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| SECTION: | COMMUNITY SERVICES |
| DEPARTMENT/DIVISION: | COMMUNITY SERVICES/RECREATION & CULTURE |
| SUBJECT: | MUNICIPAL ALCOHOL POLICY |

POLICY STATEMENT

It is the policy of the Corporation of the City of Thunder Bay to promote responsible management practices related to alcohol use on City lands, at City facilities, and for community events in order to reduce and/or avoid significant legal liability.

PURPOSE

The Municipal Alcohol Policy guides decisions and provides direction on the use and management of alcohol in City-owned or leased facilities, open spaces, and at public events. It ensures that the actions of the municipality are consistent with the legislation and regulations affecting alcohol use. It reduces the risk of legal liability to the City from alcohol-related problems that may arise from the consumption of alcohol in City facilities and spaces.

OBJECTIVES

1. To provide a safe and responsible environment for those using City facilities and spaces.
2. To designate the types of City facilities, spaces and events where alcohol may be permitted and to identify the municipal official(s) responsible for recommending permission to have alcohol in a City facility or at an event.
3. To minimize the risk of alcohol-related problems and reduce the risk of potential liability to organizers, the participating public, volunteers, the City, and staff by providing guidelines, procedures, and conditions so that permit holders or event organizers are:
 - (a) informed of their responsibilities related to holding an event where alcohol will be served;
 - (b) made aware of the education and training requirements for responsible service of alcohol and comply with the provisions of the *Liquor Licence Act*, the Municipal Alcohol Policy, developments in the law, and risk management procedures as may be implemented by Administration;
 - (c) providing proper supervision and operation of events that include alcohol; and
 - (d) reinforcing responsible drinking practices through appropriate operational safeguards and procedures.

DEFINITIONS

- Alcohol means all spirits, wine, liquor, or beer or any combination thereof.
- Alcohol use means alcohol that is served, sold, or consumed.
- Permit holder means the holder of a liquor licence, a special occasion permit, or an event designate. They assume responsibility and liability for the entire operation of the event and shall not consume or be under the influence of alcohol for the duration of the event.
- Event worker is a paid/volunteer person(s) appointed by the Permit holder, who is over the age of 18 and shall not consume or be under the influence of alcohol or recreational drugs of any kind for the entire duration of the event. This may include floor monitors, door monitors, servers/bartenders, tickets sellers and other workers.
- Event Designate may replace the permit holder to assume responsibility and liability for the operation of the event. They must also sign the Special Occasion Permit.
- In this Policy, the Act refers to the *Liquor Licence Act*, R.S.O. 1990, Chapter 19 and Regulations and any subsequent legislation enacted to replace it.
- The Alcohol and Gaming Commission of Ontario is referred to as the A.G.C.O. and is the provincial regulatory agency for alcohol.
- The Municipal Alcohol Policy is referred to as the M.A.P.
- A No Sale event refers to an event that is serving alcohol without charge, where no money is collected directly or indirectly for alcohol from guests, and the permit holder absorbs all alcohol costs.
- A Special Occasion Permit (S.O.P.) is a liquor licence issued by the A.G.C.O. for special events where alcohol will be sold or served.
- A Public Event is defined by the A.G.C.O. as an event which is open to the public and is conducted by a charity or non-profit entity. An individual or business may host a public event if the event is a) being held in a licensed facility, or b) has been deemed of municipal, provincial, national or international significance.
- A Private Event is defined by the A.G.C.O. as an event which is for invited guests only and cannot be advertised (eg. wedding). There can also be no intent to gain or profit from the sale of alcohol at private events.
- A Standard Serving means
 - 341 ml (12 oz) of beer, cider or cooler;
 - 29 ml (1 oz) of spirits;
 - 142 ml (5 oz) of regular wine;
 - 85 ml (3 oz) of fortified wine.

SCOPE OF THE POLICY

This Policy applies to both No Sale permit events and Sale or Licensed events. Under the Act, the City is authorized to:

1. recommend to the AGCO permission for applicants to have alcohol in City facilities, closed streets and open spaces;
2. recommend to the AGCO permission for applicants to have alcohol at sporting events;
3. designate an event as a “public event” in order for applicants to apply to the AGCO for a liquor permit; and
4. recommend temporary extensions of liquor permits or licences for public events.

TERMS AND CONDITIONS

Applicants holding an event at any of the designated municipal properties must:

- Be in good standing with The City of Thunder Bay
- Comply with the requirements indicated in the M.A.P.
- Comply with the regulations of the Liquor Licence Act
- Comply with all rules, regulations, standards, policies and procedures of the City, and all City By-laws.

DESIGNATION OF FACILITIES, PARKS & OPEN SPACES FOR PUBLIC EVENTS

Under the *Liquor Licence Act* and Regulations, the municipality has the authority to recommend to the A.G.C.O. permission for applicants to have alcohol in City-owned, leased, or managed facilities and open spaces. To manage the use of alcohol in City facilities and open spaces, the M.A.P. designates those City facilities and open spaces that will permit alcohol use.

Please refer to Schedule A for a list of designated facilities and open spaces.

Temporary Extensions

The City may recommend to the A.G.C.O. that an applicant's existing liquor licence be extended to include a temporary permit that allows alcohol use beyond the approved conditions in the licence. The M.A.P. delegates to the City Clerk and/or designate the authority of recommending a temporary extension of the liquor licence for the purpose of having alcohol at a public event to be held outdoors. Council recommends temporary extensions for significant events to be held outdoors.

Applicants requesting a temporary extension of a liquor licence to host a public event indoors apply directly to the A.G.C.O. provided that the event has been designated as a public event.

Tiered Seating

Applicants may apply for a Special Occasion Permit for premises with fixed tiered seating or temporary seating (ie. Bleachers). The permit holder shall ensure that there are areas within the tiered seating designated as alcohol free and ensure that possession of alcohol is not permitted in those areas prior to and during the event. Alcohol shall not be served in tiered seating at sporting events where the majority of participants are under 19 years of age.

DESIGNATION OF EVENTS

Public Events (formerly Significant Events and Community Festivals)

Applicants must have their event designated by the municipality as a "public event" prior to applying to the A.G.C.O. for a liquor permit or a temporary extension of a licence. According to The Act, Public Events are events that are open to the public that are conducted by a registered charity or not for profit entity or an event of municipal, provincial, national, or international significance. In order to be eligible for an S.O.P., Public Events which are not conducted by a registered charity or not for profit entity must be designated as an event of municipal significance by the municipality.

As per The Act, an applicant for a Public Event S.O.P. must provide at least **30 days notice** to the A.G.C.O. and local municipality (including clerk, police, fire and health departments) for events where fewer than 5,000 people are expected to attend, and at least **60 days notice** to the A.G.C.O. and municipality (including clerk, police, fire and health departments) for events where 5,000 or more people are expected to attend. The building department must be notified as well if a tent, marquee, pavilion or tiered seating is used. The permit area must be clearly defined and separated from the area(s) where the S.O.P. does not apply by a minimum 36" (0.9 metres) high partition.

Council designates events as public events in order for applicants to apply to the A.G.C.O. for a liquor licence or permit. City Council may delegate to municipal officials the authority to designate an event as a public event in order for applicants to apply to the A.G.C.O. for a liquor permit. The M.A.P. delegates to the City Clerk and/or designate the authority of designating an event as a public event for the purpose of obtaining a liquor permit.

Private Events

Private events are not open to the public and only invited guests attend. The event cannot be advertised and there can be no intent to gain or profit from the sale of alcohol at the event. Written permission is required from the Board of Directors or facility supervisor to run private events such as weddings or shags at City facilities (eg. community centres).

Youth-Focussed Events

Facilities or events that are primarily youth-focussed (eg. youth centres, minor sports tournaments) will not be permitted to serve or sell alcohol, unless the event has been designated as an event of provincial, national or international significance (eg. Championships for youth sports that draws a crowd of all ages).

High Risk Events

Events may be deemed high risk at the discretion of the Municipality, A.G.C.O. and/or Police. These events will require additional staffing/security and may require an operational plan be developed in consultation with the A.G.C.O. and Police.

ROLES AND RESPONSIBILITIES/DESIGNATED AUTHORITY

Members of City Council

Any additions or changes to the M.A.P. must be approved by Council.

Office of the City Clerk

Authority for all requests for designating an event as a 'public event' (including designation as an event of municipal, provincial, national or international significance), and recommendations for temporary extensions of existing liquor licences are designated to the Office of the City Clerk.

Manager - Parks & Open Spaces Section

Authority for all requests for the use of alcohol in City parks and open spaces is designated to the Manager of the Parks & Open Spaces Section.

Director - Recreation & Culture Division

Authority for all requests for use of alcohol within municipal recreation facilities is designated to the Director of the Recreation & Culture Division.

General Manager – Infrastructure and Operations Department

Authority for all requests for use of alcohol on closed streets and pop-up patios is designated to the General Manager of the Infrastructure and Operations Department.

Permit Holder, Event Organizers and Designates

The Permit Holder and designates must be 19 years of age or older. Event Organizers and designates must be 18 years of age or older. All are responsible and liable for the conduct and management of the event, including, but not limited to:

- compliance with the M.A.P. and attached list of controls, facility rental agreement, the Act and its regulations
- organization, planning, set up and clean-up of the event
- arranging event workers
- hiring server training program certified ticket sellers, bartenders, floor monitors, door monitors and security
- training of event workers and designates for permit holder and/or Event Organizer, if applicable
- posting the S.O.P. visibly on the premises to which the permit applies or readily available for inspection along with receipts for stock purchased on the permit
- alcohol sales and service
- ensuring no one consumes alcohol in unauthorized locations
- the safety and sobriety of people attending the event including those persons turned away to control the event
- organizing safe transportation options (eg. taxis, designated drivers)
- responding to emergencies

The Permit Holder and Event Organizer or designates must attend the event for the entire duration and be responsible for decisions regarding the operation of the event.

Refer to departmental procedures (Controls to Limit the Use of Alcohol Consumption at Events) for types and requirements for the minimum number of event workers appointed by the Permit Holder.

ADDITIONAL CONDITIONS

Rules and regulations for the use of alcohol are dependent upon the type of facility or event as well as conditions that the municipality wishes to include. Council delegates to Administration the authority to impose any additional conditions or restrictions regarding the use of alcohol in its absolute discretion. Administration has the right to deny any requests due to reasons

including, but not limited to, cost to municipality, maintaining passive use of parks, and exceeding a threshold of events with alcohol at a designated facility (determined by the designate for that site). Administration is also authorized to approve minor deviations to the Municipal Alcohol Policy, based on technical grounds, on an event-by-event basis.

MANAGEMENT PRACTICES

Insurance

The licence or permit holder or event designate needs to provide \$5,000,000 liability insurance to the City for any event held on City property. The certificate of insurance must be in effect for the date(s) of facility use by the permit holder, and must be issued by an accredited insurance company licenced to carry on business in Ontario. Failure to provide proof of insurance will void the rental/Special Event Licence.

Policy Violations

A violation occurs when a section of the Liquor Licence Act of Ontario or the Municipal Alcohol Policy is contravened by anyone. Permit holders or event designates must report the violation to both the City and AGCO within 24 hours.

It is also the responsibility of the permit holder or event designate to document complaints and incidents and send them to the appropriate department within seven days. A detailed incident report should be kept for future reference.

The City reserves the right to cancel the event if there is a failure to comply with this policy at any point prior to or during the event. Policy violations and/or failure to report a violation may impact the approval of future requests by a Permit Holder or Event Organizer to host events with alcohol on City property.

ANNUAL REVIEW

To ensure that Administration is aware of and adheres to the most current legislation, regulations, and guidelines, an annual review of the M.A.P. will be undertaken. Council delegates to Administration the authority to revise the Procedures and Conditions in the Policy and to make such changes or additions as are required to more effectively carry out the objectives of this Policy.

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| APPROVED BY: | City Council | Date: | 04/26/2021 |
| Replacing/Amending: | 06/20/2000 | | |
| Originating Department: | Community Services | | |
| Contact: | Director - Recreation & Culture Division | | |
| Departmental Procedural Manual: | Yes | | |
| Affected Departments: | All | | |