

**THE CORPORATION OF THE TOWNSHIP
OF ASSIGINACK**

BY-LAW # 14-02

**BEING A BY-LAW of the Corporation of the Township of Assiginack to Establish a
Municipal Alcohol Policy**

WHEREAS the appropriate authority is found in Section 8 of the Municipal Act, SO
2001 Chapter M.25 as amended;

AND WHEREAS the Council of the Corporation of the Township of Assiginack deems
it beneficial to the community to establish a Municipal Alcohol Policy;

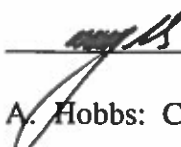
NOW THEREFORE THAT the Council of the Corporation of the Township of
Assiginack ENACTS AS FOLLOWS:

1.
THAT the Township adopt the Municipal Alcohol Policy, attached to and forming part of
this by-law.
2.
THAT this by-law shall come into force and take effect upon third and final reading.

Read a First and Second Time, this 7th day of January, 2014

Read a Third and Final Time and Enacted in Open Council, this 7th day of January, 2014.


B. Ham: REEVE


A. Hobbs: CLERK

Seal

THE CORPORATION OF THE TOWNSHIP OF ASSIGINACK

BY-LAW #15-34

**BEING A BY-LAW to amend the Township's Municipal Alcohol Policy,
established by By-law #14-02**

WHEREAS the appropriate authority is found in Section 8 of the Municipal Act, S.O., 2001, Ch. 25, as amended.

AND WHEREAS By-law #14-02 was enacted in Council on the 7th of January, 2014;

AND WHEREAS the Council of the Corporation of the Township of Assiginack deems it beneficial to the community to amend the Municipal Alcohol Policy;

NOW THEREFORE the Council of the Corporation of the Township of Assiginack enacts as follows:

1. THAT we amend the Municipal Alcohol Policy by deleting the following from A.10:
"All drinks will be served in plastic or paper cups and all bottles and cans will be retained in the bar area."
2. THAT we amend the Municipal Alcohol Policy by adding the following to A.10:
"All drinks will be served in plastic or paper cups or cans and all bottles will be retained in the bar area. This particular provision will be reviewed by Council on an annual basis."
3. THAT this by-law shall come into force and take effect upon third and final reading.

Read for a First and Second time this 17th day of November, 2015.

Read for a Third and Final time and Enacted in Open Council this 17th day of November, 2015

Mayor – P. Moffatt

Clerk – J. Rody

Seal

THE CORPORATION OF THE TOWNSHIP OF ASSIGINACK

BY-LAW #16-07

**BEING A BY-LAW to amend the Township's Municipal Alcohol Policy,
established by By-law #14-02**

WHEREAS the appropriate authority is found in Section 8 of the Municipal Act, S.O., 2001, Ch. 25, as amended.

AND WHEREAS By-law #14-02 was enacted in Council on the 7th of January, 2014;

AND WHEREAS the Southeast Manitoulin Lion's Club has requested a number of amendments to the Municipal Alcohol Policy, specific to their Annual Summer Fest events;

AND WHEREAS the Council of the Corporation of the Township of Assiginack deems it beneficial to the community and the Southeast Manitoulin Lion's Club to amend the Municipal Alcohol Policy;

NOW THEREFORE the Council of the Corporation of the Township of Assiginack enacts as follows:

1. THAT we amend the By-law #14-02 - Municipal Alcohol Policy by adding an Appendix 'B' outlining event specific exceptions, which is attached hereto and forms a part of this by-law.
2. THAT By-law #15-34 and any by-laws inconsistent with this by-law be repealed.
3. THAT this by-law shall come into force and take effect upon third and final reading.

Read for a First, Second, Third and Final time and Enacted in Open Council this 2nd day of June, 2016.

Mayor – P. Moffatt

Clerk – J. Rody

Seal

Appendix B – By-law #14-02
Southeast Manitoulin Lion's Club Summer Fest Policy
Adopted by By-law #16-07

Purpose

The following exceptions to the Municipal Alcohol Policy apply to the Southeast Manitoulin Lion's Club Summer Fest weekend only, which is regularly scheduled for the third weekend in July. These exceptions have been granted to the Club by Council and are subject to annual review. Council reserves the right to repeal this appendix in the event these exceptions pose a liability to the Township or members of the community, including those attending Summer Fest events in any capacity.

The Corporation of the Township of Assiginack will provide for the following exceptions to the Municipal Alcohol Policy for the Lion's Club Summer Fest:

1. A small, self-contained mini pavilion may be erected near the baseball diamond. It will be served by Smart Serve certified staff and will only be open during the baseball tournament and will not have direct access to the baseball diamond.
2. The Lion's Club is permitted to serve alcoholic drinks in aluminum cans. Bottles must be retained in the serving area and the drink must be served in a plastic cup.
3. The Lion's Club is permitted to have at a minimum one (1) Smart Serve certified staff at each location where alcohol is sold at all times.

MUNICIPALITY



OF ASSIGINACK

**P.O. BOX 238 MANITOWANING, ON, P0P 1N0
(705) 859-3196 or fax 859-3010**

www.assiginack.ca

MUNICIPAL ALCOHOL POLICY

Passed: January 7, 2014 (By-law #14-02)

Amended: November 17, 2015 (By-law #15-34)
June 7, 2016 (By-law #16-07)

INTRODUCTION:

The Township of Assiginack has developed a Municipal Alcohol Policy (MAP) in order to manage the use of alcohol in designated facilities owned and operated by the Township in a manner that ensures the health and safety of all participants and the protection of the facilities. This policy will also minimize the risk and vulnerability of the Township, its taxpayers, facility users and prevent alcohol related problems that arise from alcohol consumption within its facilities.

In many instances, problems are not attributable to those who respect the rules regarding alcohol consumption. The majority of problems arise from drinkers who engage in four specific drinking practices:

- a) Drinking to intoxication
- b) Drinking and driving
- c) Underage drinking
- d) Drinking in prohibited places

PURPOSE:

The Township of Assiginack is committed to providing a safe and enjoyable environment for all. The Township has developed the Municipal Alcohol Policy to prevent problems related to the consumption of alcohol.

Section 1: AREAS WHERE ALCOHOL IS PROHIBITED:

The consumption of alcohol is prohibited in all parks, sports fields and service facilities in the Township of Assiginack unless specifically noted. The Council of the Township may change the designation of any site at its discretion. Users who seek permission to use these facilities for any purpose will be asked to sign an acknowledgement that people included in the activity or event will not consume alcohol.

Section 2: AREAS DESIGNATED FOR CONDITIONAL USE OF ALCOHOL:

Only the following facilities and areas are currently designated for alcohol use under the authority of a Special Occasion Permit. The Township of Assiginack may change the designation of any site at its own discretion.

Facilities Designated for Special Occasion Permit:

1. Manitowaning Arena and Pavilion (excluding dressing rooms and ice surfaces, where the ice pad is in operation)
2. Assiginack Museum and Grounds
3. Assiginack Council Chambers
4. Burns Wharf Theatre (not including backstage areas)
5. Fenced Area at Baseball Diamond (Lion's Club Summerfest only, maximum size: 20'x20') (By-law #16-07)

Section 3: CONDITIONS FOR SPECIAL OCCASIONS PERMITS

Anyone who wishes to serve alcohol at a designated site must complete an agreement form that stipulates the conditions under which alcohol may be served (see Appendix 'A'). In addition, the responsible person must obtain a Special Occasion Permit from the Alcohol and Gaming Commission of Ontario. The Special Occasion Permit holder must ensure that all Alcohol and Gaming Commission of Ontario policies, the Liquor License Act and its Regulations and the policies of the Township of Assiginack are adhered to at the event. The Township of Assiginack reserves the right to refuse an applicant permission to run a licensed event on its property and to impose on the event whatever restriction it deems appropriate in the circumstances.

All Special Occasion Permit Holders are required to adhere to the following conditions:

A. Control:

1. The Special Occasion Permit shall reflect how many people will be in attendance
2. No one under the age of 19 will be allowed entry to a licensed event OR Persons under the legal drinking age of 19 years of age will not be admitted to a licensed event held after 8:00 pm, except in the case of a family occasion such as a wedding or anniversary celebration. Alcohol must not be served to people under the age of 19 and the permit holder must use a system of identifying those under the age of 19.
3. The permit holder will accept only a government issued document with a photograph as identification as proof of age prior to entrance into an event. In some cases, at least two pieces of identification may be requested.
4. The Township of Assiginack will require a minimum of one 'Smart Serve' bartender per 'shift' per 50 people to serve alcohol, one door supervisor per 50 people at the event, one floor supervisor per 50 people at the event.
5. Paid Duty Police Officers or licensed private security must be contracted and in attendance at the event and copies of contracts provided to the Township prior to the event.
The contract must indicate the minimum number of officers to be present for the length of the event. The Township of Assiginack reserves the right to require paid duty police officers.
6. The permit holder will provide the Township of Assiginack with a list of potential floor supervisors, aged 19 or over. There will be at least one floor supervisor per 50 participants, with one monitor for each entrance and exit to the licensed area or facility. All event staff will wear highly visible identification approved by the Township.
Floor Supervisors will supervise the event, encourage legal and moderate drinking behavior and ensure that any problems that arise are dealt with appropriately for the duration of the event.
7. Event Staff including floor supervisors, bartenders and servers shall not consume alcohol during the event, nor will they be under the influence of any alcohol consumed before the event.
8. The monitors will be responsible until the completion of the event and will follow all facility rules.

9. The permit holder will be responsible for recognizing and determining the need for assistance and for requesting it from the appropriate authorities.
10. All drinks will be served in plastic or paper cups or cans and all bottles will be retained in the bar area. This particular provision will be reviewed by Council on an annual basis. (By-law #15-34) Alcoholic and non alcoholic drinks are to be served in different cups. Non alcoholic beverages must be available at no charge.
11. Permit holders will not use marketing practices such as: availability of oversized drinks, double shots, pitchers of beer, drinking contests, volume discounting of tickets, and a free bar as these encourage increased alcohol consumption.
12. Tickets for alcohol must be purchased from designated ticket sellers and must be redeemed at the bar. Unused tickets are to be redeemed for cash on demand at any time during the event or at the end of the event.
13. Consumption of food will be encouraged throughout the event. Food shall include sandwiches, vegetables and dips, cheese and other edibles not including chips, peanuts etc.
14. There will be no 'self-serve' events, even wine and cheese functions require a bartender/server.
15. Bar service will be shut down at 12:45 am and will not be reopened. Music must shut down at 1:00 a.m. Facilities must be vacated by 1:30 am and all evidence of alcohol service must also be removed.

Rationale:

The Special Occasion Permit holder and facility owner need to be alerted to the potential liability and its attendant responsibility to prevent participants from becoming intoxicated and protect them from foreseeable harm.

B. Sale of Alcohol

1. When tickets are sold for alcoholic beverages, there will be a limit of four per person served at one time until 11:00 pm. A maximum of 2 tickets sold per person at one time after 11:00 pm. Ticket sales will stop at 12:45 am, discounts will not be offered for the volume purchase of tickets.
2. When tickets are not sold, each person will be limited to four drinks served at a time.
3. A sign will be posted at the bar and at the ticket counter stating the law on serving to intoxication.
4. The Township of Assiginack can limit the total amount of alcohol that can be purchased for the event, based on its length and the anticipated number of persons in attendance.
5. Selling tickets for alcohol as a fundraiser will not be allowed.

Rationale:

By limiting ticket or drinks served at one time, ticket sellers, bar tenders, servers are provided with more opportunities to observe participants for signs of intoxication. Table consumption can be moderated by not serving rounds or large numbers of tickets.

C. Youth Admissions to Adult Events

1. Events allowing individuals under the age of 19 and with over 250 patrons will be required to identify those persons over the age of 19. Sponsors shall choose either stamps or wrist bands to identify persons over the age of 19.
2. Individuals under the age of 19 will not be allowed to attend Stag & Does. The event organizer who applies for the Special Occasions Permit will include this restriction.
3. Individuals under the age of 19 will not be allowed to attend a licensed area after 8:00 pm except during hockey games at which time individuals under the age of 19 will not be allowed to attend any licensed event after the end of the hockey game. In the case of a dance taking place during a hockey game, individuals under the age of 19 will not be allowed to attend any licensed area after 8:00 pm.

Rationale:

To ensure that persons under the age of majority do not consume alcohol.

D. Low Alcohol and Non Alcoholic Options

1. The permit holder will ensure that a minimum of 25% of the alcoholic beverages offered consist of low alcohol options (low alcohol beer, light wine, low alcohol spirits etc.). Sales receipts should be made available when requested to verify this percentage. Non-alcoholic beverages will be made available at no cost.
2. A sign will be posted identifying the low and non-alcoholic beverages available at the event.

Rationale:

Low alcohol beverages help prevent intoxication by permitting responsible consumers with an opportunity to consume less alcohol and avoid becoming intoxicated and will provide servers with a substitute drink for those nearing intoxication. A patron consuming a regular (5%) beer could drink two light or extra light (2.5%) beers to ingest the same amount of alcohol.

E. Accountability

1. The permit holder will post a sign, approved by the Township of Assiginack stating the names of the permit holder and the telephone number of the Alcohol and Gaming Commission of Ontario 1-800-522-2876.
2. The permit holder will obtain a minimum of one million dollar liability insurance which names the Corporation of the Township of Assiginack as an additional insured and present the policy to the Township of Assiginack at least two weeks prior to the event. The permit holder will indemnify and save the Township of Assiginack harmless from all claims arising from the permit or event.
3. The permit holder will obtain verification or proof of acceptance of all required licenses and present to the Township of Assiginack two weeks prior to the event.

Rationale:

While the local authorities and the Alcohol and Gaming Commission of Ontario are informed of the data and place of the special occasion function, they may not be present during the event.

The signs serve notice to the permit holder that while enforcement personnel may not be present the entire time, concerned participants will know where to lodge a complaint. This can facilitate the early correction of a potentially risky situation.

If an individual is injured and if the Township were to be found 'jointly and severally' liable, the Township could end up paying the cost of the total judgement if the permit holder were uninsured or inadequately insured. In addition to costing the Township for the settlement, future insurance costs would rise.

F. Safe Transportation

1. The permit holder will be responsible for promoting safe transportation options for all drinking participants, including but not limited to;
 - A designated driver selected from non-drinking participants at the event
 - A designated driver provided by the sponsoring group, at the event
 - A taxi paid for by the participant or sponsoring group

Rationale:

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 since the only way to sober up an impaired driver is time. Coffee provided at the end of the event only turns a sleepy impaired person into a wide awake impaired person.

G. Enforcement Procedures

1. A violation of this policy occurs when individuals consume alcohol in a municipal facility or area where such consumption is prohibited. A member of the group using the facility or area, a staff member or representative of the Township of Assiginack, a law enforcement officer or an Inspector of the Alcohol and Gaming Commission of Ontario can initiate intervention.
2. A sponsoring group member may intervene by informing the offending individual that the Liquor License Act and municipal policies prohibit their actions and ask for compliance. Group members should be encouraged to intervene in this way for voluntary compliance which protects the group's privileges.
3. When a member of or the organized group have violated any Alcohol and Gaming Commission of Ontario policies, or the Liquor License Act and its regulations and/or this policy and has been confronted by the Township of Assiginack, the group shall be sent a registered letter advising of the violation

and indicating that no further violations will be tolerated. Some violations are serious enough to warrant denial of access immediately. The decision may be made by the Alcohol and Gaming Commission of Ontario Inspector, staff members, the Police or at Council's discretion.

4. A member of the local police detachment may intervene in a violation of this policy. A police officer or Alcohol and Gaming Commission of Ontario Inspector may order that all alcohol consumption cease immediately. The police officer or Inspector may order the individual or organized group to leave the facility or area, should the violation warrant such action. In addition, the officer or inspector may lay charges against the offending individual or organized group.
5. Council may suspend an individual or organized group's access to facilities or areas as a result of a violation or series of violations of Provincial laws, regulations or this policy.
6. An individual or organized group may petition to appear before Council to appeal any suspension.

H. Signs

1. Signs will be provided by the Township of Assiginack, to be placed in the bar area:

“It is against the Liquor License Act and Regulations 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 pleased to offer non-alcoholic beverages.”
2. A sign will be posted at the bar and main entrance of all S.O.P. functions informing patrons where to direct concerns regarding the manner in which the function has been operated. In addition to naming the sponsor of the event, the sign should include the name and address and telephone numbers of the Police Department, the Alcohol and Gaming Commission of Ontario and the Municipality.
3. A sign stating “Last Call Will Not be Announced” will be placed at the entrance to the hall.
4. A sign stating “Individuals Under the Age of Majority are not permitted on the premises after 8:00 pm”, “Maximum of 4 tickets per person sold until 11:00 pm”, “Maximum of 2 Tickets per person after 11:00 pm”, “Ticket Sales stop at 12:45 am”, “Music must be shut down at 1:00 am” will be required.

Appendices Required

MUNICIPALITY



OF ASSIGINACK

BOX 238, MANITOWANING, ONT., P0P 1N0

(705) 859-3196 or 1-800-540-0179

www.Assiginack.com

**THE ASSIGINACK SPECIAL OCCASION PERMITY EVENT RENTAL
AGREEMENT**

BETWEEN:

**The Corporation of the Township of Assiginack
(hereinafter called 'Assiginack')**

and

(hereinafter called 'Renter')

**WITNESSETH that in consideration of the mutual covenants, terms and agreements
hereinafter expressed, the parties agree as follows:**

1.

This rental agreement refers to the:

Facility

Dates/Times:

FEE: _____

2.

Name of Team/Group/Renter: _____

3. Name and Contact Information of Contact Person:

4. CERTIFICATION:

A.

I have received and reviewed a copy of the Municipal Alcohol Policy.

B.

I agree to adhere to the conditions of all Alcohol and Gaming Commission of Ontario Policies, the Liquor License Act and its regulations and the Municipal Alcohol Policy.

C.

I understand that if an infraction of the policy occurs, the Township of Assiginack may warn or suspend this or any other renter from using this or any other municipal facility for a period of one year.

D.

I understand that I can be held liable for injuries and damages arising from failing to adhere to all Alcohol and Gaming Commission of Ontario policies, the Liquor License Act and its regulations and the Municipal Alcohol Policy or from otherwise failing to take action that will prevent foreseeable harm from occurring.

E.

I understand that the local police and/or Alcohol and Gaming Commission of Ontario Inspector can lay charges for infractions of the Liquor License Act of Ontario and its regulations or other relevant legislation.

Name, Signature and Date:

Special Occasion Permit#: _____

Please submit the following:

- a) Photocopy of the Special Occasion Permit
- b) Photocopy of Event Insurance Policy
- c) Photocopies of Smart Serve Card

Municipal Facility Manager

Date