

**THE CORPORATION OF THE
TOWNSHIP OF EDWARDSBURGH/CARDINAL
BY-LAW NO. 2013- 43**


"A BY-LAW TO ADOPT A MUNICIPAL ALCOHOL POLICY"

WHEREAS Municipal Council deems it advisable to adopt a policy with respect to responsible management practices at municipally owned facilities, parks or where alcohol is available under the authority of a Special Occasion Permit (SOP);

NOW THEREFORE BE IT RESOLVED THAT The Council of the Corporation of the Township of Edwardsburgh/Cardinal enacts as follows:

1. That the attached Municipal Alcohol Policy hereto as Schedule "A" and forming part of the by-law is hereby adopted.
2. That this by-law will come into force and take effect on its passing.

By-law passed, signed, and sealed in open Council this 26th day of August, 2013.



Mayor



Deputy Clerk

August 26, 2013

Policy Statement

The Corporation of the Township of Edwardsburgh/Cardinal Municipal Alcohol Policy provides for responsible management practices at municipally owned facilities, parks or where alcohol is available under the authority of a Special Occasion Permit (SOP). The Township also wishes to avoid/eliminate related problems that could result in litigation being directed towards the Corporation, council, staff, community associations, volunteers and participants.

The Corporation of the Township of Edwardsburgh/Cardinal does not condone the consumption of alcohol on municipally owned property except for the circumstances mentioned in this policy.

Objectives

- 1) To ensure proper operation and supervision of SOP events by providing education in effective management procedures.
- 2) To advise and reinforce safe drinking practices for the participants of an event through appropriate operational procedures, regulations and training.
- 3) To acknowledge those who abstain from drinking at an event and to provide alternative non-alcoholic beverages for participants.
- 4) To provide licensed and non-licensed programs to ensure that adults, teenagers, youth and families will be adequately protected.
- 5) To achieve balanced use of alcohol through SOP's so that alcohol is a part of an event rather than the reason for it.
- 6) To comply with all regulations under the provincial Liquor Licence Act.

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Definitions

AGCO- Means the Alcohol and Gaming Commission of Ontario.

Caterers Endorsement- A liquor license authorizing the applicant to sell and serve liquor for an event held on premises other than the premises to which the liquor sales license applies.

LCBO- Means the Liquor Control Board of Ontario.

MAP- Means the Municipal Alcohol Policy of the Corporation of Edwardsburgh/Cardinal where alcohol is available under the authority of a Special Occasion Permit or Caterers Endorsement.

SOP- Means the Special Occasion Permit issued by the Alcohol and Gaming Commission of Ontario.

Eligible Events

In order to receive an SOP, Public Events which are not conducted by registered charity or non-profit organizations must be designated as an event of “municipal significance” by Council.

The sale, consumption or distribution of alcohol at Township-owned facilities or parks is strictly prohibited without a permit issued by the Liquor Control Board of Ontario (LCBO).

Council Event Approval

The Manager of Parks, Recreation and Facilities or his/her designate must receive a written request for a licensed event being held no less than **60 days** prior to the event date. Council reserves the right to reject an application of a SOP in a municipally owned facility regardless of the user.

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Municipal Facilities & Parks Eligible for SOP Events

- Edwardsburg Community Centre- Spencerville
- Town Hall- Spencerville
- South Edwardsburg Community Centre park area- Johnstown
- South Edwardsburg Community Centre Hall
- Cardinal Community Centre
- Edwardsburg/Cardinal Fire Halls
 - **Exception:** Only the Volunteer Firefighter Association of Edwardsburgh/Cardinal is permitted to host a licensed event at the fire halls with an SOP.

Municipal Facilities & Parks NOT Eligible for SOP Events

- Ball Diamond- Spencerville & Cardinal
- Galop Canal Park
- Water Street Park- Spencerville
- Town Hall Grounds- Spencerville
- Libraries
- Legion Park and Pavilion

Types of SOP Events

- **Private** are typically issued for events such as weddings, birthdays, funerals, bridal showers, etc. Private events are for invited guests only and the event must not be advertised to the public including newspaper, internet or radio. The event cannot be open to the general public, and there can be no intention to profit from the sale of alcoholic beverages at the event.

Private event SOPs can be either a No Sale permit (allows alcohol to be served, but not sold, and the permit holder covers the cost of the alcohol) or a Sale permit (allows for the recovery of the cost of serving alcohol).

- **Public** are issued for events that are open to the general public, such as a charity fundraiser, outdoor street festival or community festival. A public

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event permit holder may advertise the event and can fundraise or profit from the sale of alcoholic beverages.

An SOP for a public event can be issued to:

- A charity organization under the Income Tax Act (Canada)
- A non-profit organization or association organized to promote educational, charitable or community events. The entity is not required to be incorporated.

An individual or business may also apply for a public SOP if:

- The event has provincial, national or international significance
- The event has municipal significance (must have resolution from Council or letter)
- **Industry Promotional Events** are intended to promote a manufacturer's products. These events may be open to the general public or may be for invited guests only. They can be either Sale or No Sale events. There can be no intent to profit from the sale of alcohol at the event.

Youth Admission to Special Occasion Permit Events

The following guidelines must be adhered to when youth are attending an SOP event:

- 1) Anyone who appears to be under the age of 19 years of age will be required to show proper photo I.D. before they are allowed to enter the licensed area/facility. Admission will be granted after the I.D check is satisfactory; however, security retains complete power to decline entry to anyone who appears to have a fake I.D. or is intoxicated.
- 2) Individuals under the age of majority will not be allowed to consume any alcoholic beverages. Anyone found serving alcohol to individuals under the age of majority will be required to leave the event, immediately.
- 3) Events allowing youth to attend will be required to identify those persons over the age of majority. Sponsors shall choose stamps, wristbands or ID cards to identify those over the age of majority.

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Signage

To notify all participants appropriately, a sign shall be prominently displayed in designated facilities where alcohol is being served. The sign must be a minimum of 24x36 inches in size and display the following message:

**All servers are required by law not to serve an intoxicated person
or to serve anyone to the point of intoxication. Proof of age of
majority required.**

The SOP or License must be available at all times for the AGCO inspectors and police.

Signs stating **"NO ALCOHOL BEYOND THIS POINT"** must be displayed at all exits of the licensed area.

Alcohol Service Controls

All controls and service must be consistent at all times with the regulations of the Liquor Act of Ontario and any conditions that may be attached to the SOP.

- 1) The entrance and exits to the licensed area event must be monitored by responsible persons meeting the age of majority requirement at all times. These persons shall further observe any individuals attempting to enter the premises who look impaired. All event workers must be 19 years of age or older and are prohibited from consuming alcohol while on their shift.
- 2) All event workers must be provided with highly visual identification such as a badge or button.
- 3) All drinks are to be served in plastic or paper cups and all bottles retained in the bar/serving area. Alcoholic and non-alcoholic drinks are to be served in different coloured cups.
- 4) All bar/serving areas must close promptly by 1:00 am regardless if there are individuals waiting to be served. Everyone must vacate the premise by 1:30 am. Exception: Serving times on New Year's Eve shall be extended one hour.

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- 5) It is required that at least one "Smart Serve" bartender be behind the bar at all times during any event that is serving alcohol on municipally-owned property whether it's a sale or no sale permit.

Tiered Seating

The holder of the license shall not sell, serve or allow for the possession of liquor in the tiered seating section of the premises.

Accountability

It is required that the person signing the application for the SOP or Caterer's Endorsement be present for the duration of the event.

The Corporation of the Township of Edwardsburgh/Cardinal reserves the right to have a municipal representative attend any and all public events held on Township owned property to protect the best interests of the Corporation. This individual will have the absolute authority to close any event not complying with the Liquor License Act and/or the SOP. Cost of having this representative will be at the responsibility of the event organizer(s).

The Township reserves the right to request police attendance at any event with the cost being the responsibility of the event organizer(s).

Insurance & Indemnification

All events occurring on municipal property which involve the consumption of alcohol must obtain a SOP or have a Caterer's Endorsement issued by the Alcohol and Gaming Commission of Ontario and ensure all conditions of the permit are being met.

In addition to the above, the permit holder must provide proof at least fourteen (14) days prior to the event that the following coverage's have been agreed to during the operation of the event:

- 1) Public liability and property damage insurance to the Township in the amount of not less than two million dollars (\$2,000,000). This insurance

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shall name the Township of Edwardsburgh/Cardinal as an additional insured party and shall also state that coverage will respond to all claims relating to the A.G.C.O. licensed activities held on the premises and shall not exclude participants. The Township reserves the right to request a higher insurance amount.

- 2) The permit holder agrees to indemnify and save the Township of Edwardsburgh/Cardinal, members of Council, staff and volunteers harmless from all claims, damages, losses and expenses which may be incurred as a result of an event taking place.
- 3) The certificate of insurance will include cross liability and severability of interest clauses.
- 4) Documentation confirming that security has been paid for and in place for the event.

Safe Transportation

The Township of Edwardsburgh/Cardinal supports the “No Drinking & Driving” mindset. The permit holder will be responsible for the promotion of safe transportation options for all drinking participants and make sure details and alternatives are clearly posted. The Township of Edwardsburgh/Cardinal is not responsible for transportation arrangements.

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Penalty Escalation Process for Non-Compliance

First Infraction- A signed and registered letter from the Manager of Parks, Recreation and Facilities or his/her designate summarizing the breach and its unacceptability.

Second Infraction- No further rentals permitted for a period of 6-months for the individual or group.

Third Infraction- No further rental to be permitted until proof of compliance can be given to the satisfaction of the CAO.

Appeal- Penalties may be appealed in writing to the Manager of Parks, Recreation and Facilities. The appeal will be heard by the CAO within two weeks of receipt of the written appeal with a decision being made promptly after the hearing. The CAO's decision will be final.

Unauthorized Alcohol Consumption

Alcohol consumption without a SOP or Caterers Endorsement is strictly prohibited at any municipally owned facility. Any individual under the age of majority found to have consumed alcohol or to be consuming alcohol at a SOP event will be reported to the police. A registered and signed letter will be sent to the guardian(s) of the individual.

Any person(s) found to have alcohol in their possession or bringing alcohol into an unlicensed area will be required to leave immediately.

Policy Monitoring & Revisions

The Municipal Alcohol policy shall be reviewed annually by the Manager of Parks, Recreation and Facilities based on updated legislative or regulatory changes. Copies of this policy will be made available at the Township office and also placed on the Township's website. Every effort will be made to ensure this policy is up-to-date and accessible to patrons.

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APPENDIX "A"

CHECKLIST FOR LIQUOR LICENSED EVENTS

Name of Special Occasion Permit holder: _____

Contact Number of Permit holder: _____

Location of SOP Event: _____

Date and time of SOP Event: _____

I have provided a sketch with dimensions of the licensed area of the event facility and copies of notification letters to the Manager of Parks, Recreation and Facilities, police, fire, etc.

I understand all of the Policy requirements and will adhere to them at all times.

I have been advised that if there is something I do not understand about this Policy, I will contact the Manager of Parks, Recreation and Facilities.

I, certify the above information is true and accurate. I understand my legal obligation as a permit holder and I'm above 19 years of age at the time of signing.

SOP Permit Holder- Signature

Manager of Parks, Recreation
and Facilities

Date: _____