

THE CORPORATION OF THE TOWNSHIP OF MALAHIDE

BY-LAW NO. 10-56

Being a By-law to adopt an Alcohol Risk Management Policy to provide the Municipality and event organizers with guidelines that will ensure safe and successful events.

WHEREAS Section 5(3) of the Municipal Act, 2001, c. 25, as amended, authorizes a municipality to pass by-laws to exercise its municipal powers;

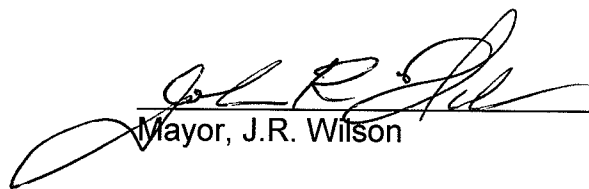
AND WHEREAS The Corporation of the Township of Malahide deems it expedient to establish and enforce a Municipal Alcohol Policy;

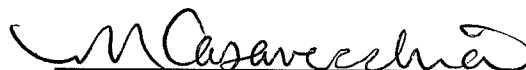
NOW THEREFORE the Council of The Corporation of the Township of Malahide **HEREBY ENACTS AS FOLLOWS:**

1. THAT "Alcohol Risk Management Policy", as shown on the attached Schedule "A" is hereby adopted.
2. THAT By-law No. 09-12, enacted on March 5, 2009, be and the same is hereby repealed in its entirety.
3. THAT this By-law shall come into force and take effect on the final passing thereof.

READ a **FIRST** and **SECOND** time this 5th day of August, 2010.

READ a **THIRD** time and **FINALLY PASSED** this 5th day of August, 2010.


Mayor, J.R. Wilson


Clerk, M. Casavecchia

THE CORPORATION OF THE TOWNSHIP OF MALAHIDE

SCHEDULE "A" TO
BY-LAW NO. 10-56

ALCOHOL RISK MANAGEMENT POLICY

The Township of Malahide owns and manages facilities where alcohol consumption is permitted under the authority of either a Liquor Licence or a Special Occasion Permit. The Township of Malahide has developed an Alcohol Risk Management Policy to reduce alcohol-related problems that may arise from alcohol consumption within its facilities and to promote a safe, enjoyable environment for users of these facilities. The policy is set out in three sections:

Section 1: Township of Malahide areas designated for conditional use of alcohol, and restrictions at the jointly owned East Elgin Community Complex.

Section 2: Conditions for the use of alcohol in /on Township facilities/properties.

Section 3: Enforcement procedures for policy violation.

SECTION 1 – AREAS DESIGNATED FOR CONDITIONAL USE OF ALCOHOL

1.0 Alcohol may only be served in Township of Malahide facilities that are licenced by the Liquor Licence Act, R.S.O. 1990, Chapter L.19 and the Regulations which are licenced or when a Special Occasion Permit is issued to an event sponsor by the Liquor Licence Board of Ontario. A Special Occasion Permit (SOP) authorizes individuals to serve alcoholic beverages during an occasion that is judged unique or does not occur on a regular basis. However, a number of different Special Occasion Permits (SOPs) may be granted to different permit holders for the same facility. Certain types of events are not deemed appropriate for serving alcohol (e.g., children's festival, children's Christmas party). The Township of Malahide reserves the right to refuse an applicant permission to run a licenced event on its property.

1.1 Township of Malahide Facilities/Areas That May Be Licenced

The following facilities and areas are designated as suitable for a Special Occasion Permit from the Liquor Licence Board of Ontario, compliant with conditions as set out by the Township of Malahide:

MALAHIDE COMMUNITY PLACE – Springfield

- Community Room A
- Community Room B
- Community Room C
- Meeting Room (private events)
- Gary Barat Pavilion (and approved outdoor fenced area)
- Green Space at the rear of the facility (properly fenced and delineated)

SOUTH DORCHESTER COMMUNITY HALL – Lyons

- Community Room
- Green Space at the rear of the facility (properly fenced and delineated)

Locations not listed may be directed to Council for consideration.

1.1.2 Areas Where Alcohol Is Prohibited

The consumption of alcohol is prohibited in all public places such as parks, open community areas, and municipal facilities unless a Special Occasion Permit or licence for the facility has been obtained.

1.1.3 Outdoor Licenced Areas – Location Perimeters

The perimeters of all outdoor licenced areas are to be approved in advance by the Township. Secure temporary fencing may be utilized, with the permission of the Township. Established and approved dimensions of such licenced areas may not be changed in any way throughout the duration of the event.

Any access into or out of a fenced outdoor area must be monitored by Smart-Serve event personnel, in accordance with the procedures set for indoor municipal locations.

1.2 Outdoor Licenced Areas – Hours of Operation

Licensed areas in all outdoor locations **must open no earlier than 11:00 a.m.** and **must close at 11:00 p.m.** Alcohol service is to end no later than 11:00 p.m., with designated licenced areas vacated by 12:00 a.m. (midnight).

Extended hours may be granted, subject to advance approval of the Township, and in compliance with the Township's Noise By-law.

1.3 Outdoor Licenced Areas – Chain of Command

Approval and coordination of all outdoor licenced areas must be processed through the Township of Malahide and no other third party.

1.4 Youth Events

No alcohol will be permitted at youth events where the primary focus is minor-related activity during that event or function time. Examples of Youth Events are: Minor Baseball Tournaments, Family-themed community events, Children's Party, etc. *The Township has the right to deny a request for a liquor licence at a function that is felt to be youth-focussed.*

Rationale -- The main focus is youth, and the consumption of alcohol would not be appropriate in this setting. Non-consumption by participating adults provides a positive example for young people. Since adults supervise and drive young people to and from these events, alcohol consumption does not provide a positive example regarding drinking and driving.

1.5 Restrictions for East Elgin Community Complex (Town of Aylmer)

The East Elgin Community Complex has its own restrictions and requirements and is subject to contractual agreements. The Town of Aylmer's alcohol policies apply. The Township of Malahide does not book this facility.

SECTION 2 – CONDITIONS FOR THE USE OF ALCHOL IN TOWNSHIP FACILITIES

Anyone who wishes to serve alcohol at a designated site must complete a rental form that stipulates the conditions under which alcohol may be served. In addition, the responsible person must obtain a Special Occasion Permit (SOP) from the Liquor Licence Board of Ontario. The SOP-holder must comply with the Liquor Licence Act, R.S.O. 1990, Chapter L.19, the Regulations and all of the provisions of the Township of Malahide Alcohol Risk Management Policy.

2.1 Event Categories

Events will fall into three categories at these facilities:

PRIVATE EVENTS

- i) Private/invited gatherings (under 100)
Example: showers, birthday parties, wine and cheese, small weddings
- ii) Private/Invitation-only Events
Example: weddings, anniversaries (over 100)
- iii) Private Outdoor Functions
Example: wine and cheese reception, weddings, graduations

PUBLIC EVENTS

- i) Events where the general public will be attending
Example: Annual Fish Fry, Community Barbecue, etc.
- ii) Beer Tents - Outdoor events where the general public will be attending
Example: Ball Tournaments

2.2 Personnel

2.2.1 All bartenders and servers shall complete the Smart Serve Program or an approved course as set out by the Liquor Licence Board in the responsible service of alcoholic beverages.

2.2.2 The permit holder shall have staffing levels sufficient to effectively monitor the entrances/exits and to patrol alcohol consumption as set out in 2.2.4 below.

2.2.3 The permit holder shall provide the Township of Malahide with a list of the names of bartenders and servers, aged 19 or older, with their valid Smart Serve certification numbers, at least two weeks prior to the event, and shall ensure that only those persons listed will serve alcohol.

2.2.4 The permit holder shall provide the Township of Malahide with a list of the monitors and ticket-sellers, aged 19 or older, with their valid Smart Serve certification numbers, at least two weeks prior to the event. Monitors will supervise the event, encourage legal and moderate drinking behaviour, ensure alcohol does not leave the approved area, and ensure that any problems that arise are dealt with appropriately.

There shall be at least:

- one (1) monitor per one hundred (100) participants, PLUS
- one (1) monitor for each entrance and exit at the facility or area for the first five hundred (500) participants

These minimum requirements may be increased if circumstances warrant or if required by the Township of Malahide.

2.2.5 The monitors, bartenders, ticket-sellers, and servers ***shall not consume alcohol*** during the event, nor shall they be under the influence of any alcohol consumed prior to the event.

2.3 Entry and Control Policies

2.3.1 The permit holder and designated event staff shall accept only an age of majority card, a driver's licence with a photo card, a passport, Armed Forces ID, or citizenship card as proof of age of majority for alcohol purchase or consumption.

2.3.2 Entry must be denied to intoxicated or unruly individuals, individuals carrying alcoholic beverages, and individuals previously turned away from the event.

2.3.3 The permit holder shall ensure that the bartenders and servers do not serve alcohol to underage, intoxicated, rowdy, or unauthorized people at the event.

2.3.4 The permit holder shall be responsible for recognizing the need for additional assistance during the event, and requesting it from the Township of Malahide when necessary. All costs associated with this assistance are at the expense of the permit holder.

2.4 Sale of Alcohol and Serving Practices

2.4.1 Discounts **will not be offered** for volume purchase of tickets when tickets are sold for alcoholic beverages. The Township of Malahide, in consultation with the permit holder, may require that a limit be imposed on the number of tickets to be sold to any one person at one time.

2.4.2 Discounts **will not be offered** for volume purchase of tickets when alcoholic beverages are sold or cash. The Township of Malahide, in consultation with the permit holder, may require that a limit imposed on the number of beverages to be sold to any one person at one time.

2.4.3 No "last call" will be announced prior to end of event or at the conclusion of the sale of alcohol.

2.4.4 Patrons will be permitted to receive a refund for any unused drink tickets prior to the end of each event.

2.4.5 A sign will be prominently posted at the bar and at the ticket counter stating the law on serving to intoxication. The sign will read:

"It is against the Liquor Licence Act of Ontario for licenced establishments to serve customers to intoxication. For this reason, servers in our facilities are required to obey the law and not serve anyone to intoxication. We are also pleased to offer non-alcoholic beverages."

2.4.6 A sign will be prominently posted stating the type of identification accepted as proof of age. The sign will read:

"In Ontario, the legal drinking age is 19. You may be asked for proof of age. Acceptable identification is:

- Ontario driver's licence with photo identification,
- Passport with photo ID,
- Armed Forces photo ID, or
- Canadian citizenship card with photo identification."

2.4.7 Alcohol Serving Hours for Special Occasion (SOP) Events

i) INDOOR EVENTS

Monday to Saturday – bar opens at 11:00 a.m.; bar closes at 1:00 a.m.

Sunday – bar opens at 12:00 p.m. (noon); bar closes at 1:00 a.m.

New Year's Eve (December 31) – bar opens at 11:00 a.m.; bar closes at 2:00 a.m.

The service of alcohol must cease at time of the bar closing.

Alcohol must be off the tables no later than 30 minutes after the time of the bar closing.

The property must be vacated one (1) hour after the bar closes.

ii) OUTDOOR EVENTS

Monday to Saturday – bar opens at 11:00 a.m.; bar closes at 11:00 p.m.

Sunday – bar opens at 12:00 p.m. (noon); bar closes at 11:00 p.m.

The service of alcohol must cease at time of the bar closing.

Alcohol must be off the tables no later than 30 minutes after the time of the bar closing.

The property must be vacated one (1) hour after the bar closes.

Extended hours may be granted for outdoor events, subject to advance approval of Township Council, and in compliance with the Township's Noise By-law.

The Licensee or permit holder may choose shorter hours of operation. In addition, restricted hours of sale and service may be established as a condition of a licence.

2.4.8 Alcohol Container Requirement

For all licenced events, alcohol will be served in plastic/non-breakable/reusable cups. Beer will be served in plastic reusable cups or in cans. Glass bottles are not to be served to the event patrons.

***Rationale** -- Safety, economics, and clean-up will be facilitated if glass bottles are not served to patrons.*

2.5 Low Alcohol and Non-Alcoholic Options

The permit holder will ensure that 30% of the alcoholic beverages offered consist of low-alcohol options (i.e., low-alcohol beer, light wine, and low-alcohol spirits). **Non-alcoholic beverages must be readily available and priced significantly below any alcoholic beverage.**

***Rationale** – Low-alcohol or no-alcohol beverages help prevent intoxication by providing responsible patrons with such options.*

2.6 Accountability

2.6.1 It is mandatory that all Special Occasion Permit (SOP) holders purchase liability insurance for the event with a minimum of TWO MILLION (\$2,000,000.00) DOLLARS, naming the Township of Malahide as an additional insured, at least two weeks prior to the event. The permit holder will indemnify and save the Township of Malahide harmless from all claims arising from the permit or event. The actual insurance limits required may be increased at the discretion of the Township of Malahide.

2.6.2 However, if a private Special Occasion Permit (SOP) holder can provide a certificate of insurance naming the Corporation of the Township of Malahide as separate co-insured parties on a pre-existing personal liability insurance policy as part of their own homeowner's or tenant's insurance package, the mandatory additional liability insurance may be waived.

2.6.3 If a sports group, social club, or other non-profit organization can provide a certificate of insurance naming the Corporation of the Township of Malahide as a separate co-insured party on a pre-existing general liability insurance policy, the mandatory additional liability insurance may be waived.

2.6.4 The permit holder shall post a sign stating the name of the Special Occasion Permit (SOP) holder and the telephone numbers for the Township of Malahide and the Liquor Licence Board of Ontario.

***Rationale** – While the local authorities and Liquor Licence Inspectors are informed of the date and place of the Special Occasion Permit function, they do not always have an opportunity to drop in and check on the operation of the event. The signs serve notice to the permit holder that while enforcement personnel may not be present the entire time, concerned participants will*

know where to lodge a complaint. This can facilitate early correction of potentially risky situations.

If an individual is injured, and if the Township of Malahide were to be found "jointly and severally" liable, the Township of Malahide could end up paying part or all of the judgment should the Special Occasion Permit holder be inadequately insured or uninsured. In addition to the expense to the municipality to defend any legal action, the municipality might have difficulty obtaining continued insurance coverage.

2.7 Procedures for Dealing with Problem Patrons

2.7.1 Door staff monitors, serving staff, bartenders, and management staff should always be in a position to quickly detect intoxicated patrons.

2.7.2 In the case of a patron who is intoxicated to the point that he or she is to be refused additional alcohol, the permit holder or designated event staff must make every effort to ensure the patron does not drive **and** that he or she will arrive safely at home. Designated drivers who have not consumed alcohol are to be available to drive the person home or a cab may be called for the individual.

2.7.3 If an intoxicated person insists on driving, the permit holder and/or staff may have to attempt to detain the person and call the police.

2.7.4 The permit holder is required to report in writing to the Community Services Coordinator of the Township of Malahide within 48 hours all incidents in which patrons are injured or ejected from an event, or Ontario Provincial Police are called.

2.7.5 The staff of the Township of Malahide have the right to call for Police assistance during any event should unmanageable issues arise.

2.8 Safe Transportation

The permit holder is responsible for promoting and providing safe transportation options for all drinking participants. Examples of safe transportation options are:

- a) a designated driver selected from non-drinking participants at the event
- b) a designated driver provided by the sponsoring group
- c) a taxi paid either by the sponsoring group or the participant

The event organizer must provide access to a phone to persons wishing to call a taxi. The telephone number of a taxi company should be prominently displayed.

Rationale –*The risk of liability is especially high when an impaired driver leaves an alcohol-related event. Event organizers must assume responsibility for promoting and providing safe transportation options for all drinking participants. Providing coffee is neither suitable nor effective in reducing the effects of alcohol.*

SECTION 3 – ENFORCEMENT PROCEDURES FOR POLICY VIOLATION

3.1 A violation of this policy occurs when individuals consume alcohol in a municipal facility or area in violation of this policy or any Municipal, Provincial or Federal legislation including the conditions of the Liquor Licence Act of Ontario. Participants at the event, other users of the facility, Township of Malahide staff, Police, or an Inspector of the Liquor Licence Board of Ontario can intervene at any time.

3.2 A member of the organizing group(s) or the designated monitor(s) may intervene by informing the offending individual of the policy violation and asking that it stop. Group members and monitors are encouraged to intervene in this way because intervention at other levels could result in a loss of privileges and legal charges.

3.3 Where a holder has violated this policy, and has been confronted by a Township of Malahide employee or staff member, the group shall be sent a registered letter by the Community Services Director or designate advising of the violation, and indicating that further violations will not be tolerated.

3.4 Should the holder violate the Municipal Alcohol Policy again within one year of receiving notice of a first violation, the licence holder and event organizers shall be suspended from organized use of a Township of Malahide facility or area for a period of one year. A registered letter shall be sent by the Community Services Director or designate to the appropriate contact person advising of the suspension.

3.5 Where, in the opinion the Township of Malahide event attendant, there has been a violation of a Provincial or Federal statute, the event organizers shall be immediately suspended from organized use of a Township of Malahide facility or area for a period of one year or such longer period as warranted in the circumstances.

This policy will be reviewed annually. The Township of Malahide reserves the right to introduce other conditions from time to time at its discretion.

I have received the Township of Malahide Municipal Alcohol Policy (MAP) and have read and reviewed it carefully. I agree to comply with all aspects of this policy.

Individual Responsible for Licenced Event

Please print name clearly

Signature

Name of Event

Date of Event

Today's Date