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**SECTION:** COMMUNITY SERVICES

**DEPARTMENT/DIVISION:** COMMUNITY SERVICES/RECREATION & CULTURE

**SUBJECT:** MUNICIPAL ALCOHOL POLICY

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## **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.

## REFERENCE:

Corporate Report No. R 37/2021 (Community Services/Recreation and Culture)

### **Schedule A: List of Designated Municipal Facilities, Parks and Open Spaces for Alcohol Use**

The following municipal facilities, parks and open spaces have been designated as suitable for alcohol use, provided that the renter obtains a Special Occasions Permit issued by the Alcohol and Gaming Commission of Ontario and agrees to the conditions set by the Municipality. City Council may change the designation of a site at their discretion.

#### **Designated Municipal Facilities, Parks and Open Spaces**

- Arenas (includes satellite arenas and Fort William Gardens; excludes dressing rooms and ice surfaces when ice is in)
- Boulevard Lake Park
- Canada Games Complex
- Centennial Botanical Conservatory (limited sales for events, wedding ceremonies, outside on the grounds or inside if a room can be made private)
- Central Avenue Ball Park
- Chapples Park (CP4 Field only)
- Chippewa Park
- Community Centres (includes adjacent grounds where approved by the municipal designate from Parks & Open Spaces; excludes Kinsmen Youth Centre)
- Fort William Curling Club
- Golf Courses, including the clubhouses and playing surfaces served by the operator of the food & beverage concession for the Golf Services Division
- Jasper Place and Pioneer Ridge
- Kinsmen Park
- Mariner's Hall
- Older Adult Centres
- Prince Arthur's Landing
- Stadia
- Tbaytel Multiplex
- Thunder Bay Community Tennis Centre
- Trowbridge Falls Campground
- Waverley Park

Designated municipal authorities may exclude additional spaces within a designated facility at their discretion (e.g. playing surfaces, dressing rooms).

#### **Non-designated Municipal Facilities, Parks and Open Spaces**

Unless included in the list of designated facilities and open spaces above, alcohol is not permitted in all other municipally owned facilities, parks and open spaces, streets and work sites.

#### **Alcohol on Closed Streets**

Alcohol is not permitted on streets and boulevards unless approved as part of a street closure by the General Manager-Infrastructure & Operations or designate, or as part of an approved pop-up patio operated under an existing restaurant liquor license.

## **Schedule B: Controls to Limit Alcohol Consumption at Events**

The following controls must be in place to limit the consumption of alcohol at events, and to create a safe and enjoyable experience for event hosts, workers, and participants, as well as, the surrounding community.

### **Purchasing of Alcohol for Service or Sale**

All spirits, beer and wine must be purchased with the Special Occasion Permit (SOP) at the LCBO, the Beer Store or a licensed Ontario winery, brewery or distillery store. A variety of alcohol brands must be made available. At least one-third of the liquor purchased must be low in alcohol content. No extra strength beer over 5.5% is allowed.

### **Ticket Sales**

- A maximum of four (4) standard-sized tickets/tokens per person is permitted for purchase at one time, if alcoholic beverage tickets are being sold, until one hour before closing and a maximum of two (2) tickets per person during the last hour.
- Follow public health standards for minimum ticket price for alcohol at events (\$3.00 per standard serving)
- Ticket sales must end at 12:30am or as stipulated on the liquor license, temporary extension or SOP. The municipal designate may approve requests to serve alcohol beyond 12:30am for major events of municipal, provincial, national or international significance.
- Unused alcohol tickets/tokens can be returned for full refund at any point during the event.
- Last call announcements are prohibited.

### **Serving of Alcohol**

- A maximum of two (2) drinks can be served to one person at any one time. There will be no minimum number of drink tickets that guests are expected to purchase.
- Event host (or designate) must make every effort to serve standard-sized drinks only. If the drink size is above standards due to original manufacturing/packaging (e.g. Tall cans), the Event host (or designate) is required to seek permission from the Municipality with notification of any alternate sizes to be served. Servers must be aware of this and understand that packaging size will impact the number of drinks patrons are safely to be served under Smart Serve guidelines.
- Different types of alcohol vary in strength, so the stronger the alcohol content, the smaller the drink should be. One serving of liquor is defined as follows:
  - 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.
- Non-alcoholic beverages and low-alcohol content beverages must be available.
- No double shots, shooters (including Jell-o or otherwise), pitchers or drinking games will be allowed/served.
- No caffeinated energy drinks will be allowed/served.

### **Minors**

Persons under 19 years of age are allowed to attend certain events that have Special Occasion Permits:

- Private or “by invitation only” events, such as weddings and anniversaries
- Public events

Alcoholic beverages will not be sold to persons under 19 years of age. The designated staff person will ask for identification for all individuals who appear under the age of 25. A sign regarding this procedure must be posted at the entrance during events.

### **Alcohol at Sporting Events**

The same rules and regulations apply to sporting events with the following notable exceptions:

- Ticket sales are limited to a maximum of two (2) purchases per person at any one time.
- Materials that advertise or promote alcohol are allowed at sporting events that are not deemed “youth-focused”, provided that they are confined to the bar service area and have been approved by the Municipal designate responsible for the facility.
- Tailgating is not permitted at any event on City property.

### **Event Host Responsibilities and Special Rules for Serving Alcohol**

As the event host (or designate), you must attend the event for the entire duration, including the post event clean-up and are responsible for making decisions regarding the operation of the event and safe transportation. Other responsibilities of the event host (or designate) are as follows:

- You (or designate) and event workers must remain sober during the event.
- Event workers must be clearly identifiable.

- All event workers serving or coming into contact with alcohol, including ticket sales, must be Smart Serve certified.
- Check identification before admitting and serving a person who looks under the age of 25. Acceptable forms of identification, which include a photo, are: a BYID card issued by the LCBO; Driver's Licence; Canadian Armed Forces I.D. card; Canadian Citizenship Card; or a Canadian passport; a secure certificate of Indian status issued by the Government of Canada; a permanent resident card issued by the Government of Canada; a photo card issued under the Photo Card Act, 2008.
- Permit City of Thunder Bay and A.G.C.O. representatives' entrance to the event at all times, including Police.
- Marketing practices, which encourage increased or immoderate consumption, such as oversized drinks, double shots of spirits, drinking contests, liquor raffles and volume discounts, are not permitted.
- Alcohol advertising is not permitted at City facilities frequented by youth without the approval of the City.
- The provision of free alcohol for marketing promotion purposes must be approved by the City.
- Do not advertise liquor or the availability of liquor without the prior written approval of the City.
- The serving of alcohol must cease no later than the hour specified on the SOP/License/Catering Endorsement.
- In order to reduce the risk of intoxication and the rate of consumption, event host (or designate) must supply/sell food sufficient to serve the persons attending the event (chips, pretzels, popcorn, peanuts and other salty foods are not considered sufficient).
- Event host must post all required signage in areas specified in the section below.

### **Signage**

Required signage **provided by the municipality** includes messaging specific to the following areas:

- **Ticket Sale Areas:**
  - Number of tickets available for purchase at one time – 4 (2 at sporting events)
  - You may redeem unused tickets for a refund at anytime during the event.
  - Ticket sales end 30 minutes before the bar closes
- **Bar Area:**
  - Number of tickets available for purchase at one time – 4 (2 at sporting events)

- Bartenders cannot serve alcohol to anyone less than 19 years of age. Proper ID must be presented to event staff when requested.
- Bartenders reserve the right to refuse service. Bartenders cannot serve alcohol to anyone who is intoxicated or appears to be at the point of intoxication.
- Sandy's Law (warning sign for pregnant women)
- A maximum of two alcohol drinks will be served at any one time.
- The bar will be closed at \_\_\_\_\_. There will be no Last Call.
- Servers are not allowed to consume alcohol or recreational drugs prior to or during their shift(s).

Signage templates will be available on the City's MAP website.

Required signage **provided by the Permit Holder** includes:

- Special Occasion Permit (in a conspicuous place on the premises or in a place that is readily available upon request during inspection).
- Safe Transportation (list of safe transportation options including local taxi phone numbers)
- Restricted Areas – No alcohol beyond this point

### Number of Event Workers

You must have sufficient staff to effectively monitor all entrances and exits, alcohol consumption and behaviour of guests. The following table outlines minimum required number of event workers, and numbers may need to be increased depending on the nature of event or the facility.

**Table 1: Event Workers Required Per Level of Guests**

Number of Guests	Minimum Number of Event Workers			
	Ticket Seller	Door Supervisor	Floor Monitor	Bartender
Under 100	1	1*	1	1
100-200	2	1*	3	2
201-300	2	1*	5	3
301-400	2	2	6	3
401-500	2	2	8	4
501-600	2	2	10	4

601-700	2	4	10	5
Over 700	Consult Municipal Designate**			

\*minimum of 1 per entrance/exit

\*\*Event organizers must have sufficient staff to ensure control during the event. Events may be subject to additional workers, including security licensed by the Ministry of Community Safety & Correctional Services based on the size and nature of the event, as required by the municipal designate and/or Police.

## Reducing the Risk of Injury, Liability and Property Damage

As the event host (or designate) you are responsible for reducing the risk of injury, liability, and damage to property by adhering to the following:

- Ensure the physical setting is safe for drinkers and non-drinkers. All exits must be kept clear of obstructions.
- If you become aware of a situation that could lead to injury or property damage you must take immediate and decisive action to prevent your guests from engaging in activities or conduct that is drunkenness, riotous, quarrelsome, violent or disorderly which could harm themselves or others, or could result in property damage.
- Be available upon request to event workers who require assistance in managing a person who is refused a sale or becomes unmanageable.
- Ensure liquor that is sold or served on the premises is not removed from the premises, or brought into an unlicensed area, by a person attending the event.
- All bottles and cans must be retained within the licensed area.
- All beverages must be served in unbreakable cups or cans, except for formal sit-down dinners and catered events where glass may be allowed, or at the approval of the municipal designate. Cans may be permitted at the discretion of the municipal designate responsible for the space (see Policy for list of designates).
- If you, or an event worker, has reason to believe that the presence of a person on the premises is threatening, request the person to leave or forbid the person to enter the premises. Do not permit persons to enter the premises that are or appear intoxicated, are known troublemakers or individuals that could cause overcrowding.
- If drunkenness, riotous, quarrelsome, violent or disorderly conduct could lead to an uncontrolled situation and the troublemaker refuses to leave, the Permit Holder/Designate/Event Worker must:
  - first ask the person to leave, and;
  - if the individual refuses to leave, call the Police.
- Persons under the legal drinking age of nineteen (19) should not be admitted to an adult social event held on City premises where alcohol is to be consumed, unless they are accompanied and monitored by an adult twenty-five (25) years of age or older. It is understood that underage participants will not be provided or served alcohol directly or indirectly at the event.

## Additional Considerations

- Alcohol and Recreational Cannabis: Event hosts should make every effort to put measures in place regarding the impacts of combined use of recreational and edible cannabis and alcohol. This may include the following:
  - Event workers are prohibited to mix alcohol with recreational cannabis, cannabis edibles, or cannabis beverages for event guests.
  - Event workers are not to consume and use alcohol, recreational cannabis or other drugs during the event.
  - Event staff should be made aware of the signs and potential harms of combining the consumption of alcohol and cannabis, and their responsibilities with respect to participants who are intoxicated from those substances. Event staff who have Smart Serve obtained prior to 2019 may not have received this training.
- Controls may be subject to change due to circumstances outside of the municipality's control (eg. restrictions/temporary changes to regulations due associated with pandemic response).

<b>APPROVED BY:</b>	City Council	<b>Date:</b>	04/26/2021
<b>Replacing/Amending:</b>	04-28-03		
<b>Originating Department:</b>	Community Services		
<b>Contact:</b>	Director - Recreation & Culture Division		
<b>Departmental Procedural Manual:</b>	Yes		
<b>Affected Departments:</b>	All		