

MUNICIPALITY OF WEST PERTH



MUNICIPAL ALCOHOL POLICY

Revised – April 2016

Municipality of West Perth

Municipal Alcohol Policy

Mission Statement:

The Municipality of West Perth wants residents and visitors to enjoy the various facilities and parks. In order for the Municipality to ensure the health and safety of its participants, minimize risk and liability and to protect the municipal facilities, a Policy for the orderly use of alcohol during events and functions has been developed. The following document outlines these regulations.

Objectives:

- 1.** To ensure proper operation and supervision of the Liquor Licensed events by providing education in prevention and intervention techniques and effective management procedures. This will lower the risk of liability to the Municipality of West Perth.
- 2.** To reinforce responsible drinking practices for consumers through appropriate operational procedures and controls.
- 3.** To honour the decision of abstainers not to drink alcohol and to encourage their participation by providing alternative non-alcoholic beverages.
- 4.** To provide a balanced use of alcohol through Special Occasion Permit and licensed events that alcohol becomes a responsible part of a social function rather than the reason for it.

Other:

The Municipality of West Perth reserves the right to introduce other conditions from time to time at its discretion.

Regulation 1 - Capacity of Facilities

Current Laws limit the number of persons allowed into a facility. The capacity of a facility is based on the lowest number permitted by Liquor Laws, Fire regulations, Health regulations, building codes, security available, and facility rules. It is illegal to allow over the maximum allowable number of persons into a facility at one time. When the capacity of the facility is reached the permit holder shall ensure that no more persons enter the facility until others have left. Persons that have pre-sold tickets may be given a refund or given the option to wait until other persons have left the function. Persons with pre-sold tickets shall be given priority over those that do not have a pre-sold ticket.

Municipal Facilities Eligible for Special Occasion Permit Events

Please note that capacities may vary with the set up of a facility including placement of chairs, tables, staging, decorations, and equipment. Contact the appropriate facility operator or designated contact person prior to your event to confirm the capacity of the facility for your event.

NOTE: Staff and security are included in the occupancy load.

- A) Mitchell and District Arena and Community Center –contact arena facility manager (This facility has a full liquor license. Please refer to the liquor license service policy)
- B) Keterson Park Pavilion and Licensed Area –contact municipal CAO
- C) Dublin Pavilion – contact municipal CAO
- D) Brodhagen Community Center – contact Brodhagen Chamber of Commerce
- E) Crystal Palace – contact Mitchell Agricultural Society
- F) Town Hall Main Meeting Rooms – contact Municipal CAO

Any person or organization (Lessee) wishing to hold a licensed event in a location not listed in this Municipal Alcohol Policy must obtain written permission through a resolution of West Perth Council 60 days in advance of event. This would allow council time to further investigate the application and to list any special stipulations that need to be placed on the event (allows the municipality to control risks) before the applicant applies to the AGCO for the special occasion permit (events of over 5000 persons will require an additional 30 days). This would include any other municipal owned building, any building on municipal owned land, tents or other temporary structure on municipal land, or any municipal owned open spaces and parklands. Current building, fire, health, security, and liquor laws and regulations shall determine the capacity for such approved events. In some cases an operational plan must be filed with the municipality when applying for such permission (see operational plan).

Regulation 2 – Minors

For certain functions it may be permissible to allow minors into a facility where alcohol is being served. Please refer to each facility contract. It is illegal for minors to consume alcohol on any municipal premises.

Admission to Public and Private Events:

1. Anyone who appears to be under the age of 25 will be required to show a Government issued document with a photograph as identification before they are allowed into an age of majority event/facility. In some cases it may be necessary to show at least two or more acceptable pieces of identification. Organizers and staff have the right to ask for ID of a patron at any time.

2. Individuals under the age of majority will not be allowed to consume alcoholic beverages. 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. Further sanctions may be taken against individuals breaking the law.

3. Persons under the Age of Majority will not be permitted to attend Buck & Does.

Regulation 3 - Prevention of persons becoming intoxicated

RATIONALE:

It is illegal to serve a person to a state of intoxication. The following items will help to assist in avoiding patrons becoming intoxicated.

1. Control of alcohol service

a. **“Last call”** will NOT be announced.

b. A maximum of 5 tickets may be sold to an individual at one time. A maximum of 4 drinks will be served to an individual at one time. After 12:00 midnight a maximum of two drinks will be served to an individual at one time.

c. Alcoholic beverages are to remain in the licensed area.

d. All bartenders, ticket sellers, security and floor monitors must be sober and shall not consume alcohol while on duty.

e. Shooters (jello, shots, or any other form) will be not allowed. The facility operator or designated contact person has the right to ban the use of specialty drinks that encourages the quick consumption of alcohol (example - shot of alcohol mixed with an energy drink).

f. It is mandatory that the first two bartenders and recommended that all other bartenders possess a valid Smart Serve Certificate. In some facilities the Facility Manager will assign the some or all bartenders with costs set out as per written contracts.

2. Providing food

The lessee is to ensure that light meals are available to patrons on the premises. Snack foods are not considered a light meal and it is recommended that salty snack foods be avoided.

Regulation 4 Avoiding Disorderly Conduct

The use of a licensed security group or uniformed police officers are an accepted means of controlling functions and avoiding or dealing with disorderly patrons.

Security Requirements at Specific Events

The following is the minimum security requirements. Each facility may insist on stronger requirements for security at certain functions.

The lessee is responsible for the hiring and payment of “paid duty” police officers or a licensed private security company as per schedule.

Time period required is from the opening of the doors to the public (unless otherwise stated in the contract) until all patrons have left the facility and the property surrounding the facility.

1. Security is mandatory for

a) All Buck and Does

- b) All liquor events with more than 500 persons attending.
- c) Any other function as stipulated by the facility manager.

2. When required a minimum of two security guards are needed for up to 200 persons.

1 – 200 persons require minimum 2 licensed security guards.

201 - 350 persons require minimum 3 licensed security guards.

351 – 500 persons require minimum 4 licensed security guards

Events over 500 persons must meet the requirements set out by the facility manager.

All buck and Does must have a minimum of 3 licensed security guards.

The number of licensed security guards available could be the determining factor in calculating the number of persons allowed into the event. Each facility reserves the right to stipulate the use of uniformed police as security or the use of extra security guards at the lessee's expense.

The hiring of security and/or uniformed police is an aid for the lessee and/ or Special Occasion permit holder **however the lessee and/or Special occasion permit holder** is still the one responsible for the terms and conditions of this alcohol policy.

3. The lessee shall also supply a sufficient number of door and floor monitors (easily identifiable) to ensure the safety of the patrons and the adherence to all rules and regulations. It is recommended that these monitors also possess Smart Serve certificate.

4. The lessee shall provide the facility manager with a list of bartenders, servers and monitors. Those who have previously over-served, served minors and served intoxicated patrons can be asked to not participate in the event. It is also recommended that all ticket sellers and monitors have attended a Smart Serve course.

RATIONALE:

Reducing the risk of litigation requires not only the components of policy and procedures, but also the recruitment of appropriately trained supervisors and servers. The Municipality is morally obliged to inform volunteers of the potential for litigation and to provide them with the tools to avoid such action. In order to provide a safe environment and control behavior, public event organizers must supervise entrances and exits. By controlling entry, underage, intoxicated, rowdy and/or unauthorized people can be prevented from entering an event. This will considerably reduce the likelihood of a problem occurring. The skills and awareness obtained by the training provided in the Smart Serve Course will assist the sponsor in providing for a responsible SOP event.

Regulation 5

Controls Prior to Events:

Renters of municipal facilities are to be aware and familiar with the Municipal Alcohol Policy prior to renting.

1. A copy of the Municipal Alcohol Policy will be available from the Municipality of West Perth staff person or designate at the time of booking. It is also available on the West Perth Website at <http://www.westperth.com>. If any questions or concerns arise from this Policy contact the West Perth CAO or the appropriate facility manager for clarification.
2. An Operational Plan for Liquor events must be filed with the Municipal CAO for all requests to hold a liquor event that will be held wholly or partially outdoors on municipal lands as well as all events with attendance over 500 persons (or as further described in the operational plan). See appendix D for a copy. The operational plan must be included in any request to council for a resolution to deem the event of "municipal significance".

Regulation 6

Controls During Licensed Events:

All controls and service must be consistent with the provision of the Liquor License Act of Ontario and its regulations.

1. In the event of a masquerade party occurring in any premise owned by the Municipality of West Perth **all** patrons must be checked prior to entering for proper identification to ensure they are of the appropriate age. Any person under the age of majority will not be allowed into a masquerade event.
2. The bar area within the premises shall be closed no later than 1:00 AM and **no** service of alcoholic beverages will be allowed after this time. All ticket sales will stop the earlier of 15 minutes before the bar is to close or 12:45 AM.
3. All entertainment within the facility shall cease at 1:00 AM.
4. All signs of consumption of alcohol and all signs of service of alcohol (including empty glasses, cans, and bottles) shall be removed from the public area no later than 45 minutes after the bar closes.
5. Patrons must vacate the facility by 2:00 AM.
6. The only exception to the 1:00 AM closing time would be by resolution of municipal Council when the Special Occasion Permit and the Facility Rental Agreement will then indicate the expiry time of 2:00 AM. The ultimate decision to grant this exception rests solely with Municipal Council. Requests for this exception for specific public events must be made at least 60 days prior to the event.
7. **Distribution of any form of alcoholic beverage** beyond what is served under a Special Occasion Permit or through a Facility Liquor license is illegal and therefore prohibited. This includes wedding favors, prizes, **draws or door prizes**, etc. Gift certificates are an acceptable alternative.

Regulation 7 - Signs

1. *Serving Practices*

The Municipality of West Perth will provide these signs to be placed in the bar area.

“It is against the Liquor License Act of Ontario 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 also pleased to offer non-alcohol beverages.”

2. *No Last Call*

A sign stating, **“Last Call Will Not Be Announced”** is to be placed in the bar area.

3. *Maximum tickets*

A sign stating **“A maximum of five (5) 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 12:00 Midnight”**.

RATIONALE:

While this policy addresses the need for control measures to be in place by event organizers, there is an additional need to assist the event organizers in the education of event participants. These signs inform the participants of some of the basic control measure for the event and should serve to assist such enforcement by event organizers.

APPENDIX A

GUIDELINES FOR SPECIAL OCCASION PERMIT HOLDERS:

As the contact person for a Special Occasion Permit, you must ensure that you (and your organization) are aware that you can be held liable for injuries and damages arising from breach of its agreement with the Municipality, the Municipality's Alcohol Policy (available on website <http://www.westperth.com>) and/or contravention of the Liquor License Act. These conditions include but not limited to:

- a) Serving someone to intoxication or serving someone who is already intoxicated.
- b) Serving minors or allowing minors to consume alcohol on the premises.
- c) Failing to prevent impaired individuals from driving.
- d) Permitting drunkenness on the premises.

In order to help reduce your organization's risk of liability, the following guidelines shall be adopted.

- 1. Monitor the entrance** with at least one person, aged 19 or over. This allows your staff to request identification and to ensure underage (if not permitted), intoxicated, rowdy, or potentially troublesome patrons are not allowed entrance. It is easier to prevent problems if such people are not admitted to your event.
- 2. Monitor each exit** with at least one person, aged 19 or over, or in smaller venues, ensure the exits are visible to monitors. This allows you to take reasonable steps to prevent impaired people from driving. These reasonable steps can include using a designated driver from the non-drinking participants at the event. Alternatively, it can consist of paid transportation such as taxi or bus. If these efforts fail, the police should be contacted. Monitors shall also be used to supervise the main crowd area to ensure all problems are dealt with. The use of security or police assists the lessee in operating the event but does not lessen the responsibility of the permit holder or lessee. The lessee is also responsible for the immediate area around the facility including the parking lot.
- 3. In order to reduce the levels of intoxication** and the rate of consumption, staff should encourage patrons to consume food, low alcohol beverages, and non-alcoholic beverages. The Permit Holder will ensure that "high alcohol" beer (in excess of 5%) is not sold. Do not serve oversized drinks, double shots of spirits, or beer in pitchers. Do not allow drinking contests, volume discounts (**prices are to be per drink**) or other marketing practices that encourage increased alcohol consumption. Limit the number of tickets sold to an individual at one time to 5 tickets and the drinks served to an individual at one time to four drinks. Shooter bars, jello shooters or otherwise (including shots served with energy drinks) are not permitted.
- 4. Refund unused drink tickets for cash on demand up to the time the ticket sales end.** To do otherwise encourages increased consumption and intoxication.
- 5. Ensure the facility is adequately lighted,** signs are visible and stairs and hallways are clear. As the occupier of the premises, your organization is required to ensure the physical setting is safe for both drinkers and non-drinkers. Your organization may be held liable if an accident occurs due to the physical set-up of the facility or area.
- 6. Prevent patrons from engaging in activities that can harm themselves or others.** As the organizer, you must take reasonable steps to prevent foreseeable harm whether patrons have been drinking or not.
- 7. If an alcohol-related violation occurs,** act promptly to rectify the situation and restore adherence to the Liquor License Act. Whenever the Act is violated at your event, you are at risk of being charged and having a legal action launched against you.
- 8. Bartenders, servers, monitors, admission persons, and security persons** are to be sober and may not consume alcohol prior to or while on duty.
- 9. Ensure a copy of the liquor license and insurance policy** is e-mailed, faxed, mailed or delivered to the facility manager 30 days prior to the event. A copy of the liquor license and all receipts must be at the bar area during operating hours as listed on the liquor license. The bar cannot open before the stated time on the license. Be also aware that numbers used on the liquor license and insurance and appropriate security, as well as building capacity, is all used to determine the number of persons that will be allowed into your event.

APPENDIX B

MUNICIPALITY OF WEST PERTH BAR OPERATION RULES

1. The permit/license and proof of purchase of all alcohol must be available in the bar area at all times. The bar is only to be operated during the given times on the license.
2. Only competent bartenders with at least two persons being the holder of a Smart Serve Certificate (preferably all persons with server training) shall work in the bar.
3. All drinks must be opened before being served to a patron.
4. Persons are NOT to be served to a point of intoxication. Bartenders are not to serve persons who show signs of intoxication.
5. The bar is to close no later than the time on the license (no later than 1:00 AM except under special resolution from Municipal Council). All evidence of alcohol is to be removed from the public area 40 minutes after the bar has closed.
6. Drink tickets are to be sold at a per drink price with no “deals” for bulk purchases. No more than five drink tickets are to be sold to an individual at one time. No more than **four** drinks are to be served to an individual at one time before midnight and no more than **two** drinks are to be served to an individual at one time after midnight. More stringent rules may apply to certain events at the discretion of the CAO and/or facility manager.
7. All liquor laws are to be followed. No person under the age of Majority is to be served alcoholic beverages **or permitted to consume alcohol on the premises.**
8. Bartenders, ticket sellers, security, and floor monitors must be sober and shall not consume alcohol while on duty.

Failure to abide by these and all Liquor License Act rules will result in the bar being closed. Persons in contravention to the rules may face further penalties or sanctions.

APPENDIX C

Buck and Doe **DATE** _____

**Municipality of West Perth
RESPONSIBILITIES FOR BUCK AND DOES**

As per the Facility Rental Agreement and Municipal Alcohol Policy

The lessee agrees to control the access at the door until the event is concluded and the premise is vacated. A minimum three licensed security guards for crowd up to 350 persons and four guards for 350-500 is mandatory and admission is by age of majority for all buck and does (minors are not permitted; no Minors list).

The lessee is responsible to ensure that all persons entering the facility for this event are of age of majority. The Security group must assist in this matter. All persons under the age of 25 shall be required to show identification. Persons using false or altered identification are to be refused entry and Police services are to be requested when needed. (1-888-310-1122)

DUTIES OF THE LESSEE

1. Ensure security group is present before opening admission of event to the public.
2. Ensure all persons entering facility are of age of majority and facility capacity is not exceeded.
3. Ensure all liquor laws are followed. Gambling, including draws, raffles, or games of chance, are not permitted except under AGCO lottery permit.
4. Provide monitors to patrol facility to ensure all patrons are acting in a safe manner and abiding by all rules and laws. Ensure no one in the facility is intoxicated.
5. Assist in clearing all persons from the facility and the property surrounding the facility in an orderly fashion at the end of the event. All patrons must be cleared out by no later than 1:50 AM and final cleanup shall be completed by 2:00 AM.
6. Cleanup shall consist of ensuring that all evidence of liquor is removed from the public area 40 minutes after the closing of the bar. All garbage shall be put in garbage containers.
7. Bartenders, ticket sellers, door and floor monitors shall not consume or be under the influence of alcohol while on duty.

LESSEE SIGNATURE _____

DUTIES OF THE SECURITY GROUP

1. No less than one person should monitor the door from opening until closing.
2. No less than one person should monitor the crowd area from opening until all patrons have exited the building ensuring proper crowd control at all times
3. Ensure that proper identification is used for all persons under the age of 25. False or altered ID shall not be accepted and should be reported to the Police.
4. Assist in ensuring that the facility including the parking lot and surrounding area has been cleared by all patrons (excluding the organizers and cleanup crew) at the conclusion of the event. The security group is required to stay until all patrons have left the facility and cleared the general area of the facility property.
5. Shall not consume alcohol while on duty.

SECURITY GROUP SIGNATURE _____ **Company** _____