



THE CORPORATION OF THE TOWN OF ERIN

By-Law # 24 – 24

Being a By-law to establish a Municipal Alcohol Policy for the Corporation of the Town of Erin and to repeal By-law 16-20.

Whereas, Section 5 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, (the Act) provides that a municipal power shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

And Whereas, Section 11 of the Act authorizes municipalities to pass by-laws respecting the health, safety and well-being of persons;

And Whereas, Section 23.1 of the Act authorizes a municipality to delegate its powers and duties under this or any other Act.

Now Therefore, the Council of the Corporation of the Town of Erin hereby enacts as follows:

1. That the appended Municipal Alcohol Policy hereby forms part of this By-law.
2. That the Director of Legislative Services & Town Clerk, or their designate, may exercise delegated authority to designate events as municipally significant in accordance with Ontario Regulation 747/21.
3. That this By-law repeals By-law 16-20.
4. And that this By-law shall come into force and take effect upon the day of its passing.

Passed in open Council on May 9, 2024.

Mayor, Michael Dehn

Clerk, Nina Lecic

Section: Parks, Recreation & Culture

Policy#: PR2024-01

Date Approved:

Municipal Alcohol Policy

Revision Date:

Review Date:

1. Scope

The Municipal Alcohol Policy (MAP) regulates the consumption of alcohol on properties owned or leased by the Town of Erin (hereinafter referred to as “the Town”) and applies to all such lands, buildings and structures.

2. Purpose

- 2.1 To provide guidance to individuals and organizations seeking to sell or serve alcohol as a component of events held on Town-owned or leased properties.
- 2.2 To promote responsible drinking and the health and safety of event-goers, organizers and Town staff by ensuring all such events comply with the *Liquor Licence and Control Act, 2019* (hereinafter referred to as “the Act”).
- 2.3 To minimize the Town’s liability from alcohol-related risks such as vandalism or destruction of property and injuries to individuals.

3. Definitions

- 3.1 **“Caterer’s Endorsement”** means an endorsement granted by the Alcohol and Gaming Commission of Ontario (AGCO) allowing for the sale and service of alcohol at catered events at locations other than the manufacturer’s licensed premises.
- 3.2 **“Event”** means any gathering held on Town-owned or leased properties at which alcohol will be served and/or sold.
- 3.3 **“Event Organizer”** means any person, who is 19 years of age or over, seeking to hold an Event.
- 3.4 **“Event Worker”** means any person who sells or serves liquor at an Event or is responsible for monitoring the consumption thereof.
- 3.5 **“Municipal Significance”** means a designation by the municipality, which is required under O. Reg. 747/21 in order to obtain a Special Occasion Permit for a Public Event, that the event is municipally significant.
- 3.6 **“Smart Serve”** means the mandatory server training program offered by Smart Serve Ontario and that is required for all Event Workers under this policy.
- 3.7 **“Special Occasion Permit”** means a permit issued by the AGCO authorizing the sale and/or service of alcohol anywhere other than a licensed establishment and may be of the following types:
 - “Private Events”** which are limited to invited guests only and may not be publicly advertised; and
 - “Public Events”** which are open to the public, may be publicly advertised, and may include fundraising and/or profit from the sale of liquor at the event.
- 3.8 **“Permit/Endorsement Holder”** means the individual(s) and/or organization(s) holding either a Special Occasion Permit or Caterer’s Endorsement and who, along with the Event Organizer, are responsible for the safety and sobriety of people attending an Event as well as compliance with the MAP and the Act.

4. Designation of Properties and Events

- 4.1 The sale and service of alcohol on premises other than licensed establishments and private places is prohibited, except under the authority of a Special Occasion Permit or Caterer’s Endorsement issued by the AGCO.

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- 4.2 The Town may permit the use of alcohol on any Town-owned or leased properties subject to the applicant meeting the conditions outlined within this policy, but has no legal obligation to allow licensed events to be held on its property. Further, the Town may impose on any Event whatever additional conditions it deems appropriate in the circumstances and such conditions need not be contained within this policy.
- 4.3 The Town Clerk, and/or any person designated by the Town Clerk, has delegated authority to grant a Municipal Significance designation for an Event.

5. Conditions for Use of Alcohol on Town Property

- 5.1 Anyone who wishes to sell or serve alcohol on Town property must obtain a Special Occasion Permit or hold a Caterer’s Endorsement issued by the AGCO and provide it to the Town a minimum of 10 days prior to the Event. All Permit/Endorsement Holders and Event Organizers are required to adhere to the following conditions:
 - a. The Permit/Endorsement Holder, Event Organizer, and Event Workers (e.g., door monitors) must request proof of identification prior to selling or serving alcohol. Only identification that is issued by a government, is current (expired ID is not valid), includes the person’s photograph, and includes the person’s date of birth may be accepted.
 - b. The Town reserves the right to determine and to reject at its discretion who may serve as bartenders, servers or monitors (collectively known as Event Workers).
 - c. The Permit/Endorsement Holder and Event Organizer will ensure that the bartenders and servers do not serve alcohol to persons deemed to be underage or intoxicated.
 - d. There shall be at least 1 monitor per 150 participants at an Event and 1 monitor at each entrance and exit to the facility or area as may be applicable. Monitors will supervise the Event, encourage legal and moderate drinking behavior and ensure that any problems that arise are responded to appropriately.
 - e. The bartenders, servers, and monitors shall not be under the influence of alcohol at any time during the Event while on duty.
 - f. A minimum of 10 days prior to the Event, the Permit/Endorsement Holder will provide to the Town proof of Smart Serve certification for all Event Workers working at the Event.
 - g. All Event Workers must wear highly visible identification approved by the Town.
 - h. The Permit/Endorsement Holder and Event Organizer will ensure that a variety of non-alcohol or low alcohol beverages are sold or served at the Event.
- 5.2 A minimum of 10 days prior to the Event, the Event Organizer must submit an original Certificate of Liability Insurance to the Town in the amount of \$2,000,000.00 issued by an insurance company satisfactory to the Town that is licensed to carry on business in Ontario and which must at a minimum include the following:
 - a. That the Town of Erin is shown as additionally insured on the policy
 - b. Coverage for bodily injury and property damage liability
 - c. A liquor liability endorsement

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- d. Tenants liability endorsement
- e. Products and completed operations liability
- f. Personal injury liability
- g. Advertiser's liability
- h. Thirty (30) day notice of cancellation provision
- i. Show cross liability endorsement and severability of interest provisions
- j. Show that the coverage is in effect on the date(s) of the Event

The Town reserves the right to amend the insurance and provisions at any time at their sole discretion in accordance with the exposure and risk of the Event.

- 5.3 The Event Organizer must rent the facility or park intended for the Event(s) and adhere to any related rental requirements not addressed under this policy as may be imposed by the Town.

6. Signage

The Town shall require signage be displayed on topics including but not limited to drinking responsibly, emergencies, Sandy's Law, and any boundaries applicable to the consumption of alcohol at the Event. Approved language for such signs shall be made available by the Town and any costs related to the procurement thereof shall be the responsibility of the Event Organizer.

7. Safe Transportation

The Permit/Endorsement Holder and Event Organizer will be responsible for promoting safe transportation options for all of the drinking participants. Examples of safe transportation options are:

- a. Designated drivers selected from non-drinking participants at the Event;
- b. Designated drivers provided by the Permit/Endorsement Holder and/or Event Organizer;
- c. Taxi or ride-share paid by the Permit/Endorsement Holder and/or Event Organizer or the participant;
- d. Buses chartered by the Permit/Endorsement Holder and/or Event Organizer.

8. Infractions and Violations

- 8.1 The Event Organizer has the duty to report to the Town incidents that violate the Act or MAP, including any related reports by an AGCO inspector, and that involve bodily injury or property damage.
- 8.2 Police shall be informed by the Event Organizer and/or designate as appropriate. Reports shall be made no later than 2 days after the conclusion of the Event, but shall be made immediately when repairs or other action is required to make municipal property secure or safe for use.

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9. Failure to Comply and Penalties

- 9.1 Where there has been a failure to comply with the Act, the Ontario Provincial Police or an AGCO inspector may intervene for enforcement purposes and may, at their discretion or other authority, terminate the Event. The Town may similarly cancel, intervene or terminate the Event for violations of the MAP.
- 9.2 It remains the responsibility of the Event Organizer and/or designate to manage the Event and to take appropriate actions, including ending the Event, vacating municipal property, maintaining insurance, any conditions of insurance, and providing safe transportation options.
- 9.3 Regardless of the reason for termination of the Event, the Town will not be responsible for any compensation to the Event Organizer or affected persons of their resulting financial or other losses.
- 9.4 The Town shall subsequently inform the Event Organizer and any organization they represent that there has been a violation of the policy and any imposed consequences or penalties including but not limited to loss of future Event privileges.

10. Review Schedule

The MAP shall be regularly reviewed based on changes to federal or provincial legislation and in consideration of best practice. The Town reserves the right to make discretionary changes to the MAP at any time, and will advise the Event Organizer of any such changes prior to Event.