

THE CORPORATION OF THE
TOWNSHIP OF BLANDFORD-BLENHEIM

BY-LAW NUMBER **2038-2017**

Being a By-law to amend By-law Number 1684-2011 being the By-law to adopt a Municipal Alcohol Policy for the Corporation of the Township of Blandford-Blenheim.

WHEREAS section 11 of the Municipal Act S.O., 2001, as amended, provides that a municipality may pass by-laws respecting matters within the sphere of health, safety and well-being of persons and protection of persons and property, including consumer protection.

AND WHEREAS Section 450 of the Municipal Act S.O., 2011, as amended, states that no proceeding based on negligence in connection with the exercise or non-exercise of a discretionary power or the performance or non-performance of a discretionary function, if the action or inaction results from a policy decision of a municipality or local board made in a good faith exercise of the discretion, shall be commenced against a municipality or local board; a member of a municipal council or of a local board; or an officer, employee or agent of a municipality or local board;

AND WHEREAS Council deems it necessary to amend the Municipal Alcohol Policy for the management of alcohol usage on properties and in facilities owned by the municipality;

NOW THEREFORE, the Council of the Corporation of the Township of Blandford-Blenheim enacts as follows:

1. The Municipal Alcohol Policy for the Corporation of the Township of Blandford-Blenheim, attached hereto as Schedule "A" and forming part of this by-law is hereby approved and adopted.

By-law **READ** a **FIRST** and **SECOND** time this 1st day of November, 2017.

By-Law **READ** a **THIRD** time and **ENACTED** in Open Council this 1st day of November, 2017

Marion Wearn, Mayor

Rodger Mordue, CAO/Clerk

MUNICIPAL ALCOHOL POLICY

SCHEDULE "A"

1. Policy Statement

The Township of Blandford-Blenheim is committed to providing safe and enjoyable Township owned/leased premises to its residents and visitors, and recognizes that an effective alcohol policy supports the following objectives:

- a) creates a safe environment at Township premises for the general public and staff, thus enhancing enjoyment of events by both drinkers and non-drinkers;
- b) protects the public and staff against bodily injury and property damage caused by alcohol abuse;
- c) contributes to the well being of the community and reduces the risk of ill health caused by alcohol abuse;
- d) reduces opportunities to engage in high risk drinking;
- e) reduces the Township's and sponsors' exposure to risk;
- f) increases the general public's awareness in regard to their responsibilities and obligations under the *Liquor Licence Act*;
- g) communicates the importance of responsible alcohol management and drinking practices advocated by the Township;
- h) provides the public and staff with Municipal guidelines and prevention tools aimed at reducing the potential of alcohol related incidents.

This Policy establishes a series of reasonable conditions, which all persons will be required to follow where the consumption of alcohol is permitted at events occurring on lands and premises owned by the Township; at Township events held at any location; at public events, where the approval of the Township is requested, that are held on premises owned by third parties; and at Township owned lands and premises where there is no event taking place.

2. Definitions

In this policy:

"Alcohol" shall mean 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;

"CAO" shall mean the CAO of the Township of Blandford-Blenheim, or designate;

"Good Standing" shall mean a sponsor deemed to:

a) operate in compliance with this policy and related Township By-laws, Policies and Procedures, Terms and Conditions and Standards;

b) have no prior unresolved issue of non-compliance to this policy or related Township By-laws, Policies and Procedures, Terms and Conditions and Standards;

c) operate in compliance with the Liquor Licence Act, and other legislation.

"Premises" shall mean all Township and contractual related third party, owned or leased lands, buildings, and structures, or any of them;

"Public Event" shall mean an event where the general public will be attending. A "Public Event" is not a private/invitation gathering;

"Sponsor" shall mean any person 18 years of age or over seeking to hold, or holding an event involving the serving of alcohol pertaining to this policy, or any organization seeking to hold, or holding an event involving the serving of alcohol pertaining to this

policy. In the case of carrying out activities pertaining to the monitoring events, the sponsor shall be permitted to appoint a designate, but the sponsor shall still be held responsible for upholding the provisions this policy;

"Standard Drink" shall mean:

a) 12 oz or 341 ml. of beer with 5% alcohol, or

b) 5 oz or 142 ml. of wine with 12% alcohol, or

c) 1 ½ oz or 43 ml. of spirits with 40% alcohol.

"Township" shall mean the Township of Blandford-Blenheim.

"Township Employee" shall mean any person employed by the Township of Blandford-Blenheim, or any person undertaking duties on the Township of Blandford-Blenheim's behalf pertaining to this policy.

3. Terms and Conditions

A sponsor holding an event must:

- a) be in good standing with the Township;
- b) comply with the requirements set out in this policy;
- c) comply with the regulations of the Liquor Licence Act as amended;
- d) comply with all rules and regulations, standards, policies and procedures of the Township, and comply with all Federal, Provincial and Municipal laws that apply to the use of the premises or holding of the event.

Anyone who wishes to serve alcohol at a designated site must obtain a Special Occasion Permit from the Liquor License Board of Ontario.

The Township of Blandford-Blenheim reserves the right to refuse any applicant permission to run a licensed event on its property and to impose on the event whatever restrictions it deems appropriate to ensure the safety of the participants.

4. Where this Policy Applies

This policy applies at:

- a) events occurring on lands and premises owned by the Township;
- b) Township events held at any location;
- c) public events where the approval of the Township is requested that are held on premises owned by third parties;
- d) Township owned lands and premises where there is no event taking place.

5. Facilities

The following facilities, owned by the Township, are designated as suitable for a Special Occasion Permit:

- a) Richwood Community Centre, and surrounding Township land
- b) Plattsville Arena
- c) Princeton Centennial Hall, and surrounding Township land
- d) Bright Park
- e) Drumbo Park
- f) Princeton Park
- g) Plattsville Park
- h) Bright Fire Station
- i) Drumbo Fire Station
- j) Plattsville Fire Station
- k) Princeton Fire Station

For the locations listed, the Township may limit the area where alcohol may be served and/or consumed. Locations not listed may be directed to Council for consideration.

6. Youth Admittance to Events

It is the responsibility of the sponsor to ensure that persons under the legal drinking age will not be provided or served alcohol directly or indirectly at an event. It is recommended that if minors are attending a public event that they be distinguished from other participants by a visible means, i.e. stamp, wrist band.

RATIONALE:

It is unlawful to allow anyone under the legal age to consume alcohol at an event. Reasonable precautions must be taken by event sponsors to ensure that this is being enforced.

7. Monitors and Identification

Entrance to public events will be monitored at all times by at least two people 18 years of age or older, and acceptable identification will include photo identification such as:

- a) Age of Majority Card
- b) Ontario Drivers Licence
- c) Passport

- d) Military Cards with Photo
- e) Drivers Licence for out of Province is acceptable if it includes a photo.

It is encouraged that event workers wear visible identification. Suggestions include shirts, hats, or badges.

The sponsor will ensure that the event controls will not put patrons in a situation that could cause harm to themselves or others, and that the physical setting is safe for both drinkers and non-drinkers.

The sponsor will ensure that monitors will supervise the event, encourage legal and moderate drinking behaviour, and ensure that any problems that arise are dealt with appropriately.

The sponsor will ensure that servers of alcoholic beverages are Smart Serve Certified, or have equivalent safe alcohol service training.

The monitors, bartenders and servers will not consume alcohol during the event, nor will they be under the influence of any alcohol consumed before the event.

The sponsor, or their designate, must attend the event and be responsible for making decisions regarding operation of the event. The sponsor, or designate, must not consume alcohol while performing this role.

The Township reserves the right to require the presence of police officer(s) for the duration of an event, the cost to be borne by the sponsoring organization or individual.

A Township or community partner representative, the sponsor or an event worker, who has reason to believe that the presence of a person on the premises is threatening may request the person to leave, or forbid the person to enter the premises. The sponsor shall not permit persons to enter the premises who are intoxicated, who appear to be intoxicated, who are known troublemakers, or who could cause overcrowding.

If drunkenness, riotous, quarrelsome, violent or disorderly conduct could lead to an uncontrolled situation and the troublemaker refuses to leave, the sponsor, designate, or event worker will:

- first ask the person to leave, and
- if the individual refuses to leave, call the Police.

The sponsor will be responsible for recognizing the need for assistance during the event, and requesting it from the appropriate Township staff, security officer or Police; the cost to be borne by the sponsor.

For public and private events, the minimum number of event workers shall be as follows:

Bartenders / Servers	1 to every 100 patrons
Door Monitors	1 for 101 to 200 patrons 2 for 201 to 1000 patrons
Floor Monitors	Minimum of 2 Floor Monitors. For every 100 patrons an additional 1 Floor Monitor is required.
Alcohol Ticket Sellers (when selling drink tickets)	1 for 1 to 300 patrons 2 for 301 to 600 patrons 3 for 601 to 900 patrons 4 for over 900 patrons

Despite the above, if the event has an anticipated number of attendees over 1,000 persons, ratios of appropriate staff will be assessed through consultation between the Ontario Provincial Police and the Township of Blandford-Blenheim.

RATIONALE:

The Special Occasion Permit holder, the Township, and the facility owner need to be alerted to the potential liability and an attendant must responsible to prevent participants from becoming intoxicated and protect them from foreseeable harm.

In order to provide a safe environment and control behaviour, event organizers must supervise entrances and exits. By controlling entry, underage, intoxicated, rowdy or unauthorized people can be prevented from entering an event. This will considerably reduce the likelihood of a problem occurring.

The role of an on or off duty police officer(s) at an event is to generally keep the peace. It is still the responsibility of the event sponsors to ensure that all the necessary controls and precautions are taken to have a safe and enjoyable event.

8. Controlling Consumption

Non-alcoholic beverages must be made readily available throughout the duration of the event, and at a cost significantly lower than drinks containing alcohol.

Sponsors must ensure that a variety of low-alcohol "light" beverages are available. The Township encourages 25% of beer supplied to be "light" beer. Light Beer is defined as 3-4% alcohol content.

The Township supports the serving of a "standard drink" as a measure to gauge alcohol consumption.

The sponsor will encourage consumption of food by persons attending the event, i.e., light meals, and will have light meals available at the event. Items **NOT** considered food are snacks such as peanuts, potato chips and other salty items.

A maximum of 4 alcoholic beverages per person may be served at one time.

There will be no "last call".

RATIONALE:

Over consumption of drinks is to be discouraged. It is against the law to sell or supply liquor to any person who appears to be intoxicated.

Low alcohol beverages reduce the consumption of absolute alcohol. 1 ½ oz. of spirits, 5 oz. table wine and 12 oz. 5% beer all contain equal amounts of pure alcohol. Low alcohol drinks reduce the likeliness of intoxication and reduce the likelihood of impaired driving. The availability of non-alcoholic drinks supports the designated driver program.

Limiting the number of tickets or drinks sold at one time slows the rate of consumption and allows monitors, servers and bartenders to observe participants for signs of intoxication.

Having no "last call" avoids a rush at the bar for extra drinks at the end of the event.

9. Insurance

A sponsor hosting a public event must provide at least \$2,000,000.00 in public liability insurance, and the Township must be listed as an additional insured.

A sponsor hosting a public event, or a private event must provide at least \$2,000,000.00 in party alcohol liability insurance, and the Township must be listed as an additional insured.

The Township holds the right to require a sponsor to provide additional insurance as the Township sees fit.

Proof of above listed insurance must be provided to the Township of Blandford-Blenheim Office at least 48 hours prior to the event.

RATIONALE:

By requiring a sponsor to obtain insurance coverage, the municipality is clearly communicating to an event organizer that risks are involved in operating alcohol involved events and that they require additional insurance coverage and risk management strategies to prevent problems from developing that could result in liability occurring.

10. Alcohol Marketing Practices and Signage

Marketing practices which encourage increased or immoderate consumption such as oversized drinks, drinking games, double shots of spirits, drinking contests, liquor raffles and volume discounts, are not permitted.

For public events, a variety of signage must be visibly posted for the patrons of the event to see. All facility rules, including maximum person capacity, should be posted. The Special Occasion Permit should also be posted. A sign at the entrance regarding valid proof of identification must be posted. Inside the event, a sign for ticket sales as well as a sign identifying low alcohol and non-alcoholic beverages should be posted.

RATIONALE:

Over consumption of drinks is to be discouraged. It is against the law to sell or supply liquor to any person who appears to be intoxicated.

Proper signage gives clarity and direction to patrons and staff, and can help to mitigate potential conflict.

11. Safe transportation

The sponsor shall be responsible for promoting safe transportation options for all participants at an event. If an uncontrollable situation develops in relation intoxicated patrons, the sponsor, or designate, shall call the Police and request that the intoxicated patrons be apprehended to ensure they do not drive vehicles while intoxicated.

The sponsor must remain on the premises until all the patrons have left the premises by a safe and satisfactory means of transportation.

RATIONALE:

The risk of liability is high when an intoxicated driver leaves an alcohol related event. Event organizers must assume responsibility for promoting safe transportation for all drinking participants. Safe transportation options are essential since the only way to sober up an intoxicated person is with time.

12. Additional Sanctions/Revoking a Permit

The Township reserves the right to refuse any applicant permission to run a licensed event on its property, and to impose on the event whatever restrictions it deems appropriate to ensure the safety of the participants.

The Township reserves the right to revoke a permit to hold an event, or disallow the serving of alcohol at an event on Township premises without notice.

13. Enforcement

Random monitoring of events where alcohol is served may be conducted by the Township.

When Township staff/community partners become aware of a Policy infraction, such violation shall be immediately documented and reported to the staff person having operational jurisdiction over the premises, and brought to the attention of the sponsor with a request to rectify the situation. Staff/community partners should not attempt to rectify a violation that could lead to a confrontation resulting in personal injury or property damage. In such cases, the police shall be alerted.

Township staff/community partners can ask individuals to cease the consumption of alcohol, or they can ask the individual or organized group to leave the facility area.

Should the individual or group member fail to comply, staff can call police for enforcement. Costs pertaining to police services shall be covered by the sponsor.

Alcohol consumption on Township lands and premises at non-designated facilities or events may be subject to penalty. Penalties may include, but may not be limited to organizations, or individuals receiving a letter of reprimand, or being suspended from use of Township of Blandford-Blenheim land or premises for a period of up to two years. A letter will be sent to an organization, or individual advising them of a suspension.

When a sponsor has violated this policy, and has been confronted by Township staff/community partners, the sponsor may be sent a letter advising of the violation, and indicating that no further violation will be tolerated. Additionally, the sponsor may be invoiced for any and all damages and costs associated with the violation.

Should a sponsor violate this policy within two years of receiving notice of their first violation, the sponsor may be suspended from organized use of Township of Blandford-Blenheim land or premises for a period of up to two years. A letter will be sent to the sponsor advising them of their suspension.

An individual or organized group may appeal to the CAO to have their privileges re-instated.

Minor deviations from this policy may be approved by the CAO. Major or permanent deviations from this policy must be approved by Township Council.

14. Indemnification

The sponsor shall indemnify and save harmless the Township of Blandford-Blenheim and any Township employee from any and all claims, demands, causes of action, losses, costs or damages that the Township of Blandford-Blenheim, or Township employee may suffer, incur, or be liable for, resulting from the sponsors', event workers' agents, and all other parties', for whom the sponsor is responsible, performance, actions and negligent acts, or omissions in connection with the holding of an event involving the serving of alcohol on Township land, or premises.