



MUNICIPALITY OF West Elgin

THE CORPORATION OF THE MUNICIPALITY OF WEST ELGIN

BY-LAW NO. 2017-43

BEING A BY-LAW TO REPEAL BY-LAW 2000-50 AND REPLACE THE MUNICIPAL ALCOHOL POLICY.

WHEREAS Section 8 of the Municipal Act, 2001, S.O. 2001, c.M.25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS it is deemed necessary to change the Municipal Alcohol Policy;

NOW THEREFORE the Council of the Corporation of the Municipality of West Elgin enacts as follows:

1. THAT the Municipal Alcohol Policy as attached be adopted as policy for the issuance of Special Occasion Permit(s) and hosting events of which require Special Occasion Permit(s) on municipal property.
2. THAT the Mayor and Clerk are hereby authorized and directed to execute all documents necessary in that behalf and to affix the Seal of the Corporation of the Municipality of West Elgin.
3. THIS By-law shall come into force and effect on June 8, 2017.

READ A FIRST, SECOND, AND THIRD TIME AND FINALLY PASSED THIS 8th DAY OF JUNE, 2017

Bernie Wiehle
Mayor

R. Scott Gawley
C.A.O.-Clerk





MUNICIPALITY OF West Elgin

TO: COUNCIL OF THE MUNICIPALITY OF WEST ELGIN
FROM: Spencer Pray, Deputy Clerk
Jeff Slater, Parks and Recreation Superintendent
DATE: June 8, 2017
SUBJECT: Draft of New Municipal Alcohol Policy

RECOMMENDATION:

THAT the Report – Draft of New Municipal Alcohol Policy dated June 8, 2017 from the Deputy Clerk be received;
AND THAT the Municipal Alcohol Policy be accepted as presented;
AND FURTHERMORE that the appropriate by-law be brought forth.

INTRODUCTION:

At the request of the Rodney Aldborough Agriculture Society and direction of Council at its March 23, 2017 Council Meeting, a review of the current Municipal Alcohol Policy By-law 2000-50 was conducted and proposed changes are to the policy are attached.

BACKGROUND:

"The Alcohol and Gaming Commission of Ontario is responsible for administering the *Liquor License Act (LLA)* and specific sections of the *Liquor Control Act (LCA)*, which together with the regulations made under them establish the licensing and regulatory regime for most aspects relating to the sale and service of alcohol in Ontario" (AGCO website).

The sale and service of alcohol is a highly regulated activity in which legislation gives little or no room to organizations involved with these types of activities.

In terms of West Elgin, the Municipal Alcohol Policy covers the issuance of Special Occasion Permit(s) of which require Council consent and secondly, hosting events of which require Special Occasion Permits on municipal premises.

The previous Municipality of West Elgin Alcohol Policy was reviewed by me and representatives from our Insurance Provider. The policy itself is 17 years old and several areas were identified as needing to change. Upon receiving information from Cowan Insurance, further research was conducted and upon review of best

practices and practical implementations of policy decisions, a mock draft policy was prepared for the review of the Parks and Recreation Superintendent. Upon the review and in consultation with the municipal building and fire departments, site specific information and operational requirements (municipal and AGCO) and the current/potential problems of policy in its then current form were re-addressed and changed.

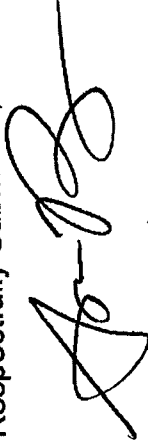
Initial concerns brought forth from the Rodney Aldborough Agriculture Society involved the cost of hiring OPP officers for events takes away from the bottom line. Seeing as many community groups may potential use municipal facilities for the sale and service of alcohol, the policy has made changes meant to provide some relief to community groups without compromising too much risk that the Corporation of the Municipality of West Elgin holds in agreeing to allow municipal facilities to host these types of events.

This policy change in many ways represents the amount of risk that Council wants to take on by allowing the sale and service of alcohol in municipal facilities in addition to what type of events they allow special occasion permits to be issued throughout the municipality. As it stands, the Municipal Alcohol Policy is balanced in its approach to encourage the use of municipal facilities against the risks associated with it.

Should this proposed change be accepted, a package for hosting events with alcohol at municipal facilities will be prepared for those seeking permission. Within this package would include the Municipal Alcohol Policy, Site-Specific Contracts, Educational material from AGCO regarding "Responsible Service" and facilities information.

My recommendation is to accept the proposed Municipal Alcohol Policy as presented and to bring forth a By-law to repeal and replace the current policy.

Respectfully Submitted,



Spencer Pray, MBA, Dipl. M.A.
Deputy Clerk

Reviewed by,

Jeff Slater, CEMC
Parks and Recreation Superintendent

Approved by,



R. Scott Gawley, CPA, CGA
C.A.O.-Clerk

Attached

1. Proposed Municipal Alcohol Policy



MUNICIPALITY OF West Elgin

Municipal Alcohol Policy

Goal Statement

To ensure event organizers, utilizing eligible Municipal owned property, manage alcohol accessibility and consumption in accordance with the Liquor License Act, R.S.O. 1990 and this policy.

Objective

To ensure event organizers have a clear understanding of the appropriate and acceptable practice of serving alcohol during licensed events. The objective will be met by:

- Assisting event organizers with compliance of the Special Occasion permits (SOP) as outlined by the Alcohol and Gaming Commission of Ontario (AGCO).
- Training and educating event organizers in the safe operation of SOP licensed events.
- Reinforcing appropriate procedures and controls to ensure responsible drinking practices.
- Explaining the benefits of providing alternative, non-alcohol drinks and appropriate food.

Application

This Policy applies to all events and activities on eligible Municipal owned property.

Administration and Enforcement

The Municipality of West Elgin Council, through the Parks and Recreation Superintendent, or his/her designate, is responsible for the administration of this Policy.

The Parks and Recreation Superintendent, or his/her designate, an Ontario Provincial Police Officer (OPP), Licensed Security or the Municipal Bylaw Enforcement Officer is responsible for the enforcement of this Policy.

The event organizer of a licensed event:

- Can be held liable for the safety and sobriety of patrons.
- Can be held responsible for injuries or damages that occur.
- Can be held responsible for the safety and behaviour of patrons until they are sober.

To ensure event organizers, utilizing eligible Municipal owned property, manage alcohol accessibility and consumption in accordance with the Liquor License Act, R.S.O. 1990 and this policy.

Regulation #1

Municipal Owned Property Eligible to be Alcohol Licensed

By approval of the Parks and Recreation Superintendent:

1. West Elgin Arena
171 Graham Street
West Lorne, ON N0L 2P0

- Within the Confines of the Puck Boards

2. West Elgin Recreation Centre
135 Queen Street
Rodney, ON N0L 2C0

- Auditorium
- Meeting Room

Note 1: The same license cannot be extended to both the Auditorium and Meeting Room in the West Elgin Recreation Centre.

Note 2: The following will not be allowed at municipal facilities under any circumstances:

- Alcohol Raffles;
- Drinking Games;
- Discounting the price of drinks; and,
- Presenting Alcohol as a prize for any game.

Note 3: Facilities and rooms in facilities, and parks not listed as eligible in this Policy are considered inappropriate locations for events involving alcohol.

Exceptions

Any person(s) wishing to hold a Special Occasion Permit event in a location not listed in this policy must appeal to the Council of the Municipality of West Elgin for approval.

Regulation #2

Signs

The Municipality will post the following signs at all Municipal Owned properties where alcohol permits are in force.

1. Statement of Intoxication

"By the authority of the Alcohol and Gaming Commission of Ontario, it is against the law for licensed 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 pleased to offer non-alcohol beverages".

2. Legal Age to Consume Alcohol

"You must be 19 years of age or older to purchase and/or consume alcohol".

3. Time Limits

"No alcohol will be sold after 1:00 a.m., all alcohol must be removed from the tables by 1:45 a.m. and the premises vacated by patrons by 2:00 a.m. No last call".

4. Alcohol Ineligible Areas

"No Alcohol beyond This Point".

5. Ticket Sales or Cash at the Bar Sales

"Sale of bar tickets will be limited to 4 per person per sale; No more than 2 drinks per person will be served per visit to the bar; Cash at the Bar sales will be limited to no more than 2 drinks per visit to the bar. As of 12:00 a.m. (midnight), a maximum of 1 drink per person will be served.

Unused tickets will be refundable up to 15 minutes after the Bar Sales have discontinued.

6. Acceptable Identification

“Ontario Driver’s License with a photograph
LCBO BYID (Bring Your Identification) photo card,
Photo Card issued under the Photo Card Act
Canadian Passport
Canadian Armed Forces Identification Card
Permanent Resident Card
Secure Indian Status Card (Canadian)
Canadian Citizenship Card with a photograph”.
This sign is to be placed within view of where bar tickets are sold as well as by the bar area.

7. Accountability

Posted at the bar and main entrance, information for patrons as to where to direct concerns regarding the manner in which the function has been operated, the name of the event and the event organizer name as well as municipal contact information.

Regulation #3

Safe Transportation

Only individuals, groups or organizations implementing a safe transportation strategy will be permitted rental/use privileges of municipal facilities for Special Occasions Permits.

Event organizers are responsible for promoting safe transportation for all patrons consuming alcohol.

It is recommended that Event Organizers have a Designated Driver Program in place for the event. The designated driver ought to be supplied with low cost or free soft drinks, water or coffee during the event.

Regulation #4

Youth Admission to Adult Events

Alcohol permits provide the detail as to who may attend a function. Alcohol and Gaming Commission of Ontario (AGCO) licensing laws and rules will be in effect and it is mandatory that those who are eligible to consume alcohol wear ID wrist bracelets. Wrist bracelets are the responsibility of the event organizer.

In all cases, the following guidelines must be adhered to:

1. All Identification must be checked before anyone is allowed to enter the licensed area.
2. Two (2) extra floor monitors will be required if persons under the age of majority are allowed to enter the event.
3. Individuals under the age of majority will not be allowed to consume alcohol beverages. Anyone serving individuals under the age of majority will be required to leave the event.
4. All participants over the age of majority will receive a bracelet before entering the licensed area.

Regulation #5

Server Training

The Municipality of West Elgin requires that volunteers serving alcohol, selling bar tickets, acting as floor and door monitors take the "Smart Serve" training program.

On a completion of the training program, "Smart Serve" volunteers will know:

- Their responsibilities and obligations under the law;
- Proactive approaches to preventing alcohol related problems;
- How to recognize signs of intoxication;
- How to implement intervention strategies for aggressive customers.

Note 4: The checklist on page 12 -13 requires completion and submission to the Parks and Recreations Superintendent 48 hours prior to the event commencing.

For more information, visit:

Smart Serve @ Ontario

www.smartserve.org

5407 Eglinton Avenue West, Suite 105

Toronto, Ontario, M9C 5K6

Telephone: (416) 695-8737

Fax: (416) 695-0684

Toll Free: 1-877-620-6082

Email: info@smartserve.ca

Regulation # 6

Low Alcohol Drinks

As a requirement for an Alcohol Permit, the event organizers must ensure that a minimum of 30% of the alcohol beverages available be of a low alcohol concentration level, meaning less than 5% alcohol.

Regulation #7

Controls – For All Special Occasion Permit Events

1. The event organizers must provide a list of “qualified” Smart Serve trained Alcohol Servers 48 hours prior to the event commencing. The Municipality of West Elgin office hours are Monday to Friday 8:30 a.m. to 4:30 p.m.
2. The expected ratio of Smart Serve Program trained staff to patrons is 1 for every 50 patrons. (ie 1 for 0 to 50, 2 for 51 to 100 and so on.)
3. Event Organizers must demonstrate to the Parks and Recreation Superintendent, or his/her designate, that plans are in place to observe regulations as specified below and that all requirements and controls are understood and in place prior to the event.
4. All parties must provide proof of insurance, naming the Corporation of the Municipality of West Elgin as additionally insured, at least 48 hours prior to the event commencing. Insurance coverage must remain in effect for the duration of the event.

Level 1 Event: Banquets/Receptions/Programmed Events/Specified Licensed Area

- The event has a limited amount of alcoholic beverages available to patrons.
- The event has a licensed area to serve alcohol to patrons.
- The event is primarily family focused or deemed to be a low to moderate risk.

Requirement:

Smart Serve trained bartenders are required based on the ratios stated under “Controls”.

Level 2 Event: Social Events

- There is no separate licensed area and alcohol is available throughout the event.
- The event could include but not inclusive to dancing, games and entertainment.
- The event is deemed to be high risk.

Requirement:

Smart Serve trained bartenders, ticket sellers and floor and door monitors are required.

Ontario Provincial Police or Licensed Security Guards according to the following ratios:

1-350 expected attendees	2 OPP or Licensed Security Guards
351-650 expected attendees	4 OPP or Licensed Security Guards
651+ expected attendees	Minimum 6 OPP is mandatory.

Note 5: For events up to 650 persons, any combination of OPP or Licensed Security Guards to the minimum number stated above is acceptable.

Event organizers must be in contact with the Parks and Recreation Superintendent to determine if further security is required. The Parks and Recreation Superintendent has the **authority and the final determination** as to the level of security required for events and Special Occasion Permits to be issued.

OPP and/or Licensed Security must remain on the premises until the last attendee has vacated the property.

The Day of the Event

1. The event organizer must attend the event and be responsible for making decisions regarding the operation of the event.
2. With prior Municipal approval, alcohol may be delivered to the Municipal owned property earlier in the day of the event to allow time for refrigeration. Alcohol must be received, unloaded, and secured by the Event organizer and the Municipality accepts no responsibility for loss or theft.

During the Event

1. For Level 2 events, entrances must be monitored by Smart Serve trained volunteers and/or contractors to ensure acceptable identification is provided and to refuse access to intoxicated individuals.
2. The event organizer is responsible for the event and therefore, must not consume alcohol prior to and during the event.

3. All Smart Serve trained Bartenders, Ticket sellers, Door and Floor Monitors and any general event personnel must not consume alcohol prior to and during the event.
4. No one may leave the licensed area with alcohol on his or her person.
5. A Smart Serve trained floor monitor must be available to assist as required.
6. Event workers must be easily identified by patrons.
7. Food and non-alcohol beverages shall be available throughout the event. Snacks (chips, peanuts, pretzels, etc.) in and of themselves, are not sufficient. Foods such as pizza, subs, veggie trays, etc., are recommended.
8. Entertainment must be complete by 1:30 a.m.
9. Facilities must be vacated by 2:00 a.m. or additional fees will apply.
10. Personnel listed under "Administration and Enforcement" may enter the event at any time and will enforce compliance of this Policy and if the event continues to operate in non-compliance have the authority to shut it down.

Bar Sales

1. No special sale of alcohol will be allowed, e.g., oversized drinks, double shots, 2 for 1, discount prices, volume discounts, etc. No pitchers of beer will be allowed. "Extra-strength" beer (greater than 5% alcohol content) is not permitted.
2. Smart Serve trained ticket sellers must be provided. Tickets must be presented at the bar to redeem for drinks and all unused tickets must be refundable up to 15 minutes after the bar sales have discontinued.
3. Sales of bar tickets will be limited to 4 per person per sale. No more than two (2) drinks per person will be served per visit to the bar, and from 12:00 a.m. (midnight) to 1:00 a.m., a maximum of one drink per person will be served.

OR Cash at the Bar sales will be limited to no more than 2 drinks per visit to the bar. As of 12:00 a.m. (midnight), a maximum of 1 drink per person will be served.
4. No last call.
5. Bar to close at 1:00 a.m., with all alcohol off tables by 1:45 a.m.
6. No glassware, cans or bottles will be allowed to leave the bar. All alcoholic drinks are to be served to the customer in paper or plastic cups.

Special Time of Year Provisions for Special Occasion Permits

Permissible hours for the sale and service of alcohol for liquor sales for Special Occasion Permits are:

- New Year's Eve (December 31st) 11:00 a.m. to 2:00 a.m.

All rules pertaining to the sale and service of alcohol are extended exactly one hour later than the normal as granted permissible in Regulation #7 in this document.

Failure To Comply

Failure to comply with the rules and regulations contained within this Policy may result in cancellation of the event and may affect the event organizers opportunity to host future alcohol permit functions on any Municipal owned property.

Insurance

"Proof of a minimum of \$2,000,000 liability insurance, including liquor liability, naming the Corporation of the Municipality of West Elgin as additional insured, must be provided to the Parks and Recreation Department 48 hours prior to the event.

The permit holder/event organizer shall indemnify and save harmless the Municipality from any and all claims, in connection with holding the event at municipal facilities, including the serving of alcohol. Such claims include but are not limited to demands, causes of action, losses, costs or damages that the Municipality may suffer, incur or be liable for, resulting from the permit holder/event organizer, workers', agents and other personnel's performance, actions and negligent acts or omissions".

Event Name

Name of Event Organizer

Date

Signature of Event Organizer

The West Elgin Council through the Parks and Recreation Department reserves the right to distinguish the size and scope of the event for insurance purposes.

Policy Monitoring and Revisions

The Council of the Municipality of West Elgin will review this Policy on an annual basis and make changes on the recommendations of municipal staff.

The Council of the Municipality of West Elgin *has the right to vary or introduce additional conditions or restrictions at its absolute discretion.*

Alcohol Advertising

Event organizers must follow the Alcohol and Gaming Commission of Ontario (AGCO) Special Occasion Permit regulations regarding alcohol advertising.

Volunteer Job Descriptions and Responsibilities

The following is a recommended minimum ratio of event workers to patrons:

No. of Patrons	No. of Bartenders		No. of Ticket Sellers		No. of Floor Monitors		No. of Door Monitors	
	1	2	1	2	1	2	1	2
Level	1	2	1	2	1	2	1	2
0 - 50	1	1	1	1	1	1	1	1
51 - 100	1	2	1	2	1	2	1	2
101 - 200	1	2	1	2	1	3	1	2
201 - 400	2	4	2	3	1	3	1	2
401 - 500	2	5	2	5	1	4	2	3
501 - 650	3	6	2	6	1	6	2	6

Examples of event worker job descriptions are as follows.

Event Organizer/Permit Holder

Signs the Special Occasion Permit with AGCO and the Special Occasion Permit Holder Agreement. Is the general manager of the event and assumes responsibility for the operation of the event. He/She must attend the event, ensure that the required Smart Serve trained staff are available, coordinate and help staff and ask for help from security if necessary.

Bartenders

Accepts tickets for the purchase of alcohol drinks, serve drinks, monitors for intoxication, refuses service when patron appears to be intoxicated or near intoxication and offers non-alcohol substitutes.

Floor Monitor

Interacts with patrons, monitors patron behaviour, monitors for intoxication, responds to problems and complaints, refuses service, removes intoxicated persons, suggests safe transportation alternatives.

Door 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, and recommends safe transportation options.

Ticket Seller

Sells alcohol tickets to a maximum of 4 per person per purchase but a maximum of two (2) tickets will be sold from 1:00 am to the end of the event.

Bar Back

Assists the bartenders by stocking and pouring drinks. *This position is not allowed to serve the customer and is not required to be smart served trained.*

Municipal Alcohol Policy Checklist

Date of Event _____ Name of Person(s)/Group Hosting Event _____

Location _____ Number of Persons Attending _____

Will persons under 19 years of age be attending the event? YES NO

Type of Identification for Event Workers: _____

Has proof of Special Occasion Permit been provided? YES Date _____

Has proof of Insurance been provided? (Copy to be attached) YES Date _____

The Safe Transportation Strategy/Strategies that will be used at this function are:

The names and certification numbers of our Smart Serve event workers (Recommended Minimum 1:50 ratio):

Bartenders (Mandatory)

1. Name _____ Certification # _____

2. Name _____ Certification # _____

3. Name _____ Certification # _____

4. Name _____ Certification # _____

5. Name _____ Certification # _____

6. Name _____ Certification # _____

Floor Monitors

1. Name _____ Certification # _____

2. Name _____ Certification # _____

3. Name _____ Certification # _____

4. Name _____ Certification # _____

5. Name _____ Certification # _____

6. Name _____ Certification # _____

Door Monitors

1. Name _____	Certification # _____
2. Name _____	Certification # _____
3. Name _____	Certification # _____
4. Name _____	Certification # _____
5. Name _____	Certification # _____
6. Name _____	Certification # _____

Ticket Sellers

1. Name _____	Certification # _____
2. Name _____	Certification # _____
3. Name _____	Certification # _____
4. Name _____	Certification # _____
5. Name _____	Certification # _____
6. Name _____	Certification # _____

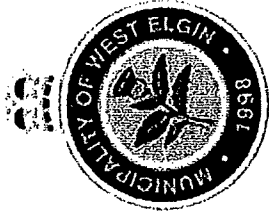
Odd-Duty Uniformed Police Officers or Licensed Security

1. Name _____	Certification # _____
2. Name _____	Certification # _____
3. Name _____	Certification # _____
4. Name _____	Certification # _____
5. Name _____	Certification # _____
6. Name _____	Certification # _____

I have reviewed the Municipal Alcohol Policy with a municipal representative and I understand all the policy regulations and I, and my group, will observe/obey all policy regulations.

_____ Lessee Name (Please Print)	_____ Lessee Signature	_____ Date
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_____ Municipal Representative (Please Print)	_____ Signature	_____ Date
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MUNICIPALITY OF
West Elgin

Special Occasion Permit Holder Agreement

Name of Organization/Individual: _____
(Please Print)

Name of Contact Person: _____
(Please Print)

Address & Phone: _____
(Please Print)

Email: _____
(Please Print)

Fax: _____
(Please Print)

Name of Facility: _____
(Please Print)

In consideration of the Corporation of the Municipality of West Elgin permitting me/our organization to hold an event licensed for the sale of alcohol on municipal premises, it is hereby agreed to and acknowledged that:

1. I have received and reviewed the West Elgin Municipal Alcohol Policy.
2. I have read and understand the requirements stated in the Policy.
3. I personally, and my organization, agree to adhere to the conditions of this Policy and the Liquor License Act of Ontario and as listed on the Special Occasion Permit.
4. I understand that if an infraction of this Policy occurs, the Corporation of the Municipality of West Elgin may warn or suspend me/my organization from using the facilities for a period of one year.

5. I understand that I personally, and members of my organization, may be held liable for injuries and damage arising from failing to adhere to the Liquor License Act of Ontario, or from otherwise failing to take action that will prevent foreseeable harm from occurring or from any act of negligence.
6. I understand that OPP and/or an Alcohol and Gaming Commission Inspector can lay charges for infractions of the Liquor License Act of Ontario or other relevant legislation.
7. I/My organization agrees to indemnify and save harmless the Corporation of the Municipality of West Elgin from all claims arising from the permit and/or the event against any claims of loss or damage resulting in bodily injury, death and/or property damage arising out of the permit/event. I/My organization will provide proof of insurance with the policy naming the Corporation of the Municipality of West Elgin as an additional insured, and shall protect the Municipality from all claims for damage, injury and/or death arising out of any act or omission on the part of the permit holder, event organizer, its servants or agents.

Signature: _____
(Sign and Please Print)

Position in Organization: _____
(Please Print)