. No **SHOOTERS** will be allowed:
    1. The mixture of jell-o, pudding, etc., with alcohol
  - x. All ticket sales will stop 15 minutes prior to the closing of the bar.

- xii. All entry and exit points shall be controlled by appropriate event security personnel, to avoid illegal entry or traffic into a function.

### 3.5. Server Training

- a. To be eligible for a facility rental using a Special Occasion Permit, the host must indicate that they will have trained personnel (servers, ticket sellers, door monitors, event supervisors) in attendance at the function, and who these individuals are. These individuals must be able to recognize the signs of intoxication, and shall refuse entry to any intoxicated persons or service to anyone they determine has become intoxicated. In no circumstances must a person under the legal drinking age be served, or allowed to consume alcoholic beverages.
- b. Acceptable and recognized training programs for servers include:
  - i. Smart Serve
  - ii. Any Ontario recognized Alcohol Server training program

### 3.6. Safe Transportation of Patrons

- a. The host of a Special Occasion Permit function shall promote the safe transportation of all those attending the function. In the event of intoxication of patrons, the host SHALL provide or arrange for safe transportation (bus, car, van, taxi cab, friends, etc.) for any intoxicated individual leaving the function (either intent on driving or walking). The Special Occasion Permit host shall ensure that patrons are aware of the transportation arrangements made.
- b. A log must be kept of individuals that have been provided alternate transportation from the event for future reference if necessary.

### 3.7. Availability of Food

- a. All Special Occasion Permit functions shall have adequate and appropriate supply of food available to persons attending the event. Snacks such as chips, peanuts, popcorn, pretzels, etc., do **NOT** qualify as food by themselves (at minimum, light combination meals are required).

### 3.8. Availability of Alternative Beverages

- a. A variety of non-alcoholic beverages shall be available to patrons of an event. In addition, non-alcoholic beverages shall be available at a reduced price within the area of the function or at the bar

## 4.0. OVERCROWDING OF PREMISES (FACILITY OCCUPANT LOAD)

- 4.1. The Liquor License Act of Ontario states that 1.11 square meters (approx. 12 sq. ft.) of floor space must be provided to everyone attending a Special Occasion Permit function. All Special Occasion Permit functions shall not exceed the facility occupant loads for specific facilities (Appendix D)

## 5.0. SIGNAGE OF THE PREMISES

- 5.1. The premises at which a Special Occasion function is held must have adequate signage concerning the use of alcoholic beverages, for example, who is eligible to enter a function and

consume alcoholic beverages, taxi and emergency numbers, entry and exit controls, ticket purchase limitations.

## **6.0 TYPES OF ELIGIBLE EVENTS/FUNCTIONS**

### **6.1 Municipally Sponsored Functions**

- a. **Receptions:** For example, official openings of municipal facilities, receptions for visiting dignitaries, etc. Where the municipality is the actual host of the event. There is also no intent to profit from the sale of liquor, as proceeds are meant to cover costs, only.
- b. **Municipally Significant Events:** For example, a civic anniversary or other event deemed by Council to be an event of "municipal significance". This event does allow for profit to be realized from the sale of liquor.

### **6.2 Reception Events**

These events must be private events for members and/or invited guests only (the general public **CANNOT** attend). These events **CANNOT** be advertised publicly to the community as a whole, and liquor **CANNOT** be mentioned. Permits cannot be issued for an entire park.

### **6.3 Fundraising Events**

These events are always "sale" events, held to raise funds to promote charitable, educational, religious, or community objects. These events are open to the public. Advertising may refer to liquor in general terms only. Only charities registered under the Income Tax Act Canada with a charitable tax number, qualified non-profit associations, corporations or organizations may be issued permits for fundraising events. (These are the **ONLY** legally acceptable applicants for fundraising events.) In order to qualify for a fundraising event, a non-profit organization must be properly formed with written constitution and by-laws stating it is non-profit and was formed to promote charitable, educational, religious, or community objects (this includes amateur sports teams/leagues).

### **6.4 Community Festival Events**

These events are always "sale" events in which a profit can be made. The public is admitted to these events. Applications must be accompanied by either a municipal resolution or a letter from a delegated Municipal Official designating the event as a "Community Festival". (The letter must actually use this wording) Applicants cannot designate their event as a Community Festival, only a Municipality can legally do so. Advertising may refer to liquor in general terms only. Only charities registered under the Income Tax Act Canada with a charitable tax number, qualified non-profit associations, corporations or organizations may be issued permits for fundraising events (these are the **ONLY** legally acceptable applicants for Community Festival events). In order to qualify for a Community Festival event, a non-profit organization must be properly formed with written constitution and by-laws stating it is non-profit and was formed to promote charitable, educational, religious, or community objects (this includes amateur sports teams/leagues).

### **6.5 Outdoor Events**

This type of event can be any of the above, only that it is held in a **TENT, MARQUEE OR PAVILION**. A sketch of the outdoor area and location must be provided to the Corporation of the Town of Kearney. If used for liquor-related functions, these facilities must be secure and enclosed on all sides (either fenced or tent walls, minimum 42" or 1.06 meters high), have

controlled entry and exits, have available washroom facilities, have security or event personnel in attendance at all times. The applicant must notify in writing, at least 21 days before the event, the Municipal Clerk/Administrator, the Fire Department and First Response Team, the local Health Department, the Ambulance Service, and the OPP. The Chief Building Official must also be notified if a tent or marquee is being used.

#### **6.6 Other Events**

For all other types of Special Occasion Permit events, please refer to the Alcohol Gaming Commission's Special Occasion Guidebook, available on-line or through the LCBO stores.

### **7.0 PROCEDURES FOR HANDLING POLICY VIOLATIONS**

#### **7.1 What Constitutes a Policy Violation?**

A violation of the Municipal Alcohol Policy occurs when events hosts or operators of a Special Occasion Permit function fail to comply with the conditions of the Liquor License Act. As per the Occupier Liability Act (1980), it is the responsibility of the host of a Special Occasion Permit function, the holder of the Special Occasion Permit, and the Owner or Manager of the facility (i.e. Corporation of the Town of Kearney), to ensure the safety and sobriety of guests attending the function. In addition, the aforementioned shall ensure that the policy of license infractions are discovered as soon as they occur, so that adequate measures can be taken to control such situations.

#### **7.2 Procedure for Handling Policy Violations**

- a. Upon violation of this policy or the Liquor License Act, the holder of a Special Occasion Permit, security services present, or the Owner or Manager of the facility (i.e. The Corporation of the Town of Kearney) shall request immediate correction of the violation. If this is not possible, they have authority to stop/close the bar service. If the Special Occasion Event is out of control, these authorities have the power to terminate the event, escort patrons outside, and close the facility completely.
- b. Violations of the Liquor License Act may result in charges being laid under the Liquor License Act or other legislation. The host of a Special Occasion Permit function, the holder of a Special Occasion Permit, security services present, or the Owner or Manager of the facility (i.e. the Corporation of the Town of Kearney) shall cooperate fully with all officials involved.
- c. Upon review of a violation, the Corporation of the Town of Kearney **MAY** refuse a specific host, group, organization, etc., further use of Municipal facilities for a specified period of time, based on the severity of the violation.
- d. If, upon review of a violation, the Corporation of the Town of Kearney loses their alcohol license for a period of time, the host, group, organization, etc., may be liable for lost revenue by the Corporation of the Town of Kearney.

### **8.0 POLICY MONITORING AND REVISIONS**

- 8.1** This policy will be monitored on a regular basis with amendments being made as needed.

**APPENDIX "A"**

**Eligible Facilities (Those capable and allowed as host facilities)**

<b>LOCATION</b>	<b>DESCRIPTION</b>
Kearney Community Centre – Gymnasium	Hall, gym area + bar & kitchen
Kearney Community Centre – Seniors' Room	Meeting room + kitchen
*Lions' Park Pavilion	Outdoor shelter & designated area
Kearney Ball Park	Marquee Tent or designated area
*Kearney Fire Department	Meeting Room or designated area
Closed Main Street	Marquee Tent or designated area
Town Dock	Marquee Tent or designated area

**Ineligible Facilities (Those currently off-limits to any alcohol usage)**

<b>LOCATION</b>	<b>DESCRIPTION</b>
Kearney Public Library	Library
McManus's Beach	Beach area, dock
Town Dock	Actual dock
Lions' Park	Beach area



APPENDIX "B"

Special Occasion Permit Functions in Eligible Facilities may be categorized as:

CLASS "A"	CLASS "B"	CLASS "C"
Weddings	Stag & Does	Concerts
Socials	Beer Gardens	Homecomings
Dinners	Sporting Events	
Anniversaries	Trade Shows	
	Benefit Dances	
	Fundraisers	

APPENDIX "C"

Security needed for events may be used as follows:

CLASS "A"	CLASS "B"	CLASS "C"
0 Security	Security and Smart Serve	Security and Smart Serve
Smart Serve as per chart	as per chart	as per chart

Responsible/smart serve/person	OPP Officer/Private Security
1 - 400 = 2	1 - 400 = 2
400 - 600 = 3	400 - 600 = 3
600 - 800 = 4	600 - 800 = 4
800 - 1000 = 5	800 - 1000 = 5

\*\* Over 1000 patrons at the discretion of facility manager \*\*

APPENDIX D

Occupant facility capacity is as follows:

FACILITY	CAPACITY
Kearney Community Centre – Gym	300
Kearney Community Centre – Seniors Room	60
Kearney Ball Park	Tented area
Closed Main Street	Tented area

\*\* Marquee Tents (based on square footage & portable toilets available)\*\*