

**THE CORPORATION OF
THE TOWN OF WASAGA BEACH**

BY-LAW NO. 2012-03

A BY-LAW TO ADOPT A MUNICIPAL ALCOHOL USE POLICY

WHEREAS pursuant to *The Municipal Act, 2001*, S.O. 2001, c.25, as amended, the Council of a Municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act, to enable them to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues;

AND WHEREAS pursuant the *Municipal Act, 2001, S.O. 2001, C. 25, as amended*, requires that a municipality's capacity, rights, powers and privileges, shall be exercised by by-law;

AND WHEREAS the Corporation of the Town of Wasaga Beach deems it advisable to adopt an amended Municipal Alcohol Use Policy;

NOW THEREFORE the Council of the Corporation of the Town of Wasaga Beach HEREBY ENACTS as follows:

1. THAT the Municipal Alcohol Use Policy, attached hereto as Appendix "A", be adopted.
2. THAT any by-laws, policies or resolutions or parts of by-laws, policies or resolutions inconsistent with this by-law to adopt a Municipal Alcohol Use policy are hereby repealed.
3. THAT this By-Law shall come into force and take effect on the date of its final passing.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED
THIS 10th DAY OF JANUARY, 2012.

Cal Patterson, Mayor

Twyla Nicholson, Clerk

(Original signed by Mayor & Clerk)

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THE CORPORATION OF THE TOWN OF WASAGA BEACH
POLICY MANUAL

SECTION NAME: Administration	POLICY NUMBER:
POLICY: Municipal Alcohol Use Policy	REVIEW DATE: January 2017
EFFECTIVE DATE: January 10, 2012	REVISIONS: November 08, 2011
IMPLEMENTATION: January 10, 2012	ADMINISTERED BY: Special Events Coordinator

PURPOSE

The objective of this policy is to provide clear guidelines for alcohol use in municipal facilities and on municipal properties; inform rental/user groups on how to run safe, problem-free events; educate individuals or groups operating a Licensed Event (with a Special Occasion Permit (SOP)) in a municipal facility, park or land on the Town of Wasaga Beach's alcohol policy and Liquor Licence Board of Ontario Legislation (LLBO) to ensure they are aware of their duties and responsibilities with respect to alcohol management. Assist in providing adequate training; to encourage the safe and legal use of alcohol thereby reducing the possibility of injury and harm to all persons and property resulting from alcohol consumption.

SCOPE

This policy contains the process to apply for permission to have an event; a list of facilities eligible for alcohol use; event controls; sale of alcohol procedures; regulations for underage participants; transportation strategies; sign provisions; provision of low alcohol and non-alcoholic drinks-food availability; insurance required by rental groups; penalties for non-

compliance with the policy; policy implementation; a copy of the Municipal Alcohol Use Agreement.

DEFINITIONS

Alcohol means spirits, wine or beer, or any combination thereof and includes any product of fermentation or distillation in a form appropriate for human consumption as a beverage, alone or in combination with another matter;

Applicant means an individual or group of individuals, or a corporation or an organization making an application to hold an event, function, game on Municipal Property, which may or may not involve the serving of alcohol;

Policy means the Municipal Alcohol Use Policy set out herein;

Municipal, Municipality, or Municipal Corporation means the Corporation of the Town of Wasaga Beach

Responsible Person means all Municipally-owned or Municipally-leased property, premises and facilities;

Special Occasion Permit (SOP) means a permit issued pursuant to the Liquor Licence Act;

Sponsor/Agent means an individual or group of individuals, a corporation or an organization seeking to hold or holding an event on Municipal property, which may involve the serving of alcohol;

Town of Wasaga Beach Representative means the staff person designated to oversee a particular event or his/her designate;

LLBO refers to the Liquor Licence Board of Ontario

SSP refers to the Smart Serve Program Training Course.

POLICY

1 Application Process

- 1.1 Prior to the event the applicant or designate shall:
 - 1.1.1 A signed copy of the Municipal Alcohol Use Agreement
 - 1.1.2 Obtain confirmation from the Municipality list that the municipal property is available for rental or use on the date(s) required
 - 1.1.3 Pursuant to the ratios established under Section 3 below provide the Municipality with a list of event staff along with each trained alcohol servers registration number.
 - 1.1.4 Provide the Municipality with the Liability Insurance Certificate identified under Section 8 below
- 1.2 Upon receipt of a letter requesting permission to have an LLBO event and the other information required under paragraph 1.1, the Clerk shall forward the request to the appropriate Department for processing.
- 1.3 The CAO, Head of Recreation, Head of Parks and Facilities, Economic Development Officer or the Special Events Coordinator are delegated the authority to approve applications to have an LLBO licensed event, provided the application meets all the requirements of this policy.
- 1.4 Any exceptions to this policy must be approved by a standing committee of council

2 Municipal Properties Designated as Eligible for LLBO Licensed Events

- 2.1 The following municipal properties may be used for events involving alcohol use under the authority of a Special Occasion Permit
 - 2.1.1 Wasaga Beach RecPlex/Oakview Community Centre
 - 2.1.2 Wasaga Stars Arena
 - 2.1.3 Wasaga Beach Sports Park
 - 2.1.4 Any and all municipally owned and or leased property
 - 2.1.5 Wasaga Beach Provincial Park**
 - 2.1.6 Municipal Offices (Town Hall)
- 2.2 Exceptions
 - 2.2.1 Alcohol consumption is **not permitted** in any dressing room/change rooms at any municipal facility
 - 2.2.2 ** Wasaga Beach Provincial Park (Ontario Parks) will determine Alcohol use eligibility, not the Municipality.

3 Event Controls

- 3.1 To rent a Municipal facility/property for a SOP function the event sponsor must utilize a minimum of one bartender, floor monitor, entrance door monitor and exit door monitor with certification from a

recognized Ontario Based server program (i.e. Smart Serve)-numbers adjust for event attendance as set out in section 3.2 below.

3.2 Event personnel requirements

	Smart Serve Bartenders (Minimum)	Smart Serve Door Monitors (Applies to exits & entrances) (Minimum)	Ticket Sellers (Minimum)
Attendance			
Under 100	1	1	1
101-300	2	2	2
301-500	3	3	3
501-700	4	4	4
701-900	5	5	4
901-1100	6	6	4

The above requirements apply to indoor and outdoor events. Door monitors are required for main door only for events under 500 people. For events over 500 people all doors are to be monitored. Please note that for SOP functions on Wasaga Beach Provincial Park (Ontario Parks) land, a minimum of 2 paid duty police officers will be required. This is a component of their Special Event Policy and must be adhered to. In addition to the above, the following requirements must be met.

- 3.2.1 That all floor monitors and the entry door monitors be Smart Serve Trained.
- 3.2.2 Door with outside entry and /or exit should have a monitor supervising them, to ensure alcohol is not taken outside of the facility.
- 3.2.3 A list of monitors and bartenders with proof of their certification shall be provided to the municipality when application is made for the special event. The list shall be posed by the groups SOP. The SOP shall be posted by the bar area.
- 3.2.4 That all event workers and license holder (event sponsor) must be the age of majority and not consume alcohol prior to or during their services at the event.
- 3.2.5 That all monitors, while on official capacity at the event must wear an ID nametag or some type of identification that states they are a monitor.
- 3.2.6 Only an age of majority card, a photo driver's license, military identification, current passport, First Nations status card, MTO photo card or a permanent resident card can be used as identification for being served or consuming alcohol.

- 3.2.7 The permit holder, smart serve monitors and bartenders have the right to refuse admittance or service to persons who are under age or to an individual who appears intoxicated.
- 3.2.8 At not times are attendees permitted to pour their own drinks
- 3.2.9 The person signing the SOP must be present for the entire event or his/her designate (who shall be named) be the person responsible for the entire event. The permit holder (event sponsor) and his/her designate cannot consume alcohol prior to or during the event.
- 3.3 Town Council, CAO, Head of Recreation, Head of Parks, Economic Development Officer and the Special Events Coordinator reserve the right to require the presence of paid duty police officers to be present during the duration of the event with the cost to be borne by the applicant. Payment for the paid duty officers shall be arranged directly with the Ontario Provincial Police by the person signing the S.O.P application.
- 3.4 For facilities and municipal properties the bar is to be closed at 2 am and the facility is to be vacated by 2:30 am

4 Sale of Alcohol

- 4.1 Tickets sold for alcoholic beverages, will be limited to 4 per person at one time. Discounts for the volume of tickets purchased will not be permitted.
- 4.2 Each person shall be limited to a serving of 4 drinks at a time
- 4.3 All ticket sales will stop by one half hour prior to the end of alcohol service
- 4.4 No last call will be announced
- 4.5 Plastic and paper cups must be used for serving (no glass, not bottles, no cans)

5 Regulations for Underage Participants

- 5.1 Events involving and intended for youth/minor (majority of participants under legal drinking age) are not suitable for SOP
- 5.2 SOP holder must reuse admittance to persons who are under the legal drinking age unless it is listed on the SOP that people under the legal drinking age are permitted to attend the event.
- 5.3 Underage participants must not be provided or served alcohol either directly or indirectly by a person of legal drinking age.

6 Transportation Requirements

- 6.1 The permit holder will be responsible for promoting safe transportation options for all the drinking participants, such as but not limited to the following: provide free non-alcoholic beverages for designated drivers; post the phone numbers of local taxi companies; and or run a bus service

7 Provision of Alcohol, Low Alcohol and Non-alcoholic Drinks and Food

- 7.1 Only Liquor, wine or beer purchased under the authority of the Special Occasion Permit issued by the LLBO may be sold or served on the premises. At religious occasions such as weddings, bar mitzvahs, christenings wine made by a member of the family having the event may be served in keeping with the requirements of the LLBO.
- 7.2 The user shall ensure that low-alcohol beverages are available. (35% designated to the total available)
- 7.3 No extra strength beer should be available (over 5.5%)
- 7.4 Allow unused drink tickets to be redeemed (suggestion: unused tickets are put in a draw for a prize at the end of the night)
- 7.5 Alcohol will not be advertised at facilities or events specifically for youth age 19 and under.
- 7.6 The user shall provide an assortment of food sufficient to serve the person attending the event. Snacks are not considered food.
- 7.7 Food shall be provided no later than 1 hour after the event starts and must not be removed until 45 minutes before the bar closes.

8 Liability Insurance Requirements and Indemnification

- 8.1 All those organizing activities on Town property which involve the use of liquor will be required to obtain an LLBO SOP and ensure that all conditions associated with the issuance of that permit are met throughout the term of that activity. In addition, liability insurance is required before occupancy begins.
- 8.2 All events must carry PAL (Party Alcohol Liability) insurance and property damage insurance with an insurer satisfactory to the Town in the amount not less than 2 million dollars (\$2,000,000), for events with less than 500 people, and in an amount not less than five million dollars (\$5,000,000), for events with more than 500 people, as stated in the Special Events Bylaw
- 8.3 The insurance shall name the corporation of the Town of Wasaga Beach as an additional insured for the period of the activity agreed upon with the municipality.

- 8.4 The insurance endorsement shall also state that coverage will respond to all claims relating to the LLBO licensed activities held on the premises AND shall not exclude participants.
- 8.5 The event organizer agrees to indemnify and save the Town of Wasaga Beach, its elected officials, public officials and employees, harmless from all claims, damages, losses and expenses, which might arise as a result of this event taking place.

9 Penalties for Non-compliance

- 9.1 A violation of this policy occurs when the Special Occasion permit holder or individual using Municipal Property fails to comply with the Liquor License Act of Ontario and the Municipal Alcohol Policy. Intervention can be initiated by a participant at the event or function, the Town of Wasaga Beach Representative, an Inspector of the Liquor license Board of Ontario or a Police Officer.
- 9.2 A member of the organizing group or the designated responsible person may intervene by informing the individual(s) of the policy violation and requesting that it cease. Group members and the responsible person should feel encouraged to intervene in this way because intervention at other levels could result in loss of privileges and legal charges.
- 9.3 The Town of Wasaga Beach representative will intervene whenever he or she encounters a violation of the policy. Depending upon the severity of the policy infraction, the Town staff representative may require the organizers of the event to stop the violation or they may close down the event. Should the organizers fail to comply, the staff member may call the police for enforcement.
- 9.4 Where the SOP holders have violated the Municipal Alcohol Policy and have not responded to request of the Town of Wasaga Beach representative for compliance with the Municipal Alcohol Policy, that SOP holder will be sent a letter advising of the violation and indicating that no further violations will be tolerated.
- 9.5 After receiving the above letter, application for future bookings of any Town of Wasaga Beach operated facility or property must first be approved by the Town Council. This decision may be delegated by the Town Council to the CAO, the Head of Recreation, the Head of Parks and Facilities, the Economic Development Officer or the Special Events Coordinator. The Town reserves the right to refuse a permit application it feels in its sole discretion has potential for damage, harm or injury.
- 9.6 Should an individual or the Special Occasion Permit holder violate the Policy a second time, the organizers will be suspended from organized

use of any town facility for a minimum period of one year. A letter will be sent to the contact person advising of the suspension with a copy provided to Council. After that time an organizer may apply for a rental but they will require Council approval.

- 9.7 A police officer or an inspector from the Liquor Licence Board of Ontario may intervene in a violation of this policy on his or her initiative or in response to a request from either a Town staff member or a member of the general public. Depending upon the severity of the violation charges may be laid under the Liquor Licence Act of Ontario or any other relevant legislation.

10 Signs (Signage at Indoor Facilities will be provided by the Town)

- 10.1 A “Statement of Intoxication” sign, a highly visible wall sign is to be located in bar areas. It should read, “The Town of Wasaga Beach strives to provide recreation facilities for the enjoyment of all members of the community. Servers are required by law not to serve an intoxicated person or to serve anyone to the point of intoxication. Low alcohol beverages, coffee, soft drinks and food items are available upon request.”
- 10.2 A highly visible wall sign is to be located at the main exits and in the bar areas. The sign will give the address and telephone number of the municipal offices and the local police service, so participants will know where to direct any concerns they may have regarding the event.
- 10.3 A highly visible wall sign is to be located at the main exits i.e. “The local detachment of the OPP “Reduce Impaired Driver Everywhere (RIDE) program” thanks you for helping to reduce impaired driving everywhere in Wasaga Beach. We look forward to personally thanking you at one of our spot-check for leaving this event a Sober Driver.”
- 10.4 A sign will be posted in event facilities, that thanks designated drivers for contributing to the health and safety of their friends and the community at large. i.e. “We appreciate our Designated Drivers and thank them for their contribution to the health and safety of their friends and the community. In recognition of your contribution, we are pleased to offer you free coffee and soft drinks”
- 10.5 Post a sign at the alcohol ticket sales table outline the regulations i.e. No more than 4 tickets per purchase per person; Tickets sales end at _____.” (one half hour before the end of the serving of alcohol)
- 10.6 Signs must be posted near entrances and in bar areas designated as eligible for alcohol use, which read i.e. “In Wasaga Beach you must be 19 years of age or older to attend a Special Occasion Permit Event, unless permitted under the event permit. The only acceptable proof of

age is photo identification.” Optional text may read. “Exceptions may be made in the case of a family occasion such as a wedding or anniversary. However, alcohol must not be served to people under the legal drinking age.”

10.7 All problem areas in municipal facilities and parks where alcohol use is not permitted will be clearly marked i.e. “Alcohol is not permitted in this area.” This would include all dressing and change rooms.

10.8 A letter or written permission statement shall be posted at the Bar identifying the “responsible person” under the Special Occasion Permit along with the permit.

11 Policy Support & Implementation

11.1 This Policy shall be implemented on the date of passage

11.2 Designated facility staff will do policy monitoring during a function at a town indoor facility

11.3 Copies of the Municipal Alcohol Policy will be available at the Town of Wasaga Beach Administration Building , the RecPlex and the Wasaga Stars Arena

11.4 A review of this policy will be conducted every five years from the date of implementation.

ATTACHMENTS

Town of Wasaga Beach Municipal Alcohol Use Agreement

**Town of Wasaga Beach
Municipal Alcohol Use Agreement**

Name of Group _____

Name of Contact Person _____

Certification

1. I have received and reviewed a copy of the Municipal Alcohol Policy for the Town of Wasaga Beach.
2. I agree to adhere to the conditions of this policy and the Liquor Licence Act of Ontario
3. I understand that if an infraction of the Policy occurs the Town of Wasaga Beach will warn and may suspend my organization from using the facilities for a minimum period of one year.
4. I understand that I can be held liable for injuries and damage arising from failing to adhere to the Liquor Licence Act of Ontario or from otherwise failing to take action that will prevent.
5. I understand that the Huronia West Detachment of OPP and a Liquor Licence Board Inspector can lay charges for infractions of the Liquor Licence Act of Ontario or other relevant legislation.
6. I agree to satisfy the liability Insurance requirements and indemnification as per section 7 of this policy.
7. I am satisfied that I understand the provisions of Section 8 of this policy and further agree that I should seek independent legal advice if I do not in any way understand section 8 of this policy.

I (Print and Sign name)

Acknowledge that by signing this I understand the Municipal Alcohol Use Policy and will comply with all provisions.

OFFICE USE ONLY

Agreement Received by _____

Date: _____