

POLICY REGULATIONS
for the
MANAGEMENT OF SPECIAL OCCASION PERMITS IN
RECREATION FACILITIES AND PARKS

to
EAST FERRIS MUNICIPAL COUNCIL
by the
EAST FERRIS
PARKS AND RECREATION COMMITTEE

JANUARY 2008

SCHEDULE "A" TO BY-LAW #2211 PASSED BY COUNCIL
FOR THE TOWNSHIP OF EAST FERRIS ON NOVEMBER
13TH, 2007.

MAYOR
WILLIAM VREBOSCH

CLERK
RAYMOND CHAMPAGNE

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HISTORY

The Township of East Ferris is in the District of Nipissing next to the eastern Boundaries of the City of North Bay and the Township of North Himsforth and the western boundary of the Township of Bonfield. East Ferris Township comprises an area of approximately 65 sq. miles and is bordered on the north by Trout Lake and the Mattawa River, and on the south, by Lake Nosbonsing and Chisholm Township.

It was not until the construction of the Canadian Pacific Railway between the years of 1881-1883 that the East Ferris area was surveyed and habited and then only along the right of way. There were no real settlers until 1886 when J.R. Booth started logging the watershed of the Mattawa River and Lake Nipissing, bringing over French Canadian homesteaders from Hull and Ottawa to work as loggers and river drivers. Some French Canadians who worked for Booth on the railway brought their families and settled in the East Ferris area.

As North Bay, originally a construction camp grew into a city, transportation links with East Ferris improved. North Bay became a working base for East Ferris settlers who commuted back and forth daily. With the arrival of the automobile, this became increasingly more so the case, and still is now.

The Township of East Ferris experienced its first major tourist boom when the Dionne Quints were born there in 1934, attracting thousands each summer to Corbeil for nearly ten years. The building of the Trans Canada Highway in the early 30's also contributed to increased growth in the area and provided a larger market for the farmers.

The Township is well known of its Muskie fishing in Lake Nosbonsing, its attractive natural environment and extensive shoreline. Many tourists are drawn to this area because of these attributes, especially during the summer months.

Presently, the Township's population is approximately 4,400 with a mix of French and English-speaking residents. The area is predominantly rural in nature with two growth centres known as the hamlets of Astorville and Corbeil. Most of the business and recreational facilities available are centered in these two communities and located around the two main water bodies, Trout Lake and Lake Nosbonsing.

The Township of East Ferris wished to develop a more comprehensive municipal alcohol policy following discussions with the Centre for Addiction and Mental Health (CAMH) and the Ontario Liquor Licence Inspector who initially requested Smart Serve training for the community in light of some alcohol related mishaps. The staff of East Ferris Township supported the training and committed themselves to working with the CAMH to effectively manage the service of alcohol in their municipally owned parks and facilities. Consequently, the Municipal Council passed a resolution to establish a committee responsible for the development and implementation of policy regulations. Representatives from East Ferris Township were selected and with the assistance of the Centre for Addiction and Mental Health, they met regularly for eight months to develop an Alcohol Management Policy for their community facilities.

BACKGROUND

- The East Ferris Municipal Council instructed “that we request the assistance of the Addiction Research Foundation in preparing formal Municipal Alcohol Policies with the East Ferris Recreation, Parks and Community Centre Board of Management for review by Council.” Resolution no. 12 moved by Michel Voyer and seconded by Anthony Loeffen, May 28th, 1996.
- In December 1996, a committee of ten people, representing a cross section of the East Ferris Township was established with Raymond Champagne acting as Chairperson.
- Staff from the CAMH (formerly the ARF), acted as consultant to the committee.
- The East Ferris Municipal Alcohol Management Policy Committee met on eight separate occasions between January 1997 and May 1998 to implement the following Terms of Reference.

TERMS OF REFERENCE

- 1) To gather and review any information on the use of alcohol relating to East Ferris.
- 2) To review literature on drinking practices and its implications to managing alcohol in recreation facilities.
- 3) To collect and review comparative information relative to the tasks from other communities’ Parks and Recreation Departments.

- 4) To review existing alcohol management policies and practices in East Ferris Township.
- 5) To be familiar with the Liquor Licence Act.
- 6) To identify those facilities and programs that the policy will cover.
- 7) To examine areas of use and alcohol in the past five years, both problems and examples of good management.
- 8) To gather the opinion of other agencies, organizations, user groups and individuals about how they perceive use or non-use of alcohol in municipally owned recreation facilities and parks.
- 9) To examine the goals and objectives of East Ferris Township.
- 10) To obtain comments and suggestions from the Township staff and volunteers regarding the use of alcohol in Municipally owned recreation facilities and parks.

GOAL OF THE ALCOHOL MANAGEMENT POLICY:

The Township of East Ferris and its Recreation Committee wish to manage the use of alcohol in all facilities owned and operated by the Municipality in a way that ensures the health and safety of all participants and the protection of facilities.

To meet leisure needs of this Township and the requirements of the Municipality, a policy for the management of alcohol during events and functions is recommended. The following pages outline these regulations.

POLICY OBJECTIVES:

1. To provide procedures and education to ensure that all Alcohol and Gaming Commission of Ontario (AGCO) legislation pertaining to Special Occasion Permits is properly understood and is strictly followed.
2. To provide management procedures and education to protect the participating public, volunteers, the corporation and its staff from legal liabilities which could result from lack of proper supervision and operation of Special Occasion Permit functions.
3. To encourage and reinforce responsible moderate drinking practices through the development of appropriate operational procedures, controls, training and education.

4. To provide for a balanced use of alcohol through Special Occasion Permits so that alcohol becomes a responsible part of a social function rather than the reason for the function.
5. To provide a balance of wet and dry facilities and programs so that consumers, abstainers, adults, youth and families will be adequately serviced and protected.

POLICY REVIEW

On March 9, 1999 Council adopted and approved the Policy recommendations for the management of Special Occasion Permits in municipal recreation facilities and parks as presented by the East Ferris Municipal Alcohol Management Policy Committee. Minor changes were made over the years as the policies were implemented and the East Ferris Parks and Recreation Committee undertook a major review to update these policies beginning in the spring of 2007 and culminating with a recommendation to Council at their regular meeting held on September 25, 2007. The following policies have been reviewed by Council and adopted by By-law No. 2207 passed on November 13, 2007.

POLICY REGULATIONS

REGULATION NO. 1: REPLACE EXISTING POLICY

THAT UPON REVIEW AND APPROVAL BY COUNCIL OF THE FOLLOWING REGULATIONS, THIS POLICY PROPOSAL REPLACE THE CURRENT ALCOHOL MANAGEMENT POLICIES FOR THE TOWNSHIP OF EAST FERRIS EFFECTIVE JANUARY 2, 2008.

RATIONALE

- This policy regulation retains the appropriate elements from the existing policy and practices, and incorporates new items, thus building on the fine work done to date while further improving the policy.
- This policy proposal complies with Bill 175: “An Act to revise The Liquor Licence Act and to amend the law relating to Liquor” (Royal assent, September 15, 1990).

REGULATION NO. 2: MUNICIPAL FACILITIES SUITABLE FOR SPECIAL OCCASION PERMITS

- A. **THAT THE UPSTAIRS HALL IN THE EAST FERRIS COMMUNITY CENTRE SHOULD BE DESIGNATED AS A SUITABLE FACILITY FOR THE USE OF SPECIAL OCCASION PERMIT EVENTS.**

RATIONALE

- The upstairs hall of the East Ferris Community Centre is one of the most suitable municipally owned facilities for holding Special Occasion Permit events in East Ferris Township. It is equipped with a kitchen, bar facilities and washrooms. It is used for weddings, fundraisers, retirement parties, community festivals etc.
- This area is also a common meeting place for the township's social, cultural and recreational activities.

B. THAT THE ICE SURFACE OF THE EAST FERRIS COMMUNITY CENTRE SHOULD BE DESIGNATED AS A SUITABLE FACILITY FOR THE USE OF SPECIAL OCCASION PERMIT EVENTS WHEN THE ICE IS COVERED OR WHEN IT IS REMOVED FOR THE SUMMER.

RATIONALE

- The covered ice surface can hold large groups that other facilities in East Ferris Township cannot.
- This area provides additional rental space should other facilities be rented to other groups.
- To prevent accidents, it is not to be rented for Special Occasion Permit events when the ice surface is present, unless covered.
- The Arena seating area may not be used during Special Occasion Permit events.

C. THAT THE EAST FERRIS COMMUNITY CENTRE BOARDROOM SHOULD BE DESIGNATED AS A SUITABLE FACILITY FOR THE USE OF SPECIAL OCCASION PERMIT EVENTS.

RATIONALE

- The Boardroom is a suitable facility for holding small gatherings with access to the Hall's kitchen, bar facilities and washrooms.
- This area provides rental space for small group gatherings such as wine and cheese.
- It also provides additional rental opportunities for the community for small group gatherings and private functions.

- D. THAT THE CURLING CLUB (including the ice surface and downstairs lounge) OF THE EAST FERRIS COMMUNITY CENTRE SHOULD BE DESIGNATED AS A SUITABLE FACILITY FOR THE USE OF SPECIAL OCCASION PERMIT EVENTS.**

RATIONALE

- The Curling Club (upstairs lounge) is presently a licensed premise but could be suitable should the license no longer be a permanent one.
- The ice surface can be suitable when it is covered or when it is removed for the summer.
- Both the upstairs and downstairs lounges are equipped with kitchen and washroom facilities.

- E. THAT THE CORBEIL PARK HALL BE DESIGNATED AS A SUITABLE AREA FOR THE USE OF SPECIAL OCCASION PERMIT EVENTS.**

RATIONALE

- The Corbeil Park Hall is another suitable municipally owned facility for holding Special Occasion Permit events in East Ferris Township.
- It is equipped with a kitchen, bar facilities and washrooms.
- It is used for weddings, fundraisers, retirement parties, community festivals etc.; this area is also a common meeting place for the Township's other social, cultural and recreational activities.
- This area provides additional rental space for the township when other facilities are booked.

- F. THAT THE CORBEIL PARK HALL OUTDOOR PATIO, BE SUITABLE FOR THE USE OF OUTDOOR SPECIAL OCCASION PERMIT FUNCTIONS.**

RATIONALE

- The Corbeil Park Hall is fully equipped with kitchen, bar facilities and washrooms; the patio is partially fenced.
- This area provides additional rental space for the township when other facilities are booked.

- It also provides rental space for small group gatherings such as a wine and cheese.
- Events held in this facility are to be managed as would be any other outdoor licensed event.

G. THAT THE ENCLOSED TENNIS COURT ARE IN THE ASTORVILLE BALL PARK BE DESIGNATED AS A SUITABLE AREA FOR THE USE OF OUTDOOR SPECIAL OCCASION PERMIT EVENTS.

RATIONALE

- This enclosed space provides a safe environment away from the traffic of the parking lot which is located between the playing field and the Community Centre
- Both these areas provide outdoor recreational and leisure space for the Township; events here, are always held in conjunction with a special adult sporting or recreational event.
- Policy regulations and License regulations will be strictly enforced given the greater risks associated with outdoor events.

REGULATION NO. 3: FACILITIES/PARKS NOT SUITABLE FOR EVENTS

A. THAT THE DRESSING ROOMS OF THE EAST FERRIS COMMUNITY CENTRE BE CLEARLY DESIGNATED AS AREAS NOT SUITABLE FOR DRINKING ALCOHOL BEFORE, DURING OR AFTER SPORT EVENTS.

RATIONALE

- While these areas have never been eligible for Special Occasion Permits, generally there is a history of alcohol consumption in dressing rooms. This specific motion is intended to serve notice to all that this illegal consumption is not acceptable.

B. MUNICIPAL PARKS AND GREEN SPACES:

THAT ALL MUNICIPALLY OWNED BEACHES, PARKS AND GREEN SPACES BE DESIGNATED NOT SUITABLE FOR SPECIAL OCCASION PERMIT EVENTS.

RATIONALE

- Most of these areas are designated as green spaces, parks and beaches adjacent to waterways, therefore making them potentially hazardous areas if alcohol were to be used.
- Many of these are areas of recreation and leisure for families and children; the use of alcohol can compromise the safety and of the overall purpose of these areas.
- Mixing alcohol and waterfront activities greatly increases the risk of accidents, and it is difficult to ensure that consumers of alcohol refrain from participating in any waterfront activities.
- Alcohol availability in these areas could promote a negative image of the township; also their proximity to the highways makes them potentially hazardous areas if alcohol were to be used.
- Young and Kronus (1977) suggest that a designated outdoor drinking location, such as a beer tent, may not restrict drinking to that one area.
- Legal precedents suggest that sponsors of any potentially dangerous activity “have a general duty to prevent an intoxicated person from participating....”¹
Eg. Crocker v. Sundance Northwest Resorts Ltd. (1988)

“Crocker had entered the Resort’s tube-racing contest, which involved riding a large inner-tube down a steep hill. The Resort showed films illustrating the hazards of the race. Moreover, Crocker signed an entry waiver form that specifically exempted the Resort from liability. Nevertheless, the trial judge accepted Crocker’s testimony that he had not read the form and that he could not see the film from where he was sitting.”

“On the morning of the race, Crocker consumed a large quantity of rye and cola at home. He continued drinking at the Resort’s bar. After winning the first heat, he had several more drinks and became “visibly drunk”. The manager warned him not to race, but took no further steps to stop him. Prior to the second heat, Crocker fell and his tube slid down the hill. Another member of the staff confronted him, and stated that he was in no condition to race. Crocker belligerently insisted on racing and was given a second tube. During the race, he was thrown from the tube and suffered injuries that rendered him a quadriplegic.”

¹ Solomon, R.M., S.J. Usprich and L. Munro. “Municipalities and alcohol: Liability, Legal Powers, and Loss Prevention.” Prepared for The Countermeasures Branch, Ministry of the Attorney General (Ontario), October 1990.

“The resort was found 75% liable, while Crocker was held contributorily negligent for only 25%. The judge specifically rejected the Resort’s argument that Crocker had voluntarily assumed the risk of participating and should therefore be denied recovery. The case was eventually appealed to the Supreme Court of Canada, which upheld the result. The Supreme Court held that the Resort as the sponsor of a potentially dangerous event, had a duty to prevent Crocker from participating because he was visibly intoxicated. In the Court’s view, the Resort should have disqualified Crocker, postponed the race or tried more effectively to prevent him from competing. In any event, he should not have been given another tube before the second heat.”

C. THAT THE EAST FERRIS MUNICIPAL TOWN OFFICE, FIREHALLS, PUBLIC WORKS GARGE, PUBLIC LIBRARY, FITNESS CENTRE AND COUNCIL CHAMBERS BE DESIGNATED AS AREAS NOT SUITABLE FOR LICENSED ALCOHOL EVENTS.

RATIONALE

- These facilities have never been eligible for Special Occasion Permit events; they are not equipped for such functions and are too small.
- The Municipal Office is an area to conduct town business.

REGULATION NO. 4: YOUTH AND SPECIAL OCCASION PERMIT EVENTS

THAT THE YOUTH AND MINOR SPORTS EVENTS INCLUDING BANQUETS BE DESIGNATED AS EVENTS NOT SUITABLE FOR ALCOHOL CONSUMPTION. ASSOCIATED ADULT EVENING SOCIAL EVENTS COMMENCING AFTER 8:30 P.M. WILL BE ALLOWED, HOWEVER, MINORS WILL NOT BE ALLOWED ENTRY TO THE LICENSED AREA. MINORS ARE CONSIDERED TO BE ANY PERSON UNDER THE AGE OF 19.

RATIONALE

- Youth events and minor sports are intended for the young people.
- Non consumption by participating adults provides a positive example for young people.
- Adults often supervise and drive young people to and from these events, therefore alcohol consumption by the adults is not only dangerous in terms of drinking and driving, it does not provide a positive example for young people.

REGULATION NO. 5: YOUTH ADMITTANCE TO ADULT EVENTS

THAT PERSONS UNDER THE LEGAL DRINKING AGE WILL BE ALLOWED TO ATTEND CERTAIN LICENSED EVENTS SUCH AS PRIVATE FAMILY FUNCTIONS, WEDDINGS AND ANNIVERSARIES, COMMUNITY WIDE FESTIVALS AND FAMILY ORIENTED EVENTS, ONLY IF THE SPECIAL OCCASION PERMIT SPECIFIES THAT MINORS ARE PERMITTED AND MINORS ARE NOT TO BE SERVED ALCOHOLIC BEVERAGES UNDER ANY CIRCUMSTANCES REGARDLESS OF THE EVENT OR THE CONSENT OF THEIR PARENTS, WHEN SUCH LICENSED EVENTS TAKE PLACE ON TOWNSHIP PROPERTY

RATIONALE

- Youth traditionally participate in special township events such as carnivals.
- Youth should not be excluded from private family functions or special township events; however it is understood that measures will be taken to ensure that underage participants are not provided with alcohol.

REGULATION NO. 6: SIGNS

THAT THE FOLLOWING BILINGUAL SIGNS SHOULD BE PROMINENTLY DISPLAYED IN FACILITIES AND AREAS DESIGNATED FOR SPECIAL OCCASION PERMIT EVENTS.

A. STATEMENT OF INTOXICATION SIGN:

The following statement will appear in **both official languages**, on a wall sign and may be printed onto serving cups and/or on table talkers.

**EAST FERRIS TOWNSHIP
STATEMENT OF INTOXICATION**

“It is prohibited by law to serve anyone to a state of intoxication or to serve an intoxicated person.”

THANK YOU

**DÉCLARATION CONCERNANT L'IVRESSE
COMTÉ D'EAST FERRIS**

“Nous sommes tenus par la loie de ne pas servir d'alcool aux personnes en état d'ivresse ou sur le point de l' être”.

Merci

RATIONALE

- It is a Provincial offence to serve someone to intoxication or serve an intoxicated person.
- Visual signs or messages or “table talkers” and paper cups provide authoritative support to servers and monitors having to cut off over indulgent consumers.
- This message is consistent with Regulation No. 8 which offers “a sufficient quantity of low alcohol drinks.”
- The message indicates that a standard has been communicated to the sponsor represented by law and municipal policy.
- This message is consistent with the AGCO Special Occasion Permit Application which states that the Holder of the Special Occasion Permit and the Hall Owners are jointly responsible for the “safety and sobriety of the people attending the event.”

B. “RIDE AWARENESS” SIGN:

The following statement will appear in both official languages on a wall located at the main exits in each facility or area and may be printed on paper cups and/or table talkers.

“The Township of East Ferris is a participating Municipality in the RIDE Program and thanks you for leaving this event a sober driver”.

“La comté d’East Ferris participe au programme RIDE et vous remercie d’avoir quitter ces lieux en état de sobriété.

RATIONALE

- A 1980 Ontario roadside study found that 12.7% of impaired drivers detected at roadside spot-checks were traveling from recreational facilities.
- In a 1986 survey, 5% of drivers above .05 were returning from a Special Occasion Permit event (Smart, 1988).
- The sign politely informs participants that Police regularly conduct roadside sobriety spot-checks; consequently, drivers are aware of the possibility of apprehension should they be considering drinking and then driving.

C. AREAS NOT SUITABLE FOR ALCOHOL CONSUMPTION SIGN:

The following statement will appear in both official languages, on a wall sign in each arena dressing room...

“Alcohol consumption is not permitted in this dressing room. The East Ferris Township thanks you for keeping this area alcohol free.”

“La consommation d’alcool est défendue dans ce vestiaire. Le comté d’East Ferris vous remercie d’avoir respecté cet endroit comme étant un qui n’est pas propice à l’usage d’alcool”.

RATIONALE

- The sign informs all individuals and groups using the arena dressing rooms and serves as a warning for those who may be considering drinking in the dressing rooms.
- The positive reinforcement serves to promote the need for responsible behaviours.

D. ACCOUNTABILITY SIGN:

A sign will appear on a wall at main exits of each facility and/or table talkers which will, in both languages identify the sponsor of the event and the address and telephone number of the Police Department. The sign will also indicate that a municipal representative may intervene at any S.O.P. events if necessary and may be contacted when filing a complaint.

DÉCLARATION DE RESPONSABILITÉ

La déclaration suivante devrait être publiée sur les objets de table et sur une enseigne mural posée dans les principales sorties de chaque installation. L’enseigne donnera du commanditaire de l’événement ainsi que l’adresse et le numéro de téléphone de la Force policière. L’enseigne donnera aussi le nom du représentant municipale qui pourrait intervenir sur les lieux et qui pourrait être contacter pour déposer des plaints.

RATIONALE

- Although informed of the date, time and place of S.O.P. events in their area, police do not always have the time to drop in.
- The Liquor Licence Inspector may not be readily available to check in on S.O.P. functions.
- This sign informs the participants that there is a procedure for lodging complaints even if enforcement personnel are not present at the event.

E. FETAL ALCOHOL SYNDROME

A sign shall be displayed in all areas where alcohol is served in order to inform participants of the risks of fetal alcohol syndrome.

“Give your baby a good start! If you are planning to become pregnant, if you are pregnant or nursing your baby, please do not drink alcohol”

RATIONALE

- Alcohol is harmful to the fetus and to breast feeding children.
- Damage due to alcohol consumption can potentially harm a growing fetus throughout pregnancy.
- Fetal Alcohol syndrome (FAS) and Fetal Alcohol Effects (FAE) are 100% preventable yet irreversible conditions which can result in physical and mental abnormalities.
- Nursing mothers who drink alcohol transfer alcohol to their baby through breast milk.

REGULATION NO. 7: SERVER TRAINING AND SUPERVISION PRACTICE

THAT IN ORDER TO BE ELIGIBLE FOR A FACILITY RENTAL WITH A SPECIAL OCCASION PERMIT, THE SPONSOR MUST DEMONSTRATE TO THE SATISFACTION OF THE MUNICIPALITY THAT THE EVENT SUPERVISORS, SERVERS, FLOOR AND DOOR MONITORS HAVE ATTENDED A SERVER TRAINING COURSE AND HAVE BEEN TRAINED IN RESPONSIBLE SERVER TECHNIQUES.*

50% of all event workers must have their server training.

RATIONALE

- Training along with the policy can help to reduce the risk of alcohol related problems and litigation.
- The Smart Serve Program has been endorsed by the Ministry of Consumer and Commercial Relations and is now used by the AGCO orientation program for new hotel licensees.
- By providing a list of servers and monitors at least (30) days before the event to the Facility Manager or designate, the Municipality is able to check names against a master list to verify training. Also this gives time to applicants to book the facility well in advance & recruit volunteers later.

REGULATION NO. 8: LOW AND NON ALCOHOL DRINKS

THAT IN ORDER TO BE ELIGIBLE FOR A FACILITY RENTAL WITH A SPECIAL OCCASION PERMIT, THE SPONSOR MUST DEMONSTRATE TO THE SATISFACTION OF THE FACILITY MANAGER OR DESIGNATE THAT 30% OF THE ALCOHOL CONSISTS OF LOW ALCOHOL BEVERAGES SUCH AS LIGHT BEER. AS WELL, NON ALCOHOL DRINKS MUST BE OFFERED AT NO CHARGE OR AT A PRICE SUBSTANTIALLY LOWER THAN THAT CHARGED FOR ALCOHOL DRINKS.

RATIONALE

- 1 ½ oz. of spirits or 5 oz. of table wine or 12 oz bottle of 5% beer equal one standard drink since they contain the same amount of absolute alcohol.
- Low alcohol drinks help to prevent intoxication by promoting moderate consumption by reducing the amount of absolute alcohol consumed, thereby reducing the likeliness of intoxication while allowing people to socialize.
- The Liquor Licence Act requires that a variety of brands be offered.
- LLA requires that licensed premises have lists available or signs prominently displayed indicating varieties available, non-alcoholic beverages for sale and prices.
- This regulation allows participants to remain at the event longer so that they can socialize, dance, etc without becoming intoxicated.
- The availability of low alcohol drinks reduces the likelihood of impaired driving.
- The availability of non alcohol drinks supports the designated driver program.

REGULATION NO. 9: SAFE TRANSPORTATION

A. THAT THE EVENT SPONSOR WILL BE REQUIRED TO IMPLEMENT SAFE TRANSPORTATION STRATEGIES INCLUDING A DESIGNATED DRIVER PROGRAM * COMBINED WITH ADDITIONAL ALTERNATIVE HOME TRANSPORTATION OPTIONS ** AND PROMOTION OF THE POLICE SPOT CHECK*.**

*** Designated Driver**

- advertise/announce the designated driver program at the event.
- to provide non alcohol drinks (such as coffee, pop, juices) at no charge or at a reduced rate for the designated drivers.

**** Alternative Transportation Options**

- post local cab phone numbers.
- have sponsor drive intoxicated participant home and/or,
- call a friend, relative, or taxi to assist intoxicated driver and/or collect keys upon entry and/or
- if necessary, call police, warn or apprehend the impaired driver.
- announce alternate transportation options available at the event.

***** Police Spot Checks**

- Post wall and/or table signs and/or announcement that read:
The Township of East Ferris is a participating Municipality in the RIDE Program and thanks you for leaving this event a sober driver”.

Programme de verification au hazard des conducteurs

Afficher au mur ou imprimer sur les objets de table ou annoncer le message suivant:
“Le comté d’East Ferris participe au programme RIDE et vous remercie d’avoir quitter ces lieux en état de sobriété”.

Announce the importance of leaving the event a Sober Driver.

RATIONALE

- The greatest risk of liability is viewed as the impaired driver leaving an alcohol related event.

[eg. 1: Schmidt v. Sharpe (1983)]

“Less than 15 minutes after finishing his last beer and leaving the Arlington House Hotel, Sharpe failed to negotiate a curve in the road. Sharpe suffered only minor injuries in the ensuing accident, but his 16 year old passenger, Schmidt, was rendered a quadriplegic. Schmidt and his family sued both Sharpe and Arlington House Hotel for \$13 million.” (ARF Server’s Manual).

- Awareness of police spot checks for impaired drivers raises the possibility in the mind of the driver of probable apprehension.
- Messages with a positive tone reinforce responsible behaviour by most drivers and they do not deter from the festive atmosphere of the event.
- The Police in this area conduct roadside spot check for impaired drivers.

REGULATION NO. 10: CONTROLS

- A. EVENT CONTROLS: THAT IN ORDER TO BE ELIGIBLE TO RENT A MUNICIPAL FACILITY FOR A SPECIAL OCCASION PERMIT EVENT, THE SPONSOR MUST DEMONSTRATE TO THE SATISFACTION OF THE FACILITY MANAGER OR DESIGNATE THAT SUFFICIENT CONTROLS ARE IN PLACE WHICH WILL ASSIST IN ENSURING COMPLIANCE TO THE POLICY. THESE CONTROLS INCLUDE:**
1. The event sponsor must demonstrate to the Facility Manager that the policy is understood and that regulations will be observed and that the required insurance coverage is in place (proof of policy or binder must be filed with the Facility Manager before the event takes place).
 2. The event sponsor must obtain a Special Occasion Permit from the Liquor Licence Board of Ontario and must show proof of this to the Facility Manager prior to the event.
 3. The event sponsor must provide a list of trained workers at least thirty (30) days prior to the event to the Facility Manager or his/her designate.
 4. The event sponsor must prove to the Facility Manger that at least 30% of their stock is comprised of low alcohol beverages.
 5. The only acceptable forms of identification for admission to an SOP event will be:
 - a) The LLBO BYID (bring your identification card; or
 - b) An Ontario Driver's Licence; or
 - c) A Canadian Passport; or
 - d) A Canadian Citizenship card; or
 - e) A Canadian Armed Forces ID card; or
 - f) The LLBO's former ID card.
 6. The person who signs the Special Occasion Permit Application or his/her designate must attend the event and be responsible for making decisions regarding the operation of the event as required by the Special Occasion Permit.
 7. The event sponsor is responsible for the event, and therefore must not have consumed any alcohol prior to or during the event.
 8. All event workers must refrain from consuming any alcohol prior to or during the event.
 9. Floor monitors are responsible for the supervision of entrances/exits, bathrooms and the floor area.

10. The Facility Manager, or his/her designate, reserves the right to use discretion depending on the nature and the size of the event, to request the presence of two (2) Police Officers; the cost of which will be borne by the sponsoring group or individual.
11. The event sponsor must ensure the physical setting is safe for all in attendance.
12. The event sponsor must ensure that patrons do not engage in activities that could harm them or others.
13. Exits must be supervised.
14. A worker must be available upon request to ticket sellers who require assistance in managing a person who is refused a sale.
15. All bottles must be retained within the bar area and all drinks must be served in paper/plastic cups with the exception of bottled wine during the dinner portion of an event.
16. The licensee is to abide by the rules and requirements of the Municipal Alcohol Policy.
17. An authorized representative of the Township of East Ferris has the right to enter any Special Occasion Permit event and take control if necessary at the time.
18. Marketing practices which encourage increased consumption, such as oversize drinks, double shots of spirits, pitchers of beer, drinking contests, and volume discounts are not permitted.
19. The maximum number of drinks purchased by one person per visit to the bar will be four.
20. During a ticket event, tickets must be purchased from designated ticket sellers and redeemed at the bar with a maximum of eight tickets per purchase.
21. Unused tickets may be redeemed for cash at any time during the event.
22. There will be no last call.
23. The event sponsor and workers of a free bar event must abide by all the policy control measures.
24. Whenever appropriate, Police will be notified by the Municipal representative of problem situations.

25. The event sponsor and workers must encourage the consumption of food, low alcohol and non alcohol beverages.
26. The bar area will close at 1:00 a.m. and the premises will be vacated at 1:30 a.m.
27. The ratio of event workers designated by the event sponsor and the Recreation Department for all eligible municipal facilities and parks will be as follows:

MINIMUM NUMBER OF WORKERS FOR ALL EVENTS

Number of Participants	Bartenders	Floor Monitors	Total
0-50	1	0-1	1-2
50-100	1-2	1-2	2-4
100-200	2	2	4
200-400	3	2	5
400-600	3-4	3-4	6-8

RATIONALE

eg. Jacobson v. Kinsmen Club of Nanaimo (1976)

The defendant's club sponsored a beer party in a large arena. During the party, patrons climbed one of the support beams and "moon" the crowd below. One lost his grip on the beam and fell about 10 metres onto the plaintiff, knocking him unconscious.

Although there were 30 Kinsmen volunteers supervising the event, the only steps taken to discourage the climbers were shouts from certain members. The court found that the club had breached its statutory obligation as an occupier by failing to prevent the I-beam climbing. (ARF Server Training Manual, 1986)

- Although police will be called if a situation is risky, it is the responsibility of the Special Occasion Permit holder to ensure the proper management of an event.
- Properly trained floor supervisors are able to identify potentially troublesome situations and correct the problems before they are out of control.
- If supervisors were compensated for their volunteer work with free alcohol and if an accident were to occur, it would be difficult to demonstrate control if the control agents had been consuming an intoxicating substance.

- Controlling the door to prevent underage, intoxicated or rowdy people from entering an event considerably reduces the likelihood of problems occurring.
- The LLA of Ontario does not permit contests on the premises to which the licence applies which involve the purchase or consumption of liquor.
- The LLA of Ontario states that licence holders cannot engage or permit practices which may tend to encourage immoderate consumption of alcohol. These practices include: giving and offering alcohol free of charge, and offering alcohol servings at a lower price than regularly charged for the serving, offering at a fixed price unlimited number of alcohol servings.
- Selling tickets slow down the rate of consumption as people are required to make two stops before getting their drinks. This provides event supervisors with time to look for signs of intoxication and to read the climate of the event.
- Drink containers provided by the Township may have messages which will support the Alcohol Management Policy and the efforts of the event workers.
- Small private functions traditionally are low risk events and do not, according to the committee, need door supervisors; people attending these functions tend to be low risk on the risk continuum.

B. CONSEQUENCES FOR FAILURE TO COMPLY: THAT INDIVIDUALS AND/OR GROUPS WHO FAIL TO MEET THE MUNICIPAL ALCOHOL POLICY BE SUBJECT TO THE FOLLOWING CONSEQUENCES:

- The municipal staff may report any infraction of this policy to legal authorities whenever they believe such action is required. Copies of registered letters will also be sent to the Police Department.
- Any infraction to the East Ferris Municipal Alcohol Policy will be reviewed by Council. A registered letter describing the problem will be sent to the sponsor who may be refused future rental privileges.
- Future rental privileges or use by penalized individuals or groups will depend on demonstrating the Facility Manager and Council that all rules will be followed at future functions.
- The Municipal Council reserves the right to suspend the individual/group immediately and permanently depending on the circumstances surrounding the incident.

- Where underage youth are found to have consumed or to be consuming alcohol at an S.O.P. event or non S.O.P. event, **the proper authorities** may be called by the Facility Manager or his/her designate.

WHERE A GROUP FOUND TO BE CONSUMING OR HAVE CONSUMED ALCOHOL IN THE ARENA CHANGE ROOMS OR IN THE BLEACHERS

and/or

WHERE UNDERAGE YOUTH ARE FOUND TO HAVE CONSUMED OR TO BE CONSUMING ALCOHOL AT S.O.P. AND NON S.O.P. FUNCTIONS

and/or

WHERE ADULTS AND YOUTH ENGAGE IN DISRUPTIVE BEHAVIOUR AT SOCIAL EVENTS THE FOLLOWING PROCEDURE WILL BE FOLLOWED:

1. The authorities may be called and/or a **letter of warning** from the Municipality may be sent by registered mail.
2. The individual(s) and/or group(s) may be suspended from all future functions and rental privileges **until reviewed by Council.**

REGULATION NO. 11: INSURANCE

BOOKING ASSOCIATED WITH “SPECIAL OCCASION PERMIT” ARE SUBJECT TO THE APPLICANT PROVIDING TO THE MUNICIPALITY “PARTY LIABILITY INSURANCE” & EVIDENCE OF A CONTRACT WITH AN APPROVED SECURITY FIRM FOR THE PROVISION OF “SECURITY SERVICES” FOR THE FUNCTION. ALL PUBLIC EVENTS WILL REQUIRE TWO (2) SECURITY GUARDS, ALSO ANY PRIVATE (E.G. WEDDINGS) WITH MORE THAN 100 PEOPLE IN ATTENDANCE WILL REQUIRE (2) SECURITY GUARDS AND WILL REFER TO THE POLICY SET OUT IN APPENDIX “A” #10-10. PARTY ALCOHOL LIABILITY INSURANCE IN THE AMOUNT OF \$2,000,000.00 MUST INCLUDE CLAUSES TO ADD THE MUNICIPALITY OF EAST FERRIS AS AN ADDITIONAL NAMED INSURED; THE INSURANCE CERTIFICATE MUST CONTAIN A CROSS LIABILITY CLAUSE. THOSE FUNCTIONS NOT ASSOCIATED WITH A “SPECIAL OCCASION PERMIT” STILL REQUIRE TO PROVIDE LIABILITY INSURANCE STATED ABOVE.

RATIONALE

- By insisting on insurance, potentially risky groups may be discouraged from sponsoring events since they may be unable to obtain insurance.
- Case law suggests that juries and judges are sympathetic toward the injured plaintiff.
- S.O.P. permit holders, hall owners, club executives and volunteers could all be named in a lawsuit. This occurred in Chapais, Quebec where the Chapais Lions Club, club organizers, Lions international and Falconbridge (hall owners) were successfully sued following a New Year's Eve Party that resulted in deaths and injury.
- Municipalities can be held jointly liable and could end up paying the predominant share of an award to a plaintiff should the sponsor be uninsured.

REGULATION NO. 12: ALCOHOL ADVERTISING

THAT PERMANENT STRATEGIES WHICH PROMOTE THE CONSUMPTION OF ALCOHOL BE PROHIBITED IN ALL MUNICIPAL FACILITIES.

RATIONALE

- Alcohol advertising is designed to encourage and promote the consumption of alcohol. Since it is illegal for people under the age of 19 to consume these products, it is preferable not to use alcohol advertising in areas frequented by young people.
- Promotion of alcohol products is inconsistent with the municipality's desire to provide a positive example for underage participants who use recreational Facility.
- The Recreation Committee will have jurisdiction over all other advertising.

REGULATION NO. 13: PROMOTING THE POLICY

THAT THE RECREATION COMMITTEE IN CONSULTATION WITH THE CENTRE FOR ADDICTION AND MENTAL HEALTH, DESIGN AND IMPLEMENT (WITHIN THE NEXT YEAR) A STRATEGY TO ORIENT ALL TOWNSHIP USER GROUPS TO THE POLICY REQUIREMENTS AND PROMOTE THE POLICY TO THE TOWNSHIP AT LARGE.

RATIONALE

- Without a publicity campaign, the policy will have no impact on township behaviour.
- Most people are law-abiding citizens and will comply with rules if adequately informed.
- Public receptivity to Municipal Alcohol Management Policy Publicity Campaign has been very positive in other communities. (ie. Thunder Bay)
- Publicizing the policy actually helps to affect public behaviour and compliance to the policy.

REGULATION NO. 14: POLICY MONITORING AND REVISIONS

THAT THE POLICY SHOULD BE REVIEWED ANNUALLY BY THE RECREATION COMMITTEE AND IT SHOULD BE BASED ON INFORMATION BY THE FACILITY MANAGER AND OTHER INVITED SOURCES, AND REPORT TO COUNCIL WITH SUGGESTED POLICY CHANGES IF REQUIRED.

RATIONALE

- Permits policy to be changed to meet changing township needs, adding new Facility and new program demands.
- As the policy is implemented, procedures requiring adjustments for improvement can be suggested.
- Permits adjustments to any future changes to the Liquor Licence Act.

REGULATION NO. 15: ORIENTATION TO POLICY

THAT THE POLICY SHOULD BE REVIEWED BY ANY NEW MUNICIPAL STAFF OR VOLUNTEERS AND NEWLY ELECTED MUNICIPAL OFFICIALS.

RATIONALE

- Encourages new faces to become familiar with the policy and its promotion and enforcement strategie.

**APPENDIX “A”
GUIDELINES FOR SPECIAL OCCASION PERMIT HOLDERS**

As the contact person for a Special Occasion Permit, you and your group can be held liable for injuries and damages arising from failure to adhere to the Liquor License Act of Ontario. These infractions include serving someone to intoxication, serving someone who is already intoxicated, serving minors, and failing to prevent impaired individuals from driving. In order to reduce your group’s risk of liability, the following guidelines will be adopted.

1. The event sponsor must demonstrate to the Facility Manager that the policy is understood and that regulations will be observed and that the required insurance coverage is in place (proof of policy or binder must be filed with the Facility Manager before the event takes place).
2. The event sponsor must obtain a Special Occasion Permit from the Liquor Licence Board of Ontario and must show proof of this to the Facility Manager prior to the event.
3. The event sponsor must provide a list of trained workers at least two days prior to the event to the Facility Manager or his/her designate.
4. The event sponsor must prove to the Facility Manager that at least 30% of their stock is comprised of low alcohol beverages.
5. The only acceptable form of identification for admission to an SOP event will be:
 - a) the LLBO BYID (bring your identification card, or
 - b) An Ontario Driver’s Licence; or
 - c) A Canadian Passport; or
 - d) A Canadian Citizenship card; or
 - e) A Canadian Armed Forces ID card; or
 - f) The LLBO’s former ID card).
6. The person who signs the Special Occasion Permit Application or his/her designate must attend the event and be responsible for making decisions regarding the operation of the event as required by the Special Occasion Permit.
7. The event sponsor is responsible for the event, and therefore must not have consumed any alcohol prior to or during the event.
8. All event workers must refrain from consuming any alcohol prior to or during the event.

9. Floor monitors are responsible for the supervision of entrances/exits, bathrooms and the floor area.
10. The Facility Manager, or his/her designate, reserves the right at his discretion to request evidence of a contract with an approved security firm for two (2) Security Guards or two (2) Police Officers for the provision of "Security Services; the cost of which will be borne by the sponsoring group or individual.
11. The event sponsor must ensure the physical setting is safe for all in attendance.
12. The event sponsor must ensure that patrons do not engage in activities that could harm them or others.
13. Exits must be supervised.
14. A worker must be available upon request to ticket sellers who require assistance in managing a person who is refused a sale.
15. All bottles must be retained within the bar area and all drinks must be served in paper/plastic cups with the exception of bottled wine during the dinner portion of an event.
16. The licensee is to abide by the rules and requirements of the Municipal Alcohol Policy.
17. An authorized representative of the Township of East Ferris has the right to enter any Special Occasion Permit event and take control if necessary at the time.
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**APPENDIX “B”
AGREEMENT FORM FOR SPECIAL OCCASION PERMIT HOLDER**

- 1. I have received and reviewed a copy of the Township of East Ferris Municipal Alcohol Policy Guideline requirements for Special Occasion Permit Holders.
- 2. I understand that I/we must adhere to the conditions of the Township of East Ferris Municipal Alcohol Policy requirements and the requirements of the Liquor License Act of Ontario.
- 3. I/we understand that if I or other individuals at the event fail to adhere to the Township’s Municipal Alcohol Policy, the Township will act accordingly. This action may include eviction, revocation of the Special Occasion Permit and the notification of local authorities.
- 4. I/we understand I/we can be held liable for injuries and damages arising from the failure to adhere to the Liquor Licence Act of Ontario.
- 5. I/we agree to indemnify and hold harmless the Township of East Ferris, its agents and employees from and against any claims or actions brought against the Township of East Ferris as a result of the event sponsor/licensee occupying the Township’s premises.

Name

Witness

Date

Date

