



Corporate Policies, Programs and Procedures  
**Municipal Alcohol Policy – Policy No. 81**

<b>Title of Policy:</b>	Municipal Alcohol Policy	<b>Policy No.:</b>	81
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<b>Replaces:</b>	New	<b>Next Review Date:</b>	As Required
<b>Prepared By:</b>	Parks & Recreation Services	<b>Approval Authority:</b>	Council

**TABLE OF CONTENTS**

1. PURPOSE ..... 2

2. DEFINITIONS..... 3

3. OBJECTIVES..... 5

4. ROLES AND RESPONSIBILITIES..... 5

    4.1 General..... 5

    4.2 Organization ..... 6

    4.3 Fees and Charges ..... 6

    4.4 Clarification ..... 6

5. APPLICATION ..... 6

    5.1 General..... 6

    5.2 Exception ..... 6

6. DESIGNATION OF EVENT ..... 6

    6.1 Private Event ..... 7

    6.2 Public Event..... 7

    6.3 Industry Promotional Event ..... 7

    6.4 Outdoor Event ..... 8

    6.5 Multiple Day Event..... 9

    6.6 Exceptions ..... 10

7. DESIGNATION OF PREMISES ..... 10

    7.1 Facilities ..... 10

    7.2 Parks..... 11

    7.3 Exceptions ..... 11

6. FACILITY PERMIT ..... 11

6.1	General.....	11
6.2	Application for a Facility Permit .....	12
6.3	Evaluation .....	12
6.4	Authority .....	13
9.	TERMS AND CONDITIONS .....	13
9.1	General.....	13
9.2	Risk-Based Conditions.....	13
10.	RULES AND PROCEDURES .....	14
10.1	Prohibited Methods and Practices .....	14
10.2	Conditions .....	14
10.3	Information and Returns .....	16
11.	ADVERTISING.....	16
12.	SECURITY .....	17
12.1	General.....	17
12.2	Security Plan .....	17
13.	NOTIFICATION .....	17
14.	NON-COMPLIANCE.....	18
14.1	Failure to Comply.....	18
14.2	Procedures .....	18
14.3	Penalties .....	19
15.	INSURANCE.....	19
16.	INDEMNIFICATION .....	20
16.1	General.....	20
16.2	Waiver, Release and Indemnity .....	20
	SCHEDULE “A” to Policy No. 81.....	21
	Application for a Facility Permit.....	21
	SCHEDULE “B” to Policy No. 81.....	21
	Release, Waiver and Indemnity .....	21

## **1. PURPOSE**

The Corporation of the Town of Aurora is committed to providing a safe, secure, and enjoyable environment for Employees, Volunteers, patrons and the general public by

ensuring all Events where Alcohol will be served and/or sold under the authority of a Facility Permit and a Special Occasion Permit, held on Premises, are properly managed in accordance with the requirements of the *Occupiers Liability Act*, R.S.O. 1990, c. O.2, as amended, the *Liquor Licence Act*, R.S.O. 1990, c. L.19, as amended, and the Alcohol & Gaming Commission of Ontario.

This Policy outlines corporate standards, guidelines and principles for Employees, Volunteers, Council, the Permit Holder, patrons and the general public when it relates to the use of serving and/or selling of Alcohol on Premises, for Events requiring a Facility Permit, issued by the Town, and a Special Occasion Permit, issued by the Alcohol & Gaming Commission of Ontario.

## **2. DEFINITIONS**

2.1 In this Policy, the following words have the following meanings:

- a) “AGCO” means the Alcohol & Gaming Commission of Ontario, and any successor thereto;
- b) “Alcohol” means spirits, wine and beer or any combination thereof and includes any alcohol in a form appropriate for human consumption as a beverage, alone or in combination with any other matter. The terms “Alcohol” and “Liquor” are used interchangeably in this Policy;
- c) “Council” means the Council of The Corporation of the Town of Aurora;
- d) “Director” means the Director of Parks & Recreation Services for the Town or his/her designate or successor;
- e) “Employee” or “Employees” means a full-time, part-time, casual and temporary employee of the Town, and includes contract staff of the Town;
- f) “Event” or “Events” means a prescribed special occasion under subsection 19(1) of the *Liquor Licence Act*, including a Public Event, Private Event and/or Industry Promotional Event, which may be multiple day and/or outdoor, where Alcohol will be served and/or sold under the authority of a Facility Permit and a Special Occasion Permit, and covers the set-up, tear down, clean-up and other activities including ancillary that occur in, on or around any Premises related to the preparations for, conduct of or finalization of the Event and use of Premises;
- g) “Facility” or “Facilities” means all Town, and contractual related third party, owned or leased buildings and structures for which the Town is the legal owner or over which the Town has authority to grant use, including any and all buildings, structures, facilities, erections, and improvements located in or on such lands defined as a “Park”;
- h) “Facility Permit” means a Facility Contract/Permit issued by Parks & Recreation Services under this Policy for a Facility or a Park;
- i) “Fees and Charges By-law” means the by-law that includes the schedule of fees and charges for municipal services, activities and the use of property within the Town of Aurora, as may be amended from time to time;

- j) “Incident/Accident Form” means any form used by the Town for the purpose of documenting details of an incident/accident.
- k) “Industry Promotional Event” means a prescribed special occasion, under subsection 19(1) of the *Liquor Licence Act*, that is:
  - i) at which a manufacturer, a licensed representative of a manufacturer or the event organizer acting on behalf of a manufacturer or a licensed representative of a manufacturer may provide samples of liquor and take orders for liquor purchases, and
  - ii) that is conducted without the intention of gain or profit from the sale of liquor and is for the purpose of promoting a manufacturer’s products.
- k) “LCBO” means the Liquor Control Board of Ontario and any successor thereto;
- l) “Liquor” means the same as “Alcohol”;
- m) “*Liquor Licence Act*” means *Liquor Licence Act*, R.S.O. 1990, c. L.19., as amended;
- n) “*Occupiers Liability Act*” means the *Occupiers Liability Act*, R.S.O. 1990, c. O.2, as amended;
- o) “Park” or “Parks” means land and land covered by water and all portions thereof owned by or made available by lease, agreement, or otherwise to the Town, that is or hereafter may be established, dedicated, set apart or made available for use as public open space or trail, and that has been or hereafter may be placed under the jurisdiction of the Director;
- p) “Parks & Recreation Services” means the Parks & Recreation Services Department for the Town;
- q) “Permit Holder” means any person or organization who submits an application to hold an Event on Premises; any person or organization on whose behalf such application is submitted; and any person who shall attend and be responsible for the Event, as identified on a Facility Permit and Special Occasion Permit;
- r) “Premises” shall mean Facilities and/or Parks;
- s) “Policy” means this Municipal Alcohol Policy – Policy No. 81;
- t) “Private Event” means a prescribed special occasion, under subsection 19(1) of the *Liquor Licence Act* that is for invited guests only that is conducted without the intention of gain or profit from the sale of liquor;
- u) “Public Event” means a prescribed special occasion, under subsection 19(1) of the *Liquor Licence Act*, that is:
  - i) conducted by a charitable organization registered under the *Income Tax Act* (Canada) or by a non-profit association or organization for the advancement of charitable, educational, religious or community objects,
  - ii) an event of provincial, national or international significance, or

- iii) an event designated by a municipal council as an event of municipal significance;
- v) “Smart Serve” means a training certificate program for all individuals in the province of Ontario who serve or work where Alcohol beverages are sold and served, developed by Smart Serve Ontario, a division of the Hospitality Industry Training Organization of Ontario, and endorsed by the AGCO;
- w) “*Smoke Free Ontario Act*” means the *Smoke-Free Ontario Act*, S.O. 1994, c. 10, as amended;
- x) “Special Occasion Permit” means a permit issued under section 19 of the *Liquor Licence Act*;
- y) “Town” means The Corporation of the Town of Aurora; and
- z) “Volunteer” or “Volunteers” means a person(s) who voluntarily and willingly performs a service or specified undertaking for the Town without pay.

### **3. OBJECTIVES**

By way of adopting this Policy, it is the Town’s objective to outline consistent expectations for Employees, Volunteers, Council, the Permit Holder, patrons and the general public regarding the use of Alcohol on Premises, for Events, requiring a Special Occasion Permit, including:

- a) To provide clear operational procedures to manage all possible risks associated with the serving and/or selling of Alcohol in accordance with the requirements of the *Occupiers Liability Act* and in compliance with the *Liquor Licence Act*, and
- b) To encourage and support the responsible use of Alcohol as part of an Event, requiring both a Facility Permit issued by the Town and a Special Occasion Permit issued by the AGCO, on Premises, as well as the decision of those individuals who choose not to consume Alcohol.

### **4. ROLES AND RESPONSIBILITIES**

#### **4.1 General**

- a) This Policy applies to Employees and Volunteers as well as to members of Council. Visitors, contractors and service providers on Premises are afforded the same rights and expectations in this Policy, while performing authorized activities for the Town.
- b) This Policy applies to the Permit Holder and the general public, including any individual who wishes to use Premises for its intended purpose.
- c) It is the responsibility of Employees, Volunteers, Council, the Permit Holder, patrons and the general public to be aware of this Policy and to understand their obligations and responsibilities under this Policy. Users of Premises agree to be bound by the terms of this Policy.

#### **4.2 Organization**

- a) A Special Occasion Permit is needed any time Alcohol is offered for sale or served anywhere other than in a licensed establishment or a private place. The AGCO is responsible for administering the *Liquor Licence Act* and oversees the regulation of the Special Occasion Permit program, while the LCBO reviews and issues Special Occasion Permits on behalf of the AGCO; and
- b) A Facility Permit is needed any time permission has been granted for use of Premises. A Permit Holder shall obtain a Facility Permit from Parks & Recreation Services, in order for an Event, requiring a Special Occasion Permit, to be held on Premises. Parks & Recreation Services is responsible for administering Facility Permits, on behalf of the Town, and oversees its regulation.

#### **4.3 Fees and Charges**

A Permit Holder who obtains any of the Town's services, activities, or use of the Town's property as described in the Fees and Charges By-law shall pay to the Town the applicable fees or charges set out therein. Unless otherwise provided for in another by-law, such fees or charges are payable upon the person making such application, request, or purchase of the Town's services, activities, or use of the Town's property.

#### **4.4 Clarification**

It is the responsibility of the Permit Holder to understand all aspects of this Policy and to seek clarification of any matter that they consider unclear before submitting an application to Parks & Recreation Services. The Town is not responsible for any misunderstanding of the Policy on part of the Permit Holder. By submitting an application, as outlined in section 8 of this Policy, the Permit Holder agrees that all aspects of this Policy are understood by the Permit Holder and any clarification needed by the Permit Holder has been obtained.

### **5. APPLICATION**

#### **5.1 General**

This Policy shall apply to an Event that requires a Facility Permit issued by the Town and a Special Occasion Permit issued by the AGCO, to be held on Premises.

#### **5.2 Exception**

Notwithstanding section 5.1, this Policy does not apply to Town Events or Events run by third parties on behalf of and/or under contract/agreement with the Town.

### **6. DESIGNATION OF EVENT**

#### **A. Event Type**

A Permit Holder shall meet the requirements and conditions of a Facility Permit for an Event requiring a Special Occasion Permit and any applicable requirements in section 6 of this Policy for a Private Event, Public Event or Industry Promotional Event.

## 6.1 Private Event

### 6.1.1 *Private Event – Requirements*

A Permit Holder shall meet the following requirements for an Event to be identified as a Private Event:

- a) it is for invited guests only; and
- b) it is conducted without the intention of gain or profit from the sale of liquor.

## 6.2 Public Event

### 6.2.1 *Public Event – Requirements*

A Permit Holder shall meet one (1) of the following requirements for an Event to be identified as a Public Event:

- a) it is conducted by a charitable organization registered under the *Income Tax Act* (Canada) or by a non-profit association or organization for the advancement of charitable, educational, religious or community objects;
- b) it is of provincial, national or international significance; or
- c) it is designated by Council as an event of Town significance.

### 6.2.2 *Public Event - Conditions*

A Permit Holder who meets the requirements of a Public Event shall satisfy the following conditions, as a requirement of the Facility Permit for the Public Event:

- a) a registered charity under the *Income Tax Act* shall provide its registration number;
- b) a Public Event of Town significance requires a Council resolution or letter from a delegated Town authority.

## 6.3 Industry Promotional Event

### 6.3.1 *Industry Promotional Events – Requirements*

A Permit Holder shall meet the following requirements for an Event to be identified as an Industry Promotional Event:

- a) a manufacturer, a licensed representative of a manufacturer, or the Event organizer acting on behalf of a manufacturer or a licensed representative of a manufacturer provides samples of liquor and/or takes orders for liquor purchases at the Event, and
- b) the Event is conducted without the intention of gain or profit from the sale of liquor and is for the purpose of promoting a manufacturer's products.

### 6.3.2 *Industry Promotional Events - Conditions*

A Permit Holder who meets the requirements of an Industry Promotional Event shall satisfy the following conditions, as a requirement of the Facility Permit for the Industry Promotional Event:

- a) ensure the area is clearly defined, with a detailed sketch showing the dimensions of the area for which the Facility Permit will apply; and
- b) ensure that where the Event is for the purpose of market research and is in an open area, the area shall be separated from areas where the Facility Permit does not apply by a minimum 36” (0.9 m) high barrier.

**B. Events (Multiple Day and Outdoor)**

All Events may be eligible to be further identified as a multiple day and/or outdoor Event, for a Facility Permit, as follows:

**6.4 Outdoor Event**

**6.4.1 *Outdoor Event - Requirements***

A Permit Holder shall meet the following requirements for an Event to be identified as an outdoor Event:

- a) it takes place outdoors; or
- b) it takes place in a temporary structure, such as a tent, marquee, pavilion or tiered seating.

**6.4.2 *Outdoor Event - Conditions***

A Permit Holder who meets the requirements of an outdoor Event shall satisfy the following conditions, as a requirement of the Facility Permit for an outdoor Event:

- a) provide a detailed sketch showing the dimensions of the outdoor area to which the Facility Permit will apply;
- b) ensure the outdoor area is clearly defined and separated from areas where the Facility Permit does not apply by a minimum 36” (0.9 m.) high barrier;
- c) provide, at the Permit Holder’s expense, a minimum of one (1) toilet at the outdoor Event for every 240 people in attendance;
- d) ensure the outdoor Event is completely vacated by 11:00 p.m. unless a different time is approved in writing by the Director;
- e) it is approved in accordance with all applicable policies and by-laws that apply to the outdoor location where the outdoor Event will take place; and
- f) comply with the notice provisions in subsection 6.4.3 of this Policy.

**6.4.3 *Outdoor Event - Notice Provisions***

- a) For all outdoor Events, the Permit Holder shall give written notification of the Event, including a detailed physical sketch identifying the physical boundaries, to the following local authorities:



1. Municipal Clerk's Department

The Corporation of the Town of Aurora  
Attention: Director of Customer & Legislative Services/Town Clerk  
100 John West Way, Box 1000  
Aurora, ON L4G 6J1

2. Police

York Regional Police  
17250 Yonge Street  
Newmarket, ON L3Y 4W5

3. Fire

Central York Fire Services  
984 Gorham Street  
Newmarket, ON L3Y 1L8

4. Health Department

The Regional Municipality of York  
17250 Yonge Street  
Newmarket, ON L3Y 4W5

- b) If a tent, marquee, pavilion or tiered seating is used, the Town's Building & By-law Services Department shall also be notified in writing by the Permit Holder.
- c) The notification for all outdoor Events shall be given:
  - At least thirty (30) days before the Event is to take place if fewer than 5,000 people per day are expected to attend the Event; or
  - At least sixty (60) days before the Event is to take place if 5,000 people or more per day are expected to attend the Event.
- d) Additional notice periods may be required in accordance with other Town Policies.

6.5 Multiple Day Event

6.5.1 *Multiple Day Event - Requirements*

A Permit Holder shall meet the following requirements for an Event to be identified as a multiple day Event:

- a) each Event is one in a series of Events;
- b) the application for the Facility Permit is for all of the Events (multiple dates);
- c) the nature, purpose, location and target audience of each of the Events (multiple dates) are the same; and

- d) as a result of doing so, the Permit Holder is not operating an ongoing business, or does not appear to be doing so.

#### **6.5.2 Multiple Day Event - Conditions**

A Permit Holder who meets the requirements of a multiple day Event shall satisfy the following conditions, as a requirement of the Facility Permit for a multiple Day Event:

- a) provide the location where the Alcohol sold under the Special Occasion Permit is to be stored;
- b) store the Alcohol in a secure area that is not a dwelling;
- c) ensure that the Alcohol is stored separately from any Alcohol not purchased under the Special Occasion Permit;
- d) provide Parks & Recreation Services with a list of persons with access to the location; and
- e) ensure that the Alcohol is made available to the Town, AGCO Inspectors and York Regional Police for inspection upon request.

#### **6.6 Exceptions**

All Events targeted exclusively or primarily to youth under the legal, provincial drinking age of nineteen (19) years are not eligible to receive a Facility Permit, and therefore are not eligible to hold an Event requiring a Special Occasion Permit at any Premises.

### **7. DESIGNATION OF PREMISES**

#### **7.1 Facilities**

##### **7.1.1 Facilities – Eligible**

An Event may be eligible for a Facility Permit, subject to section 6 of this Policy where such Event requires a Special Occasion Permit, to be held in specific rooms or in general public or common areas/spaces located in the following Facilities:

- a) Aurora Community Centre;
- b) Aurora Seniors Centre;
- c) Aurora Town Hall;
- d) Church Street School Cultural Centre;
- e) Factory Theatre;
- f) Highland Park Clubhouse; and
- g) Victoria Hall.

##### **7.1.2 Facilities - Non-Eligible**

An Event that is to be held in the following Facilities, where Alcohol is prohibited, is not eligible for a Facility Permit:

- a) Club Aurora Fitness Centre;
- b) All change rooms, washrooms, locker rooms, pools, pool decks, and pool viewing galleries that are located in Town Facilities;
- c) All rooms, general public or common areas or spaces located in Facilities not specifically designated in section 7.1.1 of this Policy as eligible; and
- d) All other Town Facilities not specifically designated in section 7.1.1 of this Policy as eligible.

## **7.2 Parks**

### **7.2.1 Parks – Eligible**

A Facility Permit is eligible for an Event, subject to section 6 of this Policy, requiring a Special Occasion Permit, in the following Parks:

- a) Fleury Park;
- b) Highland Park;
- c) Lambert Willson Park;
- d) Machell Park; and
- e) Town Park.

### **7.2.2 Parks - Non-Eligible**

Parks where Alcohol is prohibited, and therefore not eligible for a Facility Permit, shall include:

- a) Baseball diamonds;
- b) Soccer fields;
- c) Trail areas;
- d) All change rooms and washrooms located in Town Parks; and
- e) All other Town Parks, including outdoor public areas, not specifically designated in section 7.2.1 of this Policy as eligible.

## **7.3 Exceptions**

Premises which are not identified in subsections 7.1.1 and 7.2.1 of this Policy as eligible and not prohibited under subsections 7.1.2 and 7.2.2 of this Policy may be designated as permitted Premises for an Event, under a Facility Permit, subject to the written approval of the Director, prior to the Permit Holder submitting an Application for a Special Occasion Permit with the AGCO.

## **6. FACILITY PERMIT**

### **6.1 General**

A Permit Holder shall,

- a) Be of the provincial legal drinking age of nineteen (19) years; and
- b) Submit an Application for a Facility Permit, attached to this Policy as Schedule “A”, to Parks & Recreation Services and receive the necessary approval from the Town prior to the Permit Holder submitting an Application for a Special Occasion Permit with the AGCO.

## 6.2 Application for a Facility Permit

The Permit Holder shall be required to sign and return one (1) original signed copy of the Application for a Facility Permit, attached to this Policy as Schedule “A”, to Parks & Recreation Services:

- a) thirty (30) days prior to the commencement of the Event (or the commencement of the first Event in the case of a multiple day Event), to be held at a Facility; or
- b) sixty (60) days prior to the commencement of the Event (or the commencement of the first Event in the case of a multiple day Event), to be held at a Park.

## 6.3 Evaluation

When reviewing an Application for a Facility Permit, Parks & Recreation Services shall consider but are not limited to the following:

- a) the nature, type and purpose of the Event, subject to section 6 of this Policy;
- b) the location of the Event, to be held at an eligible Premises, subject to section 7 of this Policy;
- c) the date and day of the week when the Event is to be held and, if applicable, the date and day of the week the Event was last held;
- d) for each date of the Event, the time that set-up or assembly will commence, the time that the Event will commence, and the time that the Event will finish including clean-up time;
- e) the number and type of participants involved in the Event, including, but not limited to, individuals, bands, and security;
- f) for a Public Event, if applicable, evidence that the conditions in section 6 of this Policy have been satisfied;
- g) for an Industry Promotional Event, if applicable, evidence that the conditions in section 6 of this Policy have been satisfied;
- h) for a multiple day Event, if applicable, the dates and days of the week when the Event is to be held and, if applicable, the dates and days of the week the Event was last held;
- i) for an outdoor Event, if applicable, evidence that the conditions, including the notice provisions in section 6 of this Policy, have or will be satisfied, as outlined;
- j) impact upon neighbouring properties and users;
- k) proximity to public transportation services;

- l) adequate availability of space, parking and washrooms;
- m) no unreasonable risk to public safety or the public interest;
- n) any Fees and Charges, if applicable;
- o) the Permit Holder shall be in good standing with the Town, with no unresolved issues of non-compliance related to this Policy or related Town by-laws, policies, programs and procedures;
- p) compliance with the *Liquor Licence Act* and all relevant federal, provincial and municipal statutes, regulations and by-laws pertaining to the Event; and
- q) any additional information or documentation for the purposes of administering the Application for a Facility Permit, as requested by the Director.

#### 6.4 Authority

The Director shall have the authority to grant, refuse or grant with conditions a Facility Permit for an Event requiring a Special Occasion Permit to be held at an eligible Facility and/or Park identified in section 7 of this Policy.

## **9. TERMS AND CONDITIONS**

### 9.1 General

As a condition of the Facility Permit, a Permit Holder shall:

- a) Provide proof to Parks & Recreation Services that the appropriate Special Occasion Permit has been secured fourteen (14) days prior to the Event date;
- b) Ensure that all volunteers, workers and other staff involved in the selling and/or serving of liquor hold a Smart Serve certificate and/or other program certificate approved by the Board of AGCO and that a copy of such certificate shall be provided to Parks & Recreation Services fourteen (14) days prior to the Event date;
- c) Provide to the Parks & Recreation Services a copy of a valid Insurance Certificate for General Liability Insurance, as outlined in section 15 of this Policy, clearly designating the Town as an additional insured, fourteen (14) days prior to the Event; and
- d) Indemnify the Town by returning two (2) original signed copies of the Waiver, Release and Indemnity, attached to the Policy as Schedule “B”, to Parks & Recreation Services fourteen (14) days prior to the Event date, as required in section 16 of this Policy.

### 9.2 Risk-Based Conditions

In addition to the one or more risk-based permitting conditions that may be attached to a Special Occasion Permit by the AGCO, the Permit Holder shall comply with the rules and procedures in section 10 of this Policy, as a requirement of the Facility Permit.

## **10. RULES AND PROCEDURES**

### **10.1 Prohibited Methods and Practices**

A Permit Holder shall:

- a) Not supply Alcohol to any person except in accordance with the conditions of the Facility Permit;
- b) Not require a person to purchase a minimum number of drinks in order to gain entry to, or remain on, the Premises;
- c) Not engage in or allow practices which may tend to encourage the immoderate consumption of Alcohol by a person attending the Event;
- d) Ensure that the price of Alcohol or a drink containing Alcohol is the same during all hours of operation of the Event;
- e) Not permit contests on the Premises to which the Facility Permit applies that involve the purchase or consumption of Alcohol; and
- f) Not permit free Alcohol to be offered or given to a customer as a prize in a contest.

### **10.2 Conditions**

A Permit Holder shall:

- a) Be present at all times during the Event;
- b) Post the Special Occasion Permit in a visible place on the Premises to which the Facility Permit applies or shall keep it in a place where it is readily available for inspection;
- c) Ensure that Alcohol sold and served is from an authorized government retail store (LCBO, LCBO Agency Store, the Beer Store or authorized manufacturer's retail store);
- d) Post the receipt(s) for the Alcohol purchased, if any, in a visible place on the Premises to which the Facility Permit applies or shall keep it in a place where it is readily available for inspection;
- e) Provide security sufficient to ensure that unauthorized persons do not attend the Event and to ensure that the conditions of the Facility Permit and requirements of the *Liquor Licence Act* are observed, as outlined in section 12 of this Policy;
- f) Ensure that no Alcohol is sold or served from a vending machine on the Premises to which a Facility Permit applies;
- g) Ensure that Alcohol is sold and served only during the hours specified on the Facility Permit;
- h) Not sell or serve Alcohol unless there is a supply of food sufficient to serve the persons attending the Event to which the Facility Permit applies, where such food shall be made available not later than 30 minutes after Alcohol is first served and shall remain available until the bar closes;

- i) Ensure that a minimum 30% of the Alcoholic purchased for sale or consumption at the event is low-alcohol in nature (e.g. light beer, wine and alcohol spirits);
- j) Ensure that non-alcoholic beverages are also available for the duration of the Event either free of charge or at a lower price than alcoholic beverages;
- k) Promote a safe transportation strategy by ensuring:
  - i) promotion of a Designated Driver (DD) program on signs, required under section 13 of this Policy;
  - ii) promotion of taxis, buses or other forms of alternative transportation on signs at the Event, required under section 13 of this Policy;
  - iii) calling of a friend, relative, or taxi to assist intoxicated drivers; or
  - iv) if necessary, calling of York Regional Police.
- l) Ensure that no person shall sell or supply Alcohol to a person under nineteen (19) years of age.
- m) Ensure that no person shall sell or supply Alcohol to any person who appears to be under nineteen (19) years of age.
- n) Ensure that, before Alcohol is sold or served to any person apparently under the age of nineteen (19), an item of identification of the person is inspected. The following types of identification are prescribed for the purpose of this Policy:
  - i) a driver's licence issued by the Province of Ontario with a photograph of the person to whom the licence is issued;
  - ii) a Canadian passport;
  - iii) a Canadian citizenship card with a photograph of the person to whom the card was issued;
  - iv) a Canadian Armed Forces identification card;
  - v) a secure certificate of Indian status issued by the Government of Canada;
  - vi) a photo card issued by the LCBO;
  - vii) a permanent resident card issued by the Government of Canada; or
  - viii) a photo card issued under the *Photo Card Act, 2008*.
- o) Ensure that if a condition of the Facility Permit prohibits the entry of persons under nineteen (19) years of age at the Premises to which the permit applies, then an item of identification listed in subsection (n) shall be inspected before admitting a person apparently under that age to the Premises;
- p) Ensure that no person enters behind the bar during the hours that Alcohol is sold or served unless the person is,
  - i) an employee or other person authorized by the Permit Holder to enter behind the bar;
  - ii) an employee of the AGCO;

- iii) a police officer;
  - iv) a government inspector, Employee, or Volunteer who is in the course of carrying out his or her duties; or
  - v) a licensed representative of a manufacturer who is in the course of carrying out his or her duties.
- q) Ensure that the police officers acting in the course of their duties are given access to the Premises to which the Facility Permit applies and to the adjacent washrooms, Alcohol and food preparation areas under the exclusive control of the Permit Holder;
  - r) Ensure inspectors employed by the AGCO are given access to carry out inspections for the purpose of determining where there is compliance with the *Liquor Licence Act* and its regulations;
  - s) Ensure that all volunteers, workers and other staff involved in the Event shall refrain from consuming alcohol prior to and during the Event;
  - t) Not permit drunkenness, unlawful gambling or riotous, quarrelsome, violent or disorderly conduct to occur on the Premises to which the Facility Permit applies or in the adjacent washrooms, Alcohol and food preparation areas and storage areas under the exclusive control of the Permit Holder;
  - u) Display signs as required in section 13 of this Policy;
  - v) Ensure that all bottles remain behind the licensed bar area. Alcohol shall be served in non-glass containers, with the exception of glassware and table service which may be permitted in specified locations with the written approval of the Director. Wine glasses may be placed on tables and used only during a sit-down Event; and
  - w) Ensure that all signs of the sale and service of Alcohol are cleared within 45 minutes of the end time stated on the Facility Permit, where this includes the removal of all containers with partially or fully consumed Alcohol contents.

### 10.3 Information and Returns

A Permit Holder shall:

- a) Keep records describing all purchases, sales and stocks of Alcohol under the Special Occasion Permit; and
- b) Keep the records for six (6) months and shall provide them to the Town upon request.

## 11. **ADVERTISING**

- a) A Permit Holder for a Private Event is not permitted to advertise or promote Alcohol or the availability of Alcohol;
- b) A Permit Holder for a Public Event or Industry Promotional Event may advertise or promote the availability of Alcohol only in accordance with the Advertising



Guidelines of the AGCO.

12. **SECURITY**

12.1 General

- a) The Permit Holder shall provide security sufficient to ensure that unauthorized persons do not attend the Event and to ensure that the conditions of the Facility Permit and requirements of the *Liquor Licence Act* are observed.
- b) In determining whether security is sufficient, the Permit Holder shall consider:
  - i) the nature of the event;
  - ii) the size of the Premises; and
  - iii) the age and number of persons attending the Event.
- c) All costs associated with providing sufficient security shall be borne by the Permit Holder.

12.2 Security Plan

- a) The Permit Holder, at the discretion of the Director, shall submit a security plan when an Event is publicly advertised or when an anticipated attendance or the type of Event warrants such a plan.
- b) All costs associated with the security plan shall be borne by the Permit Holder.

13. **NOTIFICATION**

The following temporary signs shall be displayed by the Permit Holder prominently in specific designated areas, in sizes and quantities suitable to the space, as identified by the Parks & Recreation Services:

a) Accountability Statement

*Name of Sponsor/Permit Holder:*

\_\_\_\_\_

*Date of Event:*

\_\_\_\_\_

*In Case of Emergency: 911  
York Regional Police: (905) 830-0303  
Town Hall Aurora: (905) 727-3123  
Alcohol and Gaming Commission of Ontario: 1-800-522-2876*

b) Designated Drivers Statement

*Don't Drink and Drive! Call a taxi or use public transportation!  
We strongly support the Designated Drivers Program and appreciate and thank our Designated Drivers for their contributions to the health and safety of their*

*families, friends and the community.*

- c) No “Last Call” Statement  
*There will be no “Last Call” announcement prior to the bar closing.*
- d) Sandy’s Law  
*The consumption of alcohol during pregnancy is the cause of Fetal Alcohol Spectrum Disorder.*
- e) Ticket Sales for Liquor Statement  
*No more than two (2) tickets per person may be redeemed at any one time.*

#### **14. NON-COMPLIANCE**

##### **14.1 Failure to Comply**

A violation occurs when a Permit Holder fails to:

- a) Comply with the requirements set out in this Policy;
- b) Comply with the requirements and regulations of the *Liquor Licence Act*;
- c) Comply with all applicable rules and regulations, standards, policies and procedures of the Town and all Town By-laws, including, but not limited to, Town Noise By-law Number 4787.06.P, as amended;
- d) Comply with all federal and provincial statutes that apply to the use of the Premises and/or holding of the Event (including, but not limited to, the *Smoke-Free Ontario Act* and *Occupiers’ Liability Act*); or
- e) Ensure all individuals attending the Event, including Event workers, comply with this Policy.

##### **14.2 Procedures**

###### **14.2.1 Reporting of Violations**

A Permit Holder shall:

- a) Where a Premises is staffed by an Employee or Volunteer, report all violations to the designated Employee or Volunteer at the Premises as soon as possible, or if an Employee or Volunteer cannot be located, to Parks & Recreation Services at Town Hall by the start of the next working day, and Parks & Recreation Services staff shall file an Incident/Accident Report;
- b) Where a Premises is not staffed by an Employee or Volunteer, report all violations to Parks & Recreation Services at Town Hall by the start of the next working day, and Parks & Recreation Services staff shall file an Incident/Accident Report;
- c) Notify, as appropriate and as soon as possible, Employees, Volunteers, York Regional Police, Central York Fire Services, Municipal Law Enforcement Officer, Building Inspector and/or an Inspector of the AGCO.

#### 14.2.2 Responding to Violations

- a) The Permit Holder, Employees, Volunteers, a member of the York Regional Police, Central York Fire Services, Building Inspector, Municipal Law Enforcement officer and/or an Inspector of the AGCO can intervene when he/she encounters a violation, or in response to a violation, of this Policy and/or the Special Occasion Permit.
- b) Parks & Recreation Services shall be responsible for collecting, recording and forwarding all information regarding a situation/incident to the Director;
- c) The Director shall be responsible for investigating, resolving and determining sanction, if any, on all reported Policy or procedure violations that occur at an Event.
- d) As the Director may terminate, suspend or modify the privileges of the individual or organization found to have violated the provisions of this Policy, individuals who have been banned from Premises for more than 24 hours will be notified of the ban in writing.

#### 14.3 Penalties

A Permit Holder who fails to comply, as outlined in section 14.1 of this Policy, is subject to penalties that shall include, but are not limited to the following:

- a) immediate correction and/or shut down of an Event, at the discretion of an Employee who is a Facility Manager or Supervisor or an individual having operational jurisdiction over the Facility or Park on behalf of the Town;
- b) loss of their entire or a portion of their deposit to pay for corrective action, additional costs or damages, as may be determined by the Director;
- c) loss of privilege to hold a future Event involving a Special Occasion Permit in a Facility and/or Park, as may be determined by the Director;
- d) involvement of York Regional Police, if necessary;
- e) involvement of the AGCO, if necessary;
- f) such other action, including permanent banning from Facilities and/or Parks, or long term/indefinite suspension of future Premises rental privileges, as may be determined by the Director; and/or
- g) notwithstanding this Policy, the Town reserves to itself, all legal rights and remedies it may have in relation to the activities of the Permit Holder.

### **15. INSURANCE**

The Permit Holder shall provide a certificate of insurance confirming General Liability insurance fourteen (14) days prior to the Event. The limit shall be no less than Five Million Canadian Dollars (**\$5,000,000.00 CAD**) per occurrence and coverage shall include but not be limited to bodily injury including death, personal injury, property damage including loss of use thereof, contractual liability, liquor liability up to the full

policy limits and contain a cross liability clause. The Corporation of the Town of Aurora shall be named as an additional insured.

## **16. INDEMNIFICATION**

### **16.1 General**

The Permit Holder shall indemnify and save harmless the Town and its Employees and Volunteers from any and all claims, demands, causes of action, losses, costs or damages that the Town may suffer, incur or be liable for, resulting from the Permit Holder's, Event workers and agents performance, actions and negligent acts or omissions in connection with the holding of an Event involving the issuance of a Facility Permit and the serving of Alcohol on Premises.

### **16.2 Waiver, Release and Indemnity**

The Permit Holder shall be required, as a condition of the Facility Permit, to sign and return two (2) original signed copies of the Waiver, Release and Indemnity, attached to this Policy as Schedule "B", to Parks & Recreation Services, fourteen (14) days prior to the commencement of the Event (or the commencement of the first Event in the case of a multiple day Event), as required in subsection 9.1 of this Policy.

**SCHEDULE “A” to Policy No. 81  
Application for a Facility Permit**

**SCHEDULE “B” to Policy No. 81  
Release, Waiver and Indemnity**

*(SUBJECT TO FURTHER REVISION & AMENDMENT BY THE TOWN AT ITS SOLE DISCRETION)*

**BETWEEN:**

**[NAME OF PERMIT HOLDER]**  
(hereinafter referred to as the “Permit Holder”)

- AND -

**THE CORPORATION OF THE TOWN OF AURORA**  
(hereinafter referred to as the “Town”)

**Designation of Event:**  
*(as outlined in section 6 of the Municipal Alcohol Policy)*

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**Designation of Premises:**

(as outlined in section 7 of the Municipal Alcohol Policy)

---

**Date(s) of Event:**

(as listed on the Facility Permit and Special Occasion Permit)

---

(hereinafter referred to as the “Event”)

I, the Permit Holder, agree to comply with the requirements set out in the Town’s Municipal Alcohol Policy, the requirements and regulations of the *Liquor Licence Act*, R.S.O. 1990, c. L.19, as amended, all rules and regulations, standards, policies and procedures of the Town and all Town By-laws, including, but not limited to, Town Noise By-law Number 4787.06.P, as amended, and all federal and provincial statutes that apply to the use of the Premises and/or holding of the Event (including the *Smoke-Free Ontario Act*, S.O. 1994, c. 10, as amended, and *Occupiers’ Liability Act*, R.S.O. 1990, c. O.2, as amended);

I, the Permit Holder, do HEREBY RELEASE, WAIVE AND FOREVER DISCHARGE, the Town and its agents, officials, employees, volunteers, contractors, representatives, elected and appointed officials, successors and assigns OF AND FROM ALL claims, demands, damages, costs, expenses, actions and causes of action whether in law or equity in respect of death, injury, loss or damage to any person or property, HOWSOEVER CAUSED, arising from or in connection with the Event by the Permit Holder or those for whom the Permit Holder is responsible or who are acting on behalf of the Permit Holder.

THE RELEASEE DOES FURTHER HEREBY UNDERTAKE TO HOLD AND SAVE HARMLESS AND AGREE TO FULLY INDEMNIFY the Town and its agents, officials, employees, volunteers, contractors, representatives, elected and appointed officials, successors and assigns OF AND FROM ALL all claims, demands, causes of action, loss, costs or damages that the Town may suffer, incur or be liable for, which arise from or in connection with the Event by the Permit Holder or those for whom the Permit Holder is responsible or who are acting on behalf of the Permit Holder, EXCEPT for those arising from the negligence or wilful misconduct of the Town, or any party for whom the Town is responsible at law.

I, the Permit Holder, am aware of the nature and effect of the RELEASE, WAIVER AND INDEMNITY that I am signing. I am executing this RELEASE, WAIVER AND INDEMNITY freely, voluntarily, and under no compulsion or duress, and have not been induced by reason of any representation or warranty of any nature or kind whatsoever, that the Permit Holder has executed it, and understands the terms and conditions contained herein and there are no other conditions, representations or agreements, express or implied, affecting the release.

EXECUTION OF THIS DOCUMENT IS AN ACKNOWLEDGEMENT THAT THE PERMIT HOLDER HAS READ, UNDERSTOOD AND AGREED TO THIS RELEASE, WAIVER AND INDEMNITY.

Intending to be legally bound, I, the Permit Holder, have signed this RELEASE, WAIVER AND INDEMNITY this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

Name of Permit Holder (Please Print):

\_\_\_\_\_

Name of Witness (Please Print):

\_\_\_\_\_

Signature of Permit Holder:

\_\_\_\_\_

Signature of Witness:

\_\_\_\_\_

Dated: \_\_\_\_\_

Personal information contained on this form is collected and retained under the authority of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, and the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, as amended. This information is collected for the administration and management of the Town's Municipal Alcohol Policy.