

THE CORPORATION OF THE CITY OF TEMISKAMING SHORES

BY-LAW 2005-036

**BEING A BY-LAW TO ADOPT A MUNICIPAL ALCOHOL POLICY FOR
THE CORPORATION OF THE CITY OF TEMISKAMING SHORES**

WHEREAS Council-in-Committee, at its meeting held on March 15, 2005, approved Administrative Report No. LS-08-2005 and recommended that the Municipal Alcohol Policy be circulated for comments before adoption.

AND WHEREAS Council-in-Committee, at its meeting held on April 5, 2005, approved Administrative Report No. LS-08-01-2005 and recommended that a Municipal Alcohol Policy be adopted.

NOW THEREFORE the Council of The Corporation of the City of Temiskaming Shores enacts as follows:

1. THAT the Municipal Alcohol Policy for The Corporation of the City of Temiskaming Shores, attached hereto as Schedule "A" and forming part of this by-law, be and it is hereby approved and adopted.
2. THAT the said Municipal Alcohol Policy be reviewed by the Council of The Corporation of the City of Temiskaming Shores every three years, in this case prior to April 11th, 2008.

READ a FIRST and SECOND TIME this 11th day of April, 2005.

Mayor

Clerk

READ a THIRD TIME and FINALLY PASSED this 11th of April, 2005.

Mayor

Clerk



MUNICIPAL ALCOHOL POLICY

The following individuals contributed to the development of this Municipal Alcohol Policy:

Temiskaming Shores Police Services Board
Councillor Brian Hughes – City of Temiskaming Shores
Councillor Tom Cambridge – City of Temiskaming Shores
Director of Leisure Services – City of Temiskaming Shores
Tourism & Event Coordinator – City of Temiskaming Shores
Timiskaming Health Unit
MacDiarmid & Son Insurance Company

DRAFT
April 5th, 2005

FINAL
April 11th, 2005

CITY OF TEMISKAMING SHORES MUNICIPAL ALCOHOL POLICY MANUAL TABLE OF CONTENTS

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1.0 PURPOSE OF THE ALCOHOL POLICY

The Municipal Alcohol Policy consists of a range of measures designed to prevent alcohol related problems and to increase the enjoyment of those who use City facilities. By reducing the potential for alcohol related problems, the City of Temiskaming Shores reduces the risk of injury and death, and reduces the level of liability it may be exposed to while increasing the general user's enjoyment of the facilities.

2.0 IMPLEMENTATION AND MONITORING

- The Municipal Alcohol Policy will be implemented April 11th, 2005.
- The Municipal Alcohol Policy will be submitted to the Temiskaming Health Unit on an annual basis for review as per the Mandatory Program Guidelines for Injury Prevention and Substance Abuse of the Ministry of Health and long term Care.
- The Municipal Alcohol Policy will be reviewed by the Mayor and Council of Temiskaming Shores every three years.

3.0 POLICY OBJECTIVES

- To provide operational procedures for those holding events in municipally owned facilities where alcohol use is permitted.
- To comply with the provincial Liquor Licence Act.
- To ensure that events where alcohol use is permitted are properly supervised and operated.
- To support the decision of abstainers not to drink alcohol.
- To encourage and support the responsible use of alcohol as part of a social function rather than the reason for it.
- To provide a balance of "wet" and "dry" facilities and events to ensure that all community members have access to safe and enjoyable recreation activities.
- To equip staff and volunteers with the skills they need to manage events and enforce the policy by offering server training and policy orientation.

4.0 Facilities Eligible for Alcohol Use Events

A) The following municipal facilities are eligible to be designated as suitable for Special Occasion Permit (S.O.P.) functions:

- Dymond Community Hall
- Dymond Chamber of Commerce
- Dymond Ball Parks
- Riverside Place
- New Liskeard Arena Hall
- New Liskeard Arena Floor Space
- New Liskeard Community Hall
- Waterfront Pool/Fitness Centre Lounge and deck area
- Algonquin Beach Park

CONT'D

B) The following municipal facilities are eligible to be designated as suitable for Special Occasion Permit (S.O.P.) functions:

- New Liskeard Waterfront Park (Spurline)
- New Liskeard Agricultural Grounds
- Haileybury Community Hall
- Haileybury Arena Floor Space
- Haileybury Lions Den
- Haileybury Harbourplace
- Haileybury Rotary Farr Park
- Temiskaming Art Gallery (including Library reading room)
- Murray Daniels Park
- Bucke Park

Facilities Not Eligible for Alcohol Use Events

Municipal facilities not eligible for alcohol use events are listed in Schedule “A”.

Specific Events Not Eligible for Special Occasion Permits

The City of Temiskaming Shores believes in a positive recreational experience for its youth and as such recommends that all events geared to youth should not have alcohol available or associated with it.

5.0 Server Training

All persons wishing to rent City of Temiskaming Shores owned or operated facilities for S.O.P. events shall ensure that 60% of the serving staff is certified as “Smart Serve” to assist operating their event.

6.0 MANAGEMENT PRACTICES: PRIOR TO A LICENSED ACTIVITY

Event Sponsor/Permit Holder Responsibilities

1. The event sponsor must get the appropriate Special Occasion Permit from the Alcohol and Gaming commission of Ontario (AGCO) and must show proof of this to the municipal representative at least five (5) days before the event.
2. Renters must show a municipal representative that they understand the policy and their obligations and that they intend to comply with its regulations by signing the rental agreement. Failure to do so will result in the application being denied, even if a Special Occasion Permit has been obtained from AGCO.

3. The Permit holder must provide proof of liability insurance (\$2,000,000 minimum) to the municipal representative at least 21 days before the event.
4. The Permit holder must organize people who will act as floor monitors at the event. Monitors assist the host and serving staff to make sure that guests follow all the rules and that they are not doing unlawful acts. The number of monitors required is per the ration of event workers presented in Section 7 of the Municipal Alcohol Policy.
6. The permit holder must attend the event and be responsible for making decisions about the operation of the event based on the Municipal Alcohol Policy and the liquor Licence Act of Ontario.
7. The municipality reserves the right to require the presence of at least two (2) police officers or security personnel, paid for by the sponsoring group or individual (i.e., the Permit Holder) per 500 participants.

7.0 EVENT MANAGEMENT PRACTICES

1. At least one municipal representative with authority to demand correction of policy infractions or to shut down an event on behalf of the municipality may attend all events where alcohol is provided.
2. To help control the event, floor supervisors must monitor the activity area and all exits and be available to ticket sellers if they need help to manage a person who is refused a sale.
3. Patrons must purchase drink tickets from a designated ticket seller to a maximum of four (4) tickets.
4. The permit holder is responsible for the event and therefore must not drink alcohol while the event is in progress.
5. The permit holder must attend the event and be responsible for making decisions about the operation of the event based on the Municipal Alcohol Policy and Liquor Licence Act of Ontario.
6. The permit holder and event staff must intervene if patrons begin to engage in risky or inappropriate activities that could harm themselves or others.
7. The permit holder, event staff or municipal representative must notify the police if they observe signs that a situation is getting out of control.
8. All event workers must be sober and drink no alcohol while the event is in progress. (Workers may only drink alcohol if they have completed their shift and

their work responsibilities have ended for the entire event. Event workers shall remove worker’s identification)

9. All event workers must wear highly visible identification (i.e. tags, ribbons, caps, t-shirts).
10. Persons under the legal drinking age shall not be admitted to social events where alcohol is sold or served except in the case of a family occasion, such as a wedding, an anniversary. Government-issued photo ID is required (e.g., driver’s Licence, passport, etc.)
11. The event staff must check the identification of all participants at masquerade events.
12. Alcohol shall not be served after 1:00 am. There must be no “last call”.
13. All entertainment must be completed by 1:15 a.m.
14. All evidence of alcohol consumption must be cleared by 1:45 a.m. (Liquor Licence Act of Ontario) and the facilities vacated by 1:45 am.

8.0 Ratio of Event Workers

The following is the recommended minimum ratio of event workers per number of participants:

# of Participants	Bartenders	Floor Monitors	Door Supervisors	Ticket Sellers
Under 25	1	0	1	0
25 to 50	1	1	1	1
51 to 100	2	2	2	2
101 to 200	2	3	3	2
201 to 300	3	3	3	3
301 to 400	3	3	4	3
401 to 500	4	4	4	5
501 to 750	6	6	6	6
751 to 1300	8	8	8	8

9.0 Drinking and Driving

The City of Temiskaming Shores supports the “No Drinking & Driving” philosophy. The permit holder will be responsible for promoting safe transportation options for all the drinking participants and ensure that details on these options are made available to event patrons (i.e. signs, announcements) Examples of safe transportation options are:

- a. A designated driver selected from non-drinking participant
- b. Provision of a bus or shuttle to and from the event.
- b. A designated driver provided by the sponsoring group; or
- c. A taxi paid either by the facility renter or the participant*

* Should the City of Temiskaming Shores Staff deem it necessary, they have the option of contracting pre-arranged taxi service to transport a patron home, the cost of which will be deducted from the renter’s security deposit.*

10.0 Accountability

The City of Temiskaming Shores reserves the right to have a municipal representative attend any and all public events held on City of Temiskaming Shores owned property to protect the best interests of the Corporation. This person will have complete authority to close any event not complying with the Liquor Licence Act, The City of Temiskaming Shores Municipal Alcohol Policy, and/or Leisure Services Department Facility Permit Terms and Conditions. Cost of this person will be borne by the event organizer(s) at the sole discretion of the City.

11.0 Insurance and Indemnification

All events/activities on municipal property which will involve the consumption of alcohol will be required to obtain a Special Occasions Permit issued by the Alcohol and Gaming Commission of Ontario and ensure that all conditions associated with the issuance of that permit are met throughout the term of that activity. In addition, the facility renter/event organizer must produce proof at least 21 days prior to the event that the following forms of coverage have been bound for the full term of the activity:

- a) Public liability and property damage insurance with an insurer satisfactory to the City in an amount not less than two million dollars (\$2,000,000.00). This insurance shall name the Corporation of the City of Temiskaming Shores as an additional insured for the period of the rental stated on the facility permit. This insurance endorsement shall also state that coverage will respond to all claims relating to the A.G.C.O. Licenced activities held on the premises and shall not exclude participants.
- b) The permit holder agrees to indemnify and save the City of Temiskaming Shores, 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.

12.0 Providing Food and No-Alcohol Drinks

- Food must be provided during the time specified by the Special Occasion Permit.
- Chips, peanuts and other snacks alone do not qualify as they and other salty snacks tend to increase the thirst of patrons without providing the buffer of more substantial food in slowing the metabolism of alcohol. At the very least, food consists of pizza, sandwiches, cheese, and vegetables with dip.
- Event workers are to encourage patrons to consume food, no-alcohol and low alcohol beverages.
- No-alcohol drinks must be available at no charge or at a cost much lower than that of drinks containing alcohol.
- Where wine is provided with a meal, a no-alcohol substitute, such as ginger ale or sparkling fruit juice, must be provided to ensure that children and abstainers are included in toasting the celebrants.
- Unused tickets will be redeemed for cash on demand until closing time, up to a maximum of four (4) tickets per person.
- Keep all bottles within the bar area: serve all drinks in disposable paper cups, plastic containers or cans.
- Unused tickets will be redeemed for cash on demand until closing time.
- No extra-strength drinks. Beer and coolers are not to exceed 5% alcohol content (standard drink measure).
- No excessive drinking activities (i.e., oversize drinks, double shots, pitchers of beer, drinking contests, or volume discounts)
- In all municipal facilities where children and youth are allowed entry, advertising and posters that promote alcohol products or brand names are prohibited.

13.0 Enforcement Procedures and Penalties

Permit holders and rental groups who fail to comply with the City of Temiskaming Shores Municipal Alcohol Policy shall be subject to the following consequences:

City of Temiskaming Shores
MUNICIPAL ALCOHOL POLICY

Immediate Procedures

1. The event workers must report any infraction of this policy to the designated municipal staff as soon as possible within 24 hours of the occurrence, or by the start of the next working day, and complete an incident report form.
2. The event staff must report any infraction of this policy to police whenever they believe such action is needed.
3. When the permit holder, despite requests, does not correct MAP infractions, the designated municipal representative must close down the event.
4. When participants are found to be drinking alcohol in restricted areas such as changing rooms, the municipal representative will intervene and request that the illegal use cease. If the drinking continues, police must be called.

Short-term Procedures

1. The Chief Administrative Officer of the City of Temiskaming Shores and the Director responsible for the facility the infraction occurred will review infractions.
2. The designated municipal representative will send a registered letter describing the problem to the permit holder/rental group, informing the group that their rental privileges for the next scheduled rental or event have been revoked.
3. The group/team's rental privileges for the next scheduled rental or event (alcohol or no alcohol) will be revoked.
4. Future rental privileges to penalized groups will depend on their convincing the municipal staff and/or council's designate that they will follow all policy regulations at future functions.

Long-term Penalties

1. When a permit holder contravenes the MAP a second time following a warning, the permit holder and sponsoring group will not be allowed to rent municipally owned facilities *for a minimum period of one year*.
2. Should a permit holder, team or group contravene the municipality's MAP a second time, they will be permanently barred from renting municipally owned facilities unless the decision is overturned through appeal to council.
3. Event workers who contravene the municipality's MAP will be removed from the server-trained workers' list for a period of one year.

4. Event workers who contravene the MAP for a second time will be removed from the server-trained worker' list for a period of one year and will have to get further server training.
 5. Should an event worker contravene the MAP a third time, she or he will be permanently barred from working at events held in the City of Temiskaming Shores.
- * Penalties concerning use of facilities may be appealed to the Chief Administrative Officer.

14.0 Signs

The following sign shall be prominently and permanently displayed in designated facilities, in sizes suitable to the facility and space to be used.

Statement on Intoxication

The following statement will appear on a wall sign placed in the bar areas and at the entrance “The City of Temiskaming Shores strives to provide recreation facilities for all members of the community to enjoy. We honor the rights of everyone, including those who choose to abstain, and welcome their participation in our social events.”

“Servers are required by law not to serve anyone who is or appears to be intoxicated or to serve anyone to the point of intoxication.”

“Low-alcohol beverages, coffee, soft drinks, and food items are available”

Sober Driver Spot Check

A wall sign is to be located at the main exits:

“The Temiskaming Shores Police Service and the Ontario Provincial Police thank you for helping to reduce impaired driving everywhere in the City of Temiskaming Shores. We look forward to personally thanking you at one of our roadside spot checks for leaving this event as a Sober Driver.”

Accountability

The sponsor will post a sign at main exits and in bar areas stating the name of the sponsor, the event Licence holder, and the address and telephone number of the Temiskaming Police Service or the Ontario Provincial Police Temiskaming Detachment (whichever is applicable). A blank sign format shall be provided to the sponsor by the municipality.

No “Last Call”

A sign will be located at the entrance to the halls in facilities designated as eligible for Special Occasion Permit, indicating that there will be no last call before the closing of the bar.

Alcohol-free Areas

Problem areas in municipal facilities and parks, except those designated as eligible for Licenced alcohol events, will be clearly posted.

Alcohol Ticket Sales

A sign must be posted in the alcohol ticket sales table outlining the regulations. No more than four (4) tickets per person may be sold at a time.

Proof of Age

Signs must be posted near entrances and in bar areas designated as eligible for alcohol use which read: “You must be 19 years or older to consume alcohol at a Special Occasion Permit event. The only acceptable proof of age is government-issue photo identification.”

Fetal Alcohol Syndrome

The following sign is to be displayed in all areas where alcohol is served in order to inform participants about the risks of fetal alcohol syndrome. “Warning: Drinking alcohol during pregnancy can cause birth defects and brain damage to your baby.”

Designated Drivers

A sign must be posted in all facilities designated as eligible for alcohol-Licenced events thanking designated drivers for their contribution to the health and safety of their friends and the community at large.

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.

CITY OF TEMISKAMING SHORES
SPECIAL OCCASION PERMIT HOLDER

1. I have received and reviewed a copy of the City of Temiskaming Shores Municipal Alcohol Policy Manual.
2. I understand that I must adhere to the conditions of the City of Temiskaming Shores Municipal Alcohol Policy and the Liquor Licence Act of Ontario.
3. I understand that if I or other individuals at the event fails to adhere to the Temiskaming Shores Municipal Alcohol Policy, the City Staff will take the appropriate action. This action may include eviction, revoking of the Special Occasion Permit, and the notification of local authorities.
4. I understand I can be held liable for injuries and damages arising from failure to adhere to the Liquor Licence Act of Ontario.

Printed Name

Signature

City of Temiskaming Shores Authority

Signature

Date

