

POLICY	
Policy Number: CORP2020-015	Date Approved: May 2013
Department: Corporate	Date Reviewed: October 2020
Municipal Alcohol Policy	

1. Policy Statement

Not Applicable

2. Purpose

Introduction

The Town of Kirkland Lake owns and manages facilities where the consumption of alcohol is permitted under the authority of a Special Occasion Permit (SOP) or a Caterer's Endorsement (CE) held by a licenced operation. The Town of Kirkland Lake (hereafter called the 'Municipality') has developed a Municipal Alcohol Policy with the objectives to:

- Comply with the Provincial Liquor Licence Act;
- Promote a safe, enjoyable environment for those who use the facilities;
- To ensure that events where alcohol is permitted are properly supervised and operated;
- Prevent alcohol-related problems that arise from alcohol consumption within its facilities;
- To encourage and support the responsible use of alcohol as part of a social function rather than the reason for it;
- To provide operational procedures for those holding events in municipally-owned facilities where alcohol use is permitted;
- To equip staff and volunteers with the skills they need to manage events and enforce the municipal policy and provincial legislation.
- Protect the municipality, its staff, community organizations, volunteers and participants from legal action by equipping staff and volunteers with the skills needed to manage events and enforce this policy.

Policy Monitoring and Review

The Municipality will perform revisions of the policy as may be required to allow for changes and modifications that may become necessary. All such revisions will be passed by Council and will be published as an updated version of the Municipal Alcohol Policy.

3. Scope

Designation of Properties and Events

3.1 *Areas Designated Where Alcohol Use is Prohibited*

The consumption of alcoholic beverages is PROHIBITED in all open green spaces. These areas include but are not limited to the following:

- All Kirkland Lake Playgrounds
- Len Baird Park
- Stan Johnson Park
- Coopers Parkette
- Wright Hargreaves Park
- Rotary Centennial Park
- Market Street Parkette
- Duff Park
- Kinross Walking Trails
- Kirkland Lake Splash Park
- Kirkland Lake Skateboard/Bike Parks

An exception to this prohibition is permitted by resolution of Council of the Town of Kirkland Lake and the issuance of a Special Occasion Permit. Council may change the designation of any site at its discretion.

3.1 *Areas Designated Where Alcohol Use is Permitted Under Conditions*

The following facilities and areas are currently designated for alcohol use under conditions of the MAP and Provincial Liquor Licence regulations:

Indoor Facilities

- Joe Mavrinac Complex and associated grounds
- Hockey Heritage North and associated grounds
- Museum of Northern History and associated grounds
- Town Hall Council Chambers and Boardroom

Outdoor Facilities

- Civic Service Stadium

- Culver Park
- Kirkland Lake Airport

The serving of alcohol at indoor facilities is restricted to identified permitted areas. Alcohol may not be consumed or sold at any other non-permitted location, i.e. dressing rooms, washrooms, meeting rooms and food service areas.

4. Definitions

Permit Holder: Signs the alcohol permit, is the general manager of the event and assumes responsibility for the operation of the event.

Event Organizer: Must attend the event, ensure the adequate server-trained staff is available, coordinate and help staff and ask for help from security if necessary.

Bartender: Accepts tickets for the purchase of alcohol drinks, serves no more than 4 drinks per person at one time, serves no more than 2 drinks per person after midnight at one time, monitors for intoxication, refuses service when patron appears to be intoxicated or near intoxication and offer non-alcohol substitute.

Floor Supervisor / Monitor: Observes patron behavior, monitors for intoxication, responds to problems and complaints, refuses service, removes intoxicated persons, and suggests safe transportation alternatives.

Door Supervisor / Monitor: Check identification and for signs of intoxication, keeps out intoxicated and troublesome individuals, monitors for those showing signs of intoxication when leaving the event, recommends safe transportation options, and arranges for coat checking.

Ticket Seller: Sells alcohol tickets to a maximum of eight (8) per person per purchase, monitors for intoxication, refuses sale to patrons at or near intoxication, refunds tickets on request.

Special Security: Patrols the room, scans for potential trouble, notifies event staff and permit holder of potential incidents, helps staff in handling disturbances.

Identified Designate: The person as identified on the application form who assumes responsibility for the operation of the event when the permit holder is absent.

Municipal Staffing: At least one municipal representative with authority to demand correction and/or shut down of an event on behalf of the Municipality will attend all alcohol involved events.

5. Policy & Procedures

1. MANAGEMENT PRACTICES

1.1 *Insurance*

Organizers of an SOP or CE event being held in a municipally-owned facility are required to provide proof, **at least 14 days prior to the event**, that they have purchased a minimum of five million dollars (\$5,000,000) in liability insurance. The public liability insurance shall state the Town of Kirkland Lake as an additional named insured with a cross liability clause holding the Town of Kirkland Lake harmless.

1.2 *Special Occasion Permit or Caterer's Endorsement*

The Event Organizer must apply for a SOP from the local Liquor Store – thirty (30) days prior to the fundraising event; ten (10) days for a reception. A copy of the SOP permit must be submitted to the Municipality forty-eight (48) hours prior to the event.

If serving alcohol under a Caterer's Endorsement, the Event Organizer must supply the address and phone number of the licence holder and a copy of the caterer's licence at least (5) days before the event.

The Ontario Liquor Licence Act (LLA) has been interpreted to mean that:

- It is illegal to sell or serve alcohol to an intoxicated or apparently intoxicated person.
- Those under 19 years of age cannot be served alcohol or allowed to possess or consume alcohol.
- A provider of alcohol is responsible for the safety of the people being served (provider liability).
- This responsibility extends to the safety of others, both on and off municipal property, who come in contact with the person who was served.

A provider's responsibility may continue until the intoxicated person is sober.

1.3 *Event Staffing*

The Event Organizer shall provide the municipality with a list of:

- Bartenders/servers,

- ticket sellers,
- monitors

Those who have previously over-served, served minors and served intoxicated patrons can be asked to not participate in the event.

The skills and awareness obtained by the training provided in the Smart Serve Course will assist the Organizer in providing for a responsible alcohol involved event. A minimum of 60% of bar staff and alcohol servers are to be Smart Serve certified; and the list of event workers, inclusive of all servers with proof of Smart Serve certification (including their certification numbers) is to be provided to the Municipality at least two weeks prior to the event.

Server training often acts as a catalyst to provide a better understanding of liability and of the strategies that can be used to better manage safer alcohol events.

SMART SERVE training is available online at:

www.smartserve.org/home/asp

- All event workers are to be at least 19 years of age.
- All event workers must refrain from consuming alcohol while the event is in progress.
- All event workers are to be clearly identifiable.
- The Event Organizer or their delegate must attend the Event for the entire duration, including post Event clean up, remain in attendance until the premises are vacated, and be responsible for making decisions regarding the operation of the Event and safe transportation.

Under the Occupiers' Liability Act (O.L.A.)

- Municipalities and those renting municipal facilities are co-occupiers because they are in control of municipal premises and have the power to admit or exclude entrants.
- Occupiers must take 'reasonable steps' to ensure that all the people entering the event are 'reasonably safe while on the premises.'
- The same legal obligation requires that co-occupiers take the necessary steps to prevent intoxicated patrons from injuring themselves or other

who are on the premises.

- If co-occupiers fail in their responsibility, they could be sued jointly or individually if someone was injured or killed.

Event Organizer

The Event Organizer is responsible for the management and control of the event in every aspect, including but not limited to:

- must sign the municipal rental agreement,
- organization and planning,
- set up of the event,
- training of their designates and other Event Workers,
- inspection of the premises or facility,
- alcohol service and sales including the choice of beverages so as to avoid the supply of Fortified Drinks or Extra-Strength Drinks,
- safety and sobriety of people attending the event,
- control of access to the premises at any time during the occupation of Municipal premises,
- response to emergencies including contacting police or other emergency services,
- return of Municipal premises in vacant and proper condition,
- as well as compliance with the Liquor Licence Act and the Town of Kirkland Lake's MAP and any other conditions of the permission for use of Municipal property granted by the Municipality.

The Event Organizer must ensure that:

- Event workers and patrons are following the conditions and requirements laid out in the LLA, the MAP and other agreements for use of Municipal premises,
- Sufficient numbers of trained Event Workers are in attendance and applied as needed to monitor, manage and control the Event and use of Municipal property for the purposes of their responsibilities.

The Event Organizer may nominate an individual or individuals as their Delegate to help with management of the event and compliance with the MAP, but in no event shall such delegation relieve the Event Organizer of their responsibilities, liabilities or duties pursuant to the MAP or pursuant to any contract with the Municipality.

The Event Organizer has a duty to report to Municipal Staff any incident that involves bodily injury or property damage, where Liquor Inspectors under the LLA have made a report, or where the Event Organizer is aware or has been made aware of any LLA or MAP violations. The report will generally be provided after the event or event day and allow the Municipality to consider future requests for use of Municipal property by the Event Organizer, and to collect information on incidents occurring on Municipal property or carry out necessary repairs.

In order to be eligible to rent a Municipal facility for a licenced event, the Event Organizer must demonstrate to the satisfaction of the Municipality that:

- a. the Municipal Alcohol Policy is understood
- b. the regulations will be strictly observed
- c. sufficient controls are in place which will assist in ensuring compliance to the policy.
- d. no outstanding debt is owed to the Municipality

Worker vs Guest Ratio

The following is a list of **MINIMUM** event worker numbers required on an Event Worker versus Guest ratio.

Type of Event	Up to 50 Guests	51 - 300 Guests	301 – 500 Guests	500 and over Guests
Private Gatherings and Invitation Only Events	1 Bartender 1 Floor Monitor	1 Bartender 1 Floor Monitor 1 Ticket Seller	2 Bartenders 2 Floor Monitor 2 Ticket Sellers	4 Bartenders 3 Floor Monitor 2 Ticket Sellers
Private Outdoor Functions	1 Bartender 1 Floor Monitor	1 Bartender 1 Floor Monitor 1 Ticket Seller	2 Bartenders 2 Floor Monitor 2 Ticket Sellers	4 Bartenders 3 Floor Monitor 2 Ticket Sellers

Public Events	1 Bartender 1 Floor Monitor 1 Door Supervisor	1 Bartender 1 Floor Monitor 1 Door Supervisor 1 Ticket Seller	2 Bartenders 2 Floor Monitor 2 Door Supervisor 2 Ticket Sellers 2 Security Officers	4 Bartenders 3 Floor Monitor 2 Door Supervisor 2 Ticket Sellers 4 Security Officers
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***** Youth admittance events require an increase in ratio of monitors by one additional worker.**

The Municipality reserves the right to require the presence of two (2) or more police officers or recognized security personnel for the duration of the event, the cost of which will be borne by the sponsoring group or individual.

1.4 Identification

Acceptable identification, as per the Liquor Licence Act, for a person includes any of the following, provided the identification is **not expired; contains a photograph of the person; the person’s birth date;** and that it has **been issued by the listed government or government agency:**

- A driver’s licence issued by the PROVINCE OF ONTARIO
- A Canadian passport
- A Canadian citizenship card
- A Canadian Armed Forces identification card
- A Liquor Control Board of Ontario “Bring Your Identification” (BYID) card

1.5 Serving of Alcohol

- Alcohol tickets will not be sold to anyone under the age of 19 years, or to persons apparently under the age of 25 who do not produce proper identification.
- Alcoholic beverages will not be sold to anyone under the age of 19 years, or to persons apparently under the age of 25 who do not produce proper identification. Anyone serving individuals under the age of majority will be required to leave the event and will be charged by the appropriate authorities. People consuming alcohol under the age of majority will be required to leave the event, and will be charged by the appropriate authorities.
- No more than eight (8) drink tickets may be purchased by any person at one time.

- No more than four (4) drinks may be served to one person at a time. After midnight, no more than two (2) drinks will be served to one person at a time.
- No person shall be allowed to bring in their own alcohol to the event or be allowed to pour their own alcoholic drinks.
- Canned beverages are to be opened at the bar. In the event that bottles are sold they must be opened and poured into a plastic cup.
- Alcohol will not be sold or served to anyone who may appear to be intoxicated.
- Marketing practices which encourage increased consumption of alcohol shall be prohibited: oversized drinks, double shots, pitchers, drinking contests, volume discounts, etc.
- Alcohol shall not be issued as a prize in a contest.
- Ticket sales will cease 15 minutes prior to the end of the event or 15 minutes prior to the time shown on the SOP. All evidence of the service and consumption of liquor will be removed within 45 minutes after the time shown on the SOP.
- No 'Last Call' will be announced.
- Unused tickets will be redeemed for cash on demand until the bar closes, up to a maximum of eight (8) tickets per person.

1.6 Youth Admittance to S.O.P. Events

Youth may be admitted to 'family oriented' activities such as:

- weddings,
- anniversary parties,
- family and community events.

All other events deemed to be of a non-family oriented nature will not be acceptable to youth admittance (i.e. Buck & Does, socials, and adult events).

If the Organizer of the public S.O.P. event chooses to allow youth to the event:

- additional qualified servers and monitors will be required; and
- youth must be easily identified and recognizable, for example: different coloured wristbands.

It is understood that underage participants will not be provided with alcohol.

1.7 Facility and Bar Closure

Ticket sales will cease 15 minutes prior to the bar closing. Entertainment must be completed 15 minutes after the bar closing. Facilities must be vacated 45 minutes after the bar closing.

2. PREVENTION STRATEGIES

2.1 Safe Transportation

The risk of liability is high when an impaired driver leaves an alcohol related event. Event organizers must assume responsibility for promoting safe transportation for all drinking participants. Safe transportation options are essential. The permit holder will be responsible for promoting safe transportation options for all the drinking participants. Examples of safe transportation options include:

- A designated driver selected from non-drinking participants at the event.
- A designated driver provided by the sponsoring group.
- A taxi paid either by the sponsoring group or the participant.
- A chartered bus service provided by the sponsoring group.

If necessary, call police, warn or detain the impaired driver.

2.2 Available Drinks

Low-alcohol content drinks shall be available (minimum of 30% designated of total alcoholic beverages available).

Extra-strength beer is prohibited.

Non-alcoholic drinks available shall be available for the duration of the event at a lower price than alcoholic drinks (tea, coffee, soda).

2.3 Food

Food shall be provided and is NOT satisfied by snack foods such as chips, peanuts, popcorn.

2.4 Advertising

The Event Organizer shall not permit, cause or allow promotional advertising of alcoholic beverages' names, brands or manufacturers at an event frequented by youth (beer company umbrellas, clocks, posters, etc.).

3. SIGNS

The following signs are to be prominently displayed in the S.O.P. designated facilities:

1. Statement of Intoxication

'The Town of Kirkland Lake strives to provide facilities available 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. Event organizers are pleased to also provide non-alcohol beverages and food items.'

2. R.I.D.E. Awareness

'The Ontario Provincial Police Reduce Impaired Drivers Everywhere (RIDE) program thanks you for helping to reduce impaired drivers everywhere. We look forward to personally thanking you at one of our spot checks for leaving this event a Sober Driver.'

3. Accountability

The name of the organizer of the event complete with address and phone number will be listed along with the Kirkland Lake Detachment of the Ontario Provincial Police and the AGCO.

4. A list of accepted identification for age of majority will be posted at all entrances to licenced areas.

5. *'A maximum of 8 tickets will be sold to any individual at one time. A maximum of 4 drinks will be served to an individual at one time. A maximum of 2 drinks will be served to an individual at one time after midnight.'*

6. *'Drinks left unattended on the table will be cleared.'*

7. *'Low alcohol and No alcohol drink options are available.'*

8. Fetal Alcohol Spectrum Disorder as specified in the Liquor Licence Act.

9. Designated Drivers

'The Town of Kirkland Lake thanks designated drivers for their contribution to the health and safety of their friends and the community at large.'

4. ACTIONS TO ENFORCE

4.1 *DUTY TO REPORT*

The Event Organizer has a duty to report to the Municipal Staff issues with details:

- of any incident that involves bodily injury or property damage,
- where a Liquor Inspector under the LLA has made a report on any incident or violation, or
- where the Event Organizer or SOP Holder is aware or has been made aware of any LLA or MAP violations.

Police shall be informed by the Event Organizer as appropriate. Reports shall be made no later than two days after the conclusion of the event, but shall be made immediately where repairs or other action is required to make Municipal property secure or safe for use.

The Event Organizer is responsible to make an immediate report to Municipal Staff if the facility or premises becomes unsafe for use, and to take all necessary steps to protect and exclude persons, erect barriers, give warnings and provide any other protection needed until Municipal Staff take control over the unsafe area.

4.2 *FAILURE TO COMPLY*

Where there has been a failure to comply with the Liquor Licence Act, the police or the AGCO through a Liquor Inspector under the LLA, may intervene for enforcement purposes and may, at their discretion or other authority, terminate the event.

The Town of Kirkland Lake may similarly cancel, intervene in or terminate the Event for violations of the MAP.

It remains the responsibility of the Event Organizer to manage the event and to take appropriate actions, including ending the Event, vacating Municipal property, maintaining insurance and any conditions of insurance, and providing safe transportation options.

Regardless of the reason for termination of the event, the Municipality will not be responsible for any compensation to the Event Organizer or affected persons or their resulting financial losses.

The Municipality will subsequently inform the Event Organizer and any organization they represent via written documentation that there has been a violation of the policy and any imposed consequences or penalties.

4.3 PENALTIES

Where the Event is terminated under the MAP or agreement with the Municipality there will be no financial compensation by the Municipality. Additional penalties for failure to comply may include, but are not limited to:

- Loss of privilege to hold an event involving alcohol in a Town of Kirkland Lake facility or property;
- Loss of any future use or rental of any or all Municipal property;
- Individual ban or suspension of persons involved in the infractions from any or all Municipal property for any term
- The loss of privileges, opportunities for use or rental, ban or suspension are subject to terms that include failure to provide compensation or indemnity to the Municipality.

6. Summary

Not Applicable

RENTAL CHECKLIST

Name of Organization: _____

List of Executives: _____

Event: _____

Facility Requested: _____

Date /Times of Event: Date: _____

Start Time: _____

End Time: _____

Will alcoholic beverages be available and/or sold? YES NO

Permit Holder:

A copy of the Special Occasion Permit must be submitted to the municipal staff representative at least **forty-eight (48) hours before the event**

COPY OF SOP RECEIVED YES

OR

Supply the address and phone number of the licence holder and a copy of the caterer's licence **at least (5) days before the event.**

Name: _____

Address: _____

Phone Number: _____

COPY OF LICENCE RECEIVED YES

Anticipated Attendance: _____

Transportation Strategies:

Designated Drivers YES

Van or Bus YES

Other: _____

Will OPP Security Be Present? YES NO

Will Other Recognized Security Be Present? YES NO

If YES: What Security Company? _____

Will Non Alcoholic Beverages Be Available? YES NO

Have You Made Arrangements for Food? YES NO

What food will be provided? _____

Copy of Liability Insurance (\$5 Million) submitted to Municipality 14 days prior to the event.

COPY OF LICENCE RECEIVED YES

Has Your Organization Ever Been Refused Rental Privileges At Any Facility?

YES NO

Are 60% of Your Event Workers Trained Under the Smart Serve Program?

YES NO

(Provide list of all workers, including Smart Serve trained workers with certification numbers **2 weeks prior to the event.**)

LIST RECEIVED YES

Site Review Meeting: Before the event begins the permit/licence holder and Event Organizer must agree to attend a site review meeting with the municipal representative to ensure the physical setting is safe for drinkers and non-drinkers. The time and date of this site review to be determined by mutual agreement.

Date of Meeting: _____ Time of Meeting: _____

SPECIAL OCCASION PERMIT OR CATERERS ENDORSEMENT HOLDER

Name of Team/Group/Organization: _____

Name of Contact Person: _____

Name of Facility: _____

In consideration of the Town permitting our organization to hold an event licenced for the sale of alcohol on Town premises, it is hereby agreed and acknowledged:

- 1. I have received and reviewed a copy of the Town of Kirkland Lake’s Municipal Alcohol Policy Manual.
- 2. I have read the attached guidelines and requirements of this agreement.
- 3. The organization and I agree to adhere to the conditions of this Policy, the Liquor Licence Act of Ontario and terms of the Special Occasion Permit.
- 4. If an infraction of the Policy occurs, the Town will warn or suspend my organization from using the facilities for a period of one year.
- 5. The organization or I may be held liable for any injuries and/or damage arising from failure to adhere to the requirements for the Liquor Licence Act of Ontario, and the terms and conditions as outlined in this Permit.
- 6. The Ontario Provincial Police and Liquor Licence Board Inspectors can lay charges for infractions of the Liquor Licence Act of Ontario or other relevant legislation.
- 7. My Organization will indemnify and save harmless the Town of Kirkland Lake from all claims for injuries or losses of any kind whatsoever that may arise as a result of our organization’s negligence directly or indirectly with respect to this event being held.

Name of Event Organizer (*please print*)

Signature

Town of Kirkland Lake Authority (*print*)

Signature

Date