



# **Municipal Alcohol Policy**

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## **1.0 Introduction**

The purpose of the Municipal Alcohol Policy is to provide for the management of alcohol consumption on City property while considering the needs of the community, the health and safety of individuals, the protection of property, the diverse views of the community and the need to balance the non-use and use of alcohol at public and private functions and events.

The City of Oshawa is committed to providing a safe and enjoyable environment at municipal recreation facilities and parks. The City will continue to promote the health and safety of participants, citizens and staff through a responsible and managed approach to the consumption of alcoholic beverages in City-owned facilities and at indoor/outdoor events.

By establishing a common understanding of what constitutes moderate drinking, the City of Oshawa aims to avoid, wherever possible, alcohol-related problems that could result in injury, damage to City property or claims directed at the Corporation, community organizations, private users, staff or volunteers.

## **2.0 Policy Goals and Objectives**

The objectives of the City of Oshawa's Municipal Alcohol Policy are to:

- identify municipal recreation facilities and parks in which both Private and Public Special Occasion Permit (SOP) events can be permitted.
- provide appropriate procedures to ensure that there is proper supervision and control at SOP events.
- educate individuals or groups operating a SOP in a municipal facility on the City of Oshawa's Municipal Alcohol Policy and the Liquor Licence Act and to ensure that they are aware of their duties and responsibilities with respect to alcohol management.
- ensure that alcohol services and consumption in City-owned facilities are done in a responsible manner, so that patrons are not served to intoxication.
- ensure a safe environment for all residents in the City of Oshawa.

## 3.0 Definitions

**AGCO:** Alcohol and Gaming Commission of Ontario

**Applicant:** The individual requesting the use of City-owned facilities.

**Bartenders:** The individual who accepts tickets for the purchase of alcoholic drinks, serve drinks, monitor for intoxication and underage drinkers, refuse service when patron appears to be intoxicated or near intoxication, offer no-alcohol substitute and co-ordinate with event staff. Must have Smart Serve certification.

**Door Supervisors/Monitors:** The individual who checks identification and for signs of intoxication, keep out intoxicated and troublesome individuals, arrange for coat checking, monitor for those showing signs of intoxication when leaving the event, arrange safe transportation. Must have Smart Serve certification. ***This position may be volunteer, paid, security company or pay duty police.***

**Event Workers:** Event workers include the permit holder, bartenders, floor supervisors/monitors, door supervisors/monitors, and ticket sellers. Event workers work as a team to ensure any potential problems are quickly identified and managed appropriately. All shall be of legal drinking age.

**FBO: Facility Booking Office**

**Floor Supervisors/Monitors:** Chat with participants, monitor patron behaviour, monitor for intoxication and underage drinkers, respond to problems and complaints, refuse service, remove intoxicated persons, and arrange safe transportation. ***This position may be volunteer, paid, security company or pay duty police.***

**LLA:** Liquor License Act of Ontario

**MAP:** Municipal Alcohol Policy

**Event of Municipal Significance:** Requires a City Council resolution designating the event as “municipally significant”.

**Permit Holder:** Signs the facility contract/invoice, is the general manager of the event and assumes responsibility and liability for the operation of the event. May be more than one person and includes all formally designated person(s).

**Public Event:** May be one which is conducted by a registered charity or not-for-profit entity for the advancement of charitable, educational, religious or community objectives.

**Smart Serve Ontario:** Only server training program that is approved by this policy.

**SOP:** Special Occasion Permit. SOPs are available for Private and Public Events through the AGCO.

**Ticket Seller:** The individual who sells alcohol tickets to a maximum of 4 per person per purchase, monitors for intoxication and underage drinkers, refuses sale to patrons at or near intoxication, refunds tickets on request. Must have Smart Serve certification.

## 4.0 Special Occasion Permit Events at City-Owned or Operated Facilities, Parks and Lands

Unless specifically identified in this Municipal Alcohol Policy, the consumption of alcohol is strictly prohibited in all City-owned and operated facilities and on all City-owned parks and lands.

### 4.1 Eligible Facilities for a SOP Event

The following City-owned facilities, parks and lands are eligible for use in connection with a Special Occasion Permit event.

Facility	Eligible Areas/Rooms
<b>Arts Resource Centre</b>	Auditorium Green Room
<b>Civic Recreation Complex</b>	Bobby Orr Room Meeting Rooms 4 & 5 Natural Turf Area on Field 1 Outdoor Sports Promenade Rec Room
<b>City Hall</b>	C-Wing Committee Room
<b>Columbus Community Centre</b>	Meeting Room
<b>Donevan Recreation Complex</b>	Arena Floor (when ice removed) Meeting Room
<b>Kinsmen/Valleyview Gardens Park</b>	

Facility	Eligible Areas/Rooms
Lakeview Park	
Lakefront West Park	
Legends Centre	Arena Floors (when ice removed) Gymnasium Leisure Room OSCC Designated Areas
Memorial Park	
Northview Community Centre	Birch Room Day Program Room Gymnasium Hickory Room Maple Room Oak Room Outdoor Lawn Bowling Area Lawn Bowling Room Seniors' Dining Room/Kitchen
South Oshawa Community Centre	Meeting Room Teaching Kitchen

The consumption of alcohol is prohibited beyond the perimeter of the rooms and designated outdoor beverage areas within parks noted above, including no alcohol consumption in parking lots, hallways, foyers, equipment rooms or washrooms.

The City may amend in its sole discretion and without notice the preceding list but will only consider adding facilities that:

1. contain suitable washroom facilities;
2. comply with building, health and fire codes; and
3. contain facilities for the preparation, handling and storage of food;

and parks that:

1. have adequate parking;
2. have accessible ingress and egress for emergency vehicles;
3. contain suitable washroom facilities;
4. have compliance with all City by-laws; and,
5. any other condition set out by the City in its sole discretion.

The City may, in its sole discretion, permit Special Occasion Permits events on some streets and parking lots where, at a minimum:

1. the Special Occasion Permit is being requested in relation to a public event;
2. there is adequate parking;
3. there is accessible ingress and egress for emergency vehicles;
4. there are suitable washroom facilities;
5. there is compliance with all City By-laws; and,
6. any other condition set out by the City in its sole discretion.

## **4.2 Outdoor Special Occasion Permits**

The City considers each application for facility permit for Special Occasion Permits in relation to outdoor events individually and on the basis of this Municipal Alcohol Policy and the Alcohol and Gaming Commission of Ontario guidelines.

The City may issue a facility permit for an outdoor SOP event, subject to the following conditions:

1. The applicant follows all requirements of the Municipal Alcohol Policy.
2. The applicant shall notify in writing the municipal Clerk's Office, Durham Regional Police Service, City of Oshawa Fire Services, City of Oshawa Municipal Law Enforcement and Licensing Services and Durham Region Health Department of the proposed event no fewer than 30 days prior to the event where less than 5,000 people per day are expected to attend the event and no fewer than 60 days prior to the event where 5,000 or more people per day are expected to attend the event. A detailed sketch showing the dimensions of the area for which the permit will apply is to be included.
3. Where a tent, marquee, pavilion or tiered seating is used, the applicant must apply for a building permit through the City's Building Services Branch.

4. The outdoor beverage area is in conjunction with an adult sports tournament or other such event acceptable to the City in its sole discretion being held in a City-owned park.
5. The setup, operation and dismantling of the outdoor beverage area shall not adversely affect other park users and shall not conflict with other events scheduled at that park.
6. The event shall comply with all City by-laws, as may be amended from time to time, as well as City standards for layout, parking, washrooms, water, electricity and noise.
7. Outdoor beverage areas shall comply with the provisions of the Liquor Licence Act and its regulations, including but not limited to:
  - (a) Outdoor beverage area shall be separated from unlicensed area by a securely erected partition that is a minimum of 0.9 metre high, and
  - (b) "Food of substance" shall be available free of charge or for sale. Examples of "food of substance" include sandwiches, hamburgers, hot dogs or pizza. Snack foods such as chips, nuts, popcorn, etc. do not qualify as "food of substance". Snack foods may be made available in addition to food of substance.
  - (c) The outdoor beverage area shall only operate within the hours of operation set out in this Municipal Alcohol Policy. Further, in the case of a sports tournament, all alcohol services must stop within one hour of the completion of the last game.
8. The applicant shall assign at least three competent individuals (19 years of age or older) to monitor the perimeter of the outdoor beverage area.
9. The applicant shall comply with all relevant Provincial and Federal legislation.

### **4.3 Events Not Eligible for Special Occasion Permits**

Facility permits shall not be issued for a SOP event where the primary audience is underage persons or any minor sports event.

The City may issue facility permits for SOP family events such as sports tournaments, anniversaries, weddings and christenings with the proviso that it is illegal to provide underage participants with alcohol. No alcohol advertising or sponsorship shall be permitted at these events.

## **5.0 Application Requirements for Special Occasion Permits in City-owned Facilities and Parks**

### **5.1 Application for the Use of City-Owned Facilities**

A SOP must be obtained for all functions involving alcohol. SOP's for Private or Public Events are obtainable from designated LCBO stores.

Note: Public Event SOPs can be issued by the AGCO:

- To a registered charity;
- To a non-profit organization or association organized to promote charitable, educational, religious or community objects;
- For an event of provincial, national or international significance; or,
- For an event designated by the City of Oshawa as an event of municipal significance.

All requests for a municipal significance designation by City Council must be received by the City Clerk.

The applicant must complete an "Application for the Use of City-Owned Facilities". Applications must be submitted to the facility in which the applicant wishes to hold the SOP event. For use of the Civic Recreation Complex and all parks, applications are to be submitted to the Facility Booking Office (FBO). For use of the Committee Room at City Hall, a letter to the Clerk's office is required.

The applicant shall provide to the City of Oshawa a copy of its application to the Alcohol and Gaming Commission of Ontario for a Special Occasion Permit at the time of its application to book City premises for an event.

The applicant must agree to comply with the Municipal Alcohol Policy and the Terms and Conditions for use of City-owned facilities.

### **5.2 Special Occasion Permit**

The applicant shall submit a copy of the Special Occasion Permit to the recreation facility or FBO at least 14 days prior to the event.

The applicant shall post the Special Occasion Permit in a conspicuous place on the premises to which the permit applies.

### **5.3 Responsibilities of the Applicant**

The facility applicant and the SOP applicant must attend the SOP event and ensure the proper management of the event.

### **5.4 Security of the Event**

60 days in advance of any event, regardless of the capacity, event organizers are responsible to submit a detailed event security plan with their requirements to the City representative to ensure public safety, protection of corporate assets and the delivery of a safe and successful event. The necessary guard services and event security provisions shall be retained and coordinated through the City's Corporate Security provider. The City reserves the right upon review of the security plan and in consultation with the event organizer and the City's Security provider to require the applicant to revise the security plan and retain adequate levels of security as determined to meet appropriate standards.

In addition to guard services and security provisions, the City reserves the right to require the applicant to retain a minimum of two pay duty police officers for any outdoor public Special Occasion Permit event. The officers must be present for the duration of the event until a half hour after the event has concluded.

Notwithstanding the foregoing, the police shall be notified of any potential risks/volatile situations before the situation is out of control.

### **6.0 Controls - Event and Bar Operations**

The applicant must agree to adhere to the following controls for the event/bar operations:

1. The bar shall close by 12:00 a.m. There shall be no last call.

*Last call usually encourages high and rapid consumption of alcohol and results in high blood alcohol levels just as the event is ending, which may lead to impaired driving.*

2. In accordance with the Liquor Licence Act of Ontario, the event organizer must provide, and encourage, the consumption of food at all Special Occasion Permit events.

*High carbohydrate foods help slow down the absorption of alcohol into the bloodstream; therefore reducing the risk of intoxication.*

*Note: Chips, peanuts and other such snacks do not qualify as food. At a minimum, sandwiches and other light meals are considered appropriate for such events.*

3. All drinks shall be mixed behind the bar.

*Mixing drinks behind the bar eliminates the potential for individuals to pour two or more shots of alcohol into one cup.*

4. All drinks shall be served in a plastic or paper cup. All bottles, cans and glassware shall be retained behind the bar.

*The use of plastic and paper cups results in less damage and prevents injuries from broken glass.*

5. The bartender shall not serve any one person more than two drinks at a time.

*Providing two drinks slows down the rate of consumption and provides bartenders with the opportunity to look for signs of intoxication and to read the climate of the event.*

6. No energy drink of any kind will be permitted at events.

*Consumption of energy drinks may mask signs of intoxication, and should not be mixed with alcohol.*

7. Shots of liqueurs and specialty drinks are not permitted (e.g. Jell-O shooters, tequila shots).

*These drinks are not the standard serving size and, therefore, intoxication may occur at a faster rate.*

8. Non-alcoholic drinks must be available either at no charge, or at a cost less than the lowest priced alcohol drink.

*Low alcohol drinks reduce the consumption of absolute alcohol and reduce the likelihood of intoxication. The availability of non-alcoholic drinks reduces the likelihood of impaired driving and supports the designated driver program.*

9. No beverages will be served at a volume above the standard drink size. A standard drink equals 1½ oz. of spirits (40%), 5 oz. of table wine (12%) and 12 oz. of beer (5%).

10. The bar may serve homemade wine and/or beer only at weddings or religious events. The wine and beer must have been made by a family member, have been acquired for use at no charge and must be served to guests free of charge. Only one bottle of wine per table at a time is permitted.

*One bottle at a time on a table discourages over consumption and provides for time between beverages.*

11. Marketing practices, like oversized drinks, double shots, pitchers of beer, drinking contests and volume discounts, which encourage increased consumption, are prohibited.

*All of these practices encourage and speed up the process of intoxication.*

12. Alcoholic beverages shall not be used as prizes, raffles or gifts.

*Using alcohol as a prize encourages irresponsible drinking.*

13. Cash refunds must be available for unused drink tickets to individuals who have pre-purchased.

*Refunding unused tickets encourages individuals to stop drinking earlier in the evening.*

14. There shall be no beer or cooler beverages available with alcohol content greater than 5.0% alcohol by volume.

*High alcohol products increase the rate at which people become intoxicated. People who drink high alcohol beer will reach the legal limit for impairment much quicker than those drinking low alcohol or regular beer.*

15. Under no circumstances shall a person under the age of 19 years be served or be permitted to consume an alcoholic beverage.

*Acceptable proofs of I.D. include a valid Ontario Driver's Licence, Canadian Passport, LCBO "BYID" card, Canadian Citizenship card, Permanent Resident card, Secure Indian Status card, Canadian Armed Forces Identification card OR any photo card issued under the Photo Card Act, 2008.*

## **7.0 Controls - Event Workers**

The applicant shall ensure that all event workers have a current Smart Serve Ontario certification.

The applicant must supply a list of event workers with proof of Smart Serve training to the City of Oshawa at least 14 days prior to the event.

The following chart outlines the minimum number of event workers required at Special Occasion Permit events in City of Oshawa facilities and parks:

<b>Event Attendance</b>	<b>Servers</b>	<b>Door/Entrance Supervisors</b>	<b>Floor Monitors</b>	<b>Ticket Sellers*</b>	<b>Pay Duty Officers**</b>
1-50	1	1	1	1	Up to 2
51-100	2	2	2	2	Up to 2
101-300	3	3	3	3	Up to 2
301-500	4	4	4	4	2
500-750	6	6	6	6	2-6
750-1,300	8	8	8	8	2-6

\* For events in which tickets are sold,

\*\*At the discretion of the City

Event workers, including the applicant or a supervisor, must not consume alcohol during the event and must not be under the influence of any alcohol consumed before the event.

All event workers must have Smart Serve cards/certification available while on duty and must wear highly visible identification (e.g. name tag, t-shirt).

## **8.0 Requirements for Signage**

Signage must be displayed during all permitted SOP events.

The City shall provide a package of temporary signs to the facility applicant at the time of signing the facility permit contract.

## 8.1 Listing of Signs & Appropriate Locations for Display

The following listing itemizes the temporary signs which will be provided by the City of Oshawa, at the time of booking, and must be posted by the applicant/permit holder at all Special Occasion Permit events in City facilities:

<b>Signage Title</b>	<b>Location for Posting</b>
Statement of Intoxication	Posted at the bar and at the ticket counter stating the law on serving to intoxication
No Alcohol Beyond This Point	Posted at each exit
Alcohol Is Not Permitted In This Area	Posted at the perimeter of the bar/event area
Photo ID Required	Posted at the bar and the ticket counter
Ticket Sales	Posted at the ticket counter
Fetal Alcohol Syndrome Warning	Displayed prominently in the bar area
Sober Driver Spot Check	Displayed prominently in the bar area
Standard Size Drinks Signs	Displayed prominently in the bar area.

## 9.0 Safe Transportation

The greatest risk of liability is presented by the impaired driver leaving an alcohol-related event. Ensuring event participants have safe transportation when leaving a social event reduces the risk of liability.

The permit holder shall ensure that efforts are made to encourage individuals who have consumed alcohol to participate in safe transportation, which could include:

- encouraging customers to make safe transportation arrangements
- providing free or low-cost non-alcoholic drinks to designated drivers
- arranging for taxis or shuttle buses

- promoting Durham Regional Police Service “RIDE program” awareness
- calling Durham Regional Police Service if intoxicated participants insist on driving home

## **10.0 Policy Violations**

Adherence to this Municipal Alcohol Policy is critical to the safe and responsible use of alcohol.

Violations of the policy may be addressed as follows:

1. Event organizers and/or event staff may intervene by informing the individual(s) of the policy violation and request immediate compliance. Event organizers and/or event staff should feel encouraged to intervene at this stage. Allowing the violation to continue could result in the loss of privileges and legal charges. Event organizers and/or event staff must report any infraction of the Municipal Alcohol Policy to City staff as soon as possible.
2. Permit holders have the right to ask individuals to leave the facility. Such occurrences must be reported to a City of Oshawa staff member who, in turn, will notify a full-time Facility Supervisor/Manager.
3. City staff have the authority to demand immediate correction should any infractions occur and/or shut down an event in response to any violations of the policy. Should the event organizers fail to comply, City staff members may call the Durham Regional Police for enforcement.
4. Should violations to the Municipal Alcohol Policy take place, the permit holder will be sent a letter advising of the violation indicating that no further violations will be tolerated and may result in a loss of future permitting privileges in City-owned parks and facilities.
5. Where a permit holder violates the Municipal Alcohol Policy a second time after receiving notice of the first violation, the permit holder shall be suspended from rental privileges for at least one year and up to permanent suspension, depending on the severity of the violation.
6. City staff shall report violations of the law to the Durham Regional Police Service. Examples may include underage drinking, drinking and driving and drinking in unauthorized areas. All violations will be recorded for future reference.

## **11.0 Indemnity**

Permit holders agree to continuously save and keep harmless and fully indemnify the City of Oshawa from and against any and all actions, claims, costs, damages, demands, liabilities, losses, suits, proceedings and expenses (including legal fees), which may be brought against or made upon or incurred by the City of Oshawa resulting from or arising out of or in any way related to the permitted event and/or alcohol consumption on City property.

## **12.0 Insurance**

It is mandatory for all permit holders to purchase Commercial General Liability (CGL) insurance and Liquor Host Liability insurance for the event with a minimum limit of coverage of \$2,000,000 per occurrence with the City of Oshawa named on the insurance policy as an Additional Insured. A certificate of insurance must be submitted to the City of Oshawa 14 days prior to the function to prove that proper insurance coverage is in place. The appropriate insurance coverage can be purchased directly through the City of Oshawa at the time of booking.

## **13.0 Policy Monitoring and Revisions**

The Municipal Alcohol Policy will be reviewed annually and updated as required.