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BY-LAW 2003-209

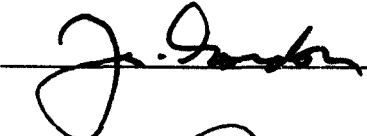
**A BY-LAW OF THE CITY OF GREATER SUDBURY
TO ADOPT AN ALCOHOL RISK MANAGEMENT POLICY**

WHEREAS the Council of the City of Greater Sudbury deems it advisable to
adopt an Alcohol Risk Management Policy;

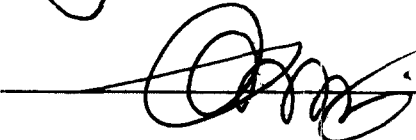
**NOW THEREFORE THE COUNCIL OF THE CITY OF GREATER SUDBURY
HEREBY ENACTS AS FOLLOWS:**

1. An Alcohol Risk Management Policy for the City of Greater Sudbury is hereby adopted, and attached hereto as Schedule "A".
2. This By-law shall come into force and take on December 1, 2003.

READ THREE TIMES AND PASSED IN OPEN COUNCIL this 12th day of
August, 2003.



Mayor



Clerk

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ALCOHOL RISK MANAGEMENT POLICY
of the City of Greater Sudbury

1.
Purpose

The City of Greater Sudbury owns and manages facilities where alcohol consumption is permitted under the authority of either a Liquor Licence or a Special Occasion Permit. The City is committed to providing a safe and enjoyable environment for the users of its facilities and has developed this policy to prevent problems related to the consumption of alcohol.

2. Policy objectives

The Alcohol Risk Management Policy consists of a range of measures designed to:

- ensure there are responsible management practices at social events held in municipally owned facilities where alcohol use is permitted.
- prevent alcohol related problems at these events.
- minimize the legal responsibility of facility users and volunteers as well as the Municipality's legal liability.
- promote awareness of the responsibilities of Special Occasion Permit Holders as the organizers of social events.

3. Facility Classifications

All City of Greater Sudbury facilities have been evaluated for their suitability for Special Occasion Permit events. Specific areas within each property have been identified as suitable for alcohol consumption.

3.1 Facilities Designated as Not Eligible for Special Occasion Permits or the Consumption of Alcohol

3.1.1 Municipal facilities, such as:

- playing surfaces, including but not restricted to soccer fields, football fields, baseball diamonds, basketball, volleyball and tennis courts
- playground equipment areas
- trails
- indoor pools

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- picnic areas, rest shelters and gazebos, except those permitted in Appendix "A"
- waterfront areas, beaches, green spaces and gardens, except those permitted in Appendix "A"

3.1.2 Citizen Service Centres and Libraries

3.1.3 Cemeteries and Mausoleums

3.1.4 Museums

3.1.5 All other municipally owned facilities, buildings and property not specifically designated in clause 3.2 as eligible for Special Occasion Permit events or Alcohol use.

3.2 Facilities Designated for the Conditional Use of Alcohol

The following facilities and areas are currently designated for alcohol use under the authority of a Special Occasion Permit and compliance with the facility permit process. The City reserves the right to change the designation of any site at its discretion and to refuse any application to permit a licensed event on its property.

3.2.1 Community Centres

3.2.2 Arenas, excluding:

- bleachers;
- dressing rooms; and
- ice surfaces, unless covered or removed.

3.2.3 Playground field houses

3.2.4 Those facilities listed in Appendix "A".

4. Events Designated as Not Eligible for Special Occasion Permits or Consumption of Alcohol

- All youth events and all minor sport events, including banquets, are designated as events not suitable for Special Occasion Permits. Associated adult evening social events commencing after 9:00 p.m. will be permitted, however, no one under the age of 19 will be allowed entry to the licensed event.
- Outdoor events, with the exception of community festivals.

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5. Conditions required for Special Occasion Permits

5.1 Youth Admittance to Adult Events

Persons under the legal drinking age will not be admitted to licensed social events held after 9:00 p.m., being held in or at municipally owned facilities, except in the case of a family occasion such as a wedding or anniversary celebration.

In the case of daytime licensed events such as adult tournaments and special community festivals, underage youth have permission to enter licensed areas as long as they are accompanied by a responsible adult. Underage youth must **not** be provided or served alcohol directly or indirectly by an adult.

5.2 Provision of Low Alcohol Beverages and Food Items

Low alcohol and non alcohol beverages must be available throughout the duration of the event, at no charge or at a price substantially lower than that charged for alcohol drinks. An assortment of food items, sufficient to serve the number of persons to attend the event, must also be available. Snacks (for example, potato chips, peanuts or pretzels) are not considered food.

5.3 Standard Alcohol Content Beverages

Extra alcohol content drinks are not permitted. The standard alcohol content for beer is 5%, wine is 12% and liquor is 40%.

5.4 Alcohol Marketing Practices

Marketing practices which encourage increased consumption such as oversized drinks, double shots of spirits, drinking contests, volume discounts and unattended free alcohol, are not permitted.

5.5 Signage

The following signs shall be prominently displayed in Special Occasion Permit designated Facilities during all licensed functions in sizes appropriate to the facility and the space to be used.

5.5.1 Statement of Intoxication

The following statement will appear on a wall sign in the bar area:

"The City of Greater Sudbury is pleased to provide recreation facilities for the enjoyment of the community. Servers are required by law not to serve an intoxicated person or to serve anyone to the point of intoxication. Low and non alcohol beverages and food items are required to be provided by event organizers."

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* * *

"La Ville du Grand Sudbury a le plaisir de fournir des installations de loisir à la collectivité. La loi interdit aux serveurs de servir une personne en état d'ivresse ou de servir quelqu'un au point de l'enivrer. Les organisateurs de l'événement doivent offrir des boissons peu ou pas alcoolisées et de la nourriture."

5.5.2 "Ride" Awareness

The following statement will appear on a wall sign at each of the main exits:

"The Greater Sudbury Police Service thanks you for helping to reduce impaired driving everywhere in Greater Sudbury and area. We look forward to personally thanking you at one of our spot checks for leaving this event a sober driver."

* * *

"Les Services Policiers du Grand Sudbury vous remercient d'aider à réduire la conduite en état d'ébriété partout dans le Grand Sudbury et dans la région. Nous avons hâte de vous remercier personnellement lors de l'un de nos contrôles ponctuels pour avoir quitté cet événement en tant que conducteur à jeun."

5.5.3 Accountability

Event sponsors shall post signs at all main exits and in bar areas stating the name of the sponsor, the event licence holder, and shall provide the address and telephone number of the Citizen and Leisure Services Department and the Greater Sudbury Police Service.

5.6 Server Training

To be eligible for a facility permit for a Special Occasion Permit event, facility permit holders must demonstrate to the satisfaction of the City that all event supervisors, servers, floor and door monitors, and ticket sellers working in the Special Occasion Permit area, are 18 years of age or older, have attended a C.A.M.H. Smart Serve / S.I.P Course and have been trained in responsible server techniques. The permit holder will provide the City with the names of the above persons together with appropriate proof of training, ten (10) days prior to the event. The permit holder must ensure that only those persons on the list serve alcohol beverages at the event.

- 5.6.1. Notwithstanding section 5.6 up to May 31st, 2004, Smart Serve certification of event workers in Special Occasion Permit areas shall be required for only fifty (50) per cent of such workers. This exception to the requirements of section 5.6 expires on June 1st, 2004.

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5.7 Staffing Ratios

The facility permit holder shall have staffing levels sufficient to effectively monitor the entrances, exits and patron alcohol consumption at all times.

The following minimum numbers of event workers are required, based on the attendance indicated on the Special Occasion Permit:

| <u>Number of Participants</u> | <u>Bartenders / Servers</u> | <u>Door Floor Supervisors</u> | <u>Supervisors per entrance</u> | <u>Ticket Sellers</u> |
|--------------------------------------|------------------------------------|--------------------------------------|--|------------------------------|
| 0-50 | 1 | 1 | 1 | 1 |
| 51-100 | 2 | 1 | 1 | 1 |
| 101-300 | 2 | 2 | 2 | 2 |
| 301-500 | 3 | 3 | 2 | 2 |
| 501 + | 6 | 4 | 4 | 4 |

The required number of event workers may be increased at the discretion of City staff.

5.8 Event Controls

To be eligible for a facility permit for a Special Occasion Permit event, facility permit holders must demonstrate to the satisfaction of the City that the Alcohol Risk Management Policy is understood, that the requirements will be strictly observed, and that sufficient controls are in place which will assist in ensuring compliance with the policy. These controls include:

5.8.1 The event organizer shall obtain a Special Occasion Permit from the Liquor Licence Board of Ontario. Evidence of such permit shall be provided to City staff at least ten (10) days prior to the event.

5.8.2 The Special Occasion Permit Holder shall display the Special Occasion Permit in the immediate area where the alcohol is sold or distributed.

5.8.3 The City reserves the right to require a security plan to be submitted and/or the presence of police officers or qualified security personnel be provided for the duration of the event, the cost of which shall be borne by the Special Occasion Permit Holder.

5.8.4 The event shall be monitored by certified Smart Serve trained event workers 18 years of age or older to control the level of intoxication of the patrons and to prevent overcrowding and possible underage, troublesome or intoxicated persons from entering the event. The Special Occasion Permit Holder shall ensure that the minimum numbers of required event workers are on the site at the appropriate times.

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5.8.5 The Special Occasion Permit Holder or authorized designate shall attend the event for the entire duration, including the removal of all liquor, and is responsible for making decisions regarding the operation of the event.

5.8.6 The Special Occasion Permit Holder and all event workers must refrain from consuming alcohol prior to and during the event. The Special Occasion Permit Holder is responsible for ensuring guests at the event are properly supervised and that no one consumes alcohol in an unauthorized location or to intoxication.

5.8.7 Underage youth shall not be served alcohol. The only acceptable forms of age identification will be an Ontario Photo Card, a Driver's Licence or Health Card with photo, passport or military card. Such identification shall be inspected before admitting/serving a person who may be under the age of 19.

5.8.8 All event workers must wear highly visible identification, Event worker who require Smart Serve training must wear certification cards, visible on their person.

5.8.9. An event worker who is impaired or intoxicated will not be allowed to be on duty at the event.

5.8.10 The Special Occasion Permit Holder and facility staff must ensure that the physical setting is safe for both drinkers and non drinkers. All exits shall be monitored by the Special Occasion Permit Holder and kept free of obstructions.

5.8.11 Should the Special Occasion Permit Holder become aware of a situation that could lead to injury or property damage, they shall take immediate or decisive action to prevent patrons from engaging in activities or conduct that is disruptive (drunkenness or riotous, quarrelsome, violent or disorderly behaviour), which could harm themselves or others, or cause property damage.

5.8.12 The Special Occasion Permit Holder will be available upon request to event workers who require assistance in managing a person who is refused a sale or becomes unmanageable.

5.8.13 Entry must be denied to intoxicated or unruly persons, individuals carrying alcohol beverages, and individuals previously turned away from the event.

5.8.14 Whenever possible, Police will be notified by the Special Occasion Permit Holder of a potentially risky situation before the situation is out of control.

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- 5.8.15 All bottles and cans must be retained within the bar area, all drinks must be served in plastic or paper cups.
- 5.8.16 If tickets are purchased for alcohol beverages: a maximum of four (4) tickets per person may be purchased or redeemed at one time; the event organizer must refund money on demand for unused tickets at any time during the event; and ticket sales must cease one half hour prior to bar closing time.
- 5.8.17 If there is no ticket system, each person will be limited to a serving of four (4) alcohol drinks at a time.
- 5.8.18 Last call announcements or other signals advising that the bar will be closing shortly are prohibited.
- 5.8.19 The serving of alcohol must cease no later than the time specified on the Special Occasion Permit.
- 5.8.20 Facilities must be vacated by the patrons and the Special Occasion Permit Holder shall remove all evidence of liquor within 45 minutes after the end of the period stated in the Special Occasion Permit.
- 5.8.21 All alcohol permitted on the site shall be purchased or approved under the Special Occasion Permit.
- 5.8.22 The Special Occasion Permit Holder shall ensure that alcohol sold or served on the premises is not removed from the premises by a person attending the event.
- 5.8.23 An authorized City representative has the right to enter any special occasion permit event and take control if they feel it necessary at the time.
- 5.8.24 The Special Occasion Permit Holder is required to report in writing to the City within 24 hours or the next regular business day all incidents in which patrons are injured or ejected from an event or when Police, Fire or Ambulance have been dispatched to an event.
- 5.8.25 The special occasion permit holder is required to report in writing to the City within 24 hours of the event, any inspection of the event by a representative of the Alcohol and Gaming Commission.
- 5.8.26 The City reserves the right to introduce other conditions from time to time at its discretion.

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5.9 Safe Transportation

The Special Occasion Permit Holder shall be responsible for promoting safe transportation options for all the drinking participants. Examples of safe transportation options are:

- a. a designated driver selected from non-drinking participants;
- b. a designated driver provided by the event organizer; or
- c. a taxi paid either by the event organizer or the participant.

In the case of patrons who are intoxicated, the Special Occasion Permit Holder must make every effort to ensure that the patron does not drive and that he or she will arrive home safely. If an intoxicated person insists on driving, the Special Occasion Permit Holder and/or event staff may have to attempt to detain the person and must call the police.

5.10 Liability Insurance Requirements and Indemnification

Facility permit holders sponsoring a Special Occasion Permit event in a municipally owned facility shall be required to have in place or purchase from the municipality, primary comprehensive general liability insurance coverage of at least 2 million dollars, including the City of Greater Sudbury as additional insured and including a liquor licence endorsement, non-owned auto insurance coverage and a cross liability and severability of interest clause. Proof of such insurance shall be provided to City staff at least ten (10) days prior to the event. Higher limits may be required at the discretion of the City.

The facility permit holder shall indemnify and save harmless the City of Greater Sudbury, its employees, officers and elected officials from any and all claims, demands, causes of action, costs or damages that the City may suffer, incur or be liable for, resulting from the facility permit holders performance of his/her obligations under the Special Occasion Permit and this policy.

6. Enforcement

A violation of the Alcohol Risk Management Policy occurs when the facility permit holder or the Special Occasion Permit holder fails to comply with this policy or to comply with the conditions of the Liquor Licence Act.

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City staff will intervene if they observe a violation of the policy. Depending on the severity of the policy infraction, staff may ask the facility permit holder to stop the violation or they may close down the event. Should the facility permit holder fail to comply, staff members may call the police for enforcement. The City will report any infraction of this policy to legal authorities, including the Liquor Licence Board, whenever they believe such action is warranted.

Failure to adhere to the policy may also result in the denial of future facility permits to the user. The following progressive response shall be the guideline for repeat offenders. However, certain offences, because of their serious nature may require second or third level responses on the first occasion. Individual consideration will be given to each case and the response may vary depending upon the facts and circumstances.

First Level Response: The facility permit holder will be sent a registered letter outlining the consequences of further infractions and advising that violations of the policy will not be tolerated.

Second Level Response: The facility permit holder will be sent a registered letter stating that they will lose all scheduled facility bookings for a three (3) month period, including fees related to their permit and are suspended from eligibility for permits at any municipal property for the same period of time. After the suspension period is over no new facility permits will be issued until the user meets with City staff to review the policy and to discuss how they will ensure that all rules will be complied with in the future.

Third Level Response: The facility permit holder will be sent a registered letter stating that they are suspended from organized use of all municipal facilities for a period of one (1) year and any scheduled bookings are cancelled without refund. After the suspension period is over no new facility permits will be issued until the user meets with City staff to review the policy and to discuss how they will ensure that all rules will be complied with in the future.

7. Policy Monitoring and Revision

This policy will be reviewed routinely in conjunction with the Special Events Policy Manual to consider changing community needs, changes to municipal facilities and programs, and legal advice. Based on input from City staff, facility users, the City's insurer and other interested organizations, suggested policy changes will be reported to Municipal Council as required.

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APPENDIX "A"

Facilities Designated for the Conditional Use of Alcohol

- Bell Park Amphitheatre Area (Grace Hartman)
 - Capreol Cross Country Ski Club
 - Capreol Lion's Pavilion
 - Carrefour Senator Rhéal Bélisle cultural centre
 - Centennial Field Picnic Gazebo
 - Centennial Park (main building) & Pavilion
 - Delki Dozzi Memorial Park field house
 - Dowling Civic Leisure Centre
 - Falconbridge Curling Club
 - Fielding Memorial Park Pavilion
 - Howard Armstrong Recreation Centre
 - Kinsman Hall, Lively
 - Kinsmen Sports Complex (Hillcrest)
 - Lily Creek Sports Complex
 - Memorial Park
 - Naughton Trail Centre building
 - Norman Recreation Hall, Capreol
 - Oja Sports Complex
 - Old Town Hall (Chelmsford)
 - Older Adult Centre Sudbury
 - Onaping Curling Club
 - Simon Lake Park multi-use building
 - Sunnyside Playground Centre
 - Terry Fox Sports Complex
 - Tom Davies Square
 - Whitewater Park Pavilion