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MUNICIPAL ALCOHOL RISK MANAGEMENT POLICY

PREAMBLE


The City of Niagara Falls owns and manages facilities where alcohol consumption is not permitted, and other facilities where alcohol consumption is permitted under the authority of a Special Occasion Permit or Catering Endorsement. The City of Niagara Falls has developed this Municipal Alcohol Risk Management Policy in order to:

- 1) prevent alcohol related problems that may arise from alcohol consumption within facilities, and
- 2) to promote a safe, enjoyable environment for those who use these facilities.

A range of problems can arise from alcohol consumption. These problems can affect not only the person or persons consuming alcohol, but other people who use the facilities, and the general public. These problems may include:

- Injuries to drinkers or other individuals
- Liability action arising from alcohol related injuries or deaths
- Loss of insurability should the insurer's risk assessment escalate
- Increased insurance rates as a result of alcohol related incidents
- Suspension or loss of alcohol permit privileges by the Alcohol and Gaming Commission of Ontario (A.G.C.O.)
- Charges laid against the City under the Liquor Licence Act
- Police being called to municipal property
- Vandalism and destruction of City property
- Loss of enjoyment by non-drinkers and moderate drinkers
- Complaints lodged by offended parties

Submitted by	Director	Kathy Moldenhauer	Date	
Recommended by	CAO	Ken Todd	Date	
<input type="checkbox"/> Approved by Council	Report #	R-2008-10	Bylaw #	Date
				March 31, 2008


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- Reduction in use of facilities by people concerned about alcohol consumption
- Loss of revenue due to reduced participation
- Increased public concern about alcohol consumption

In most cases, these problems will not be attributable to moderate drinkers, or to those who respect the rules regarding alcohol consumption. The majority of these problems arise from drinkers who engage in four specific drinking practices:

- Underage drinking
- Drinking in unlicensed areas
- Drinking to intoxication
- Drinking and driving

To the extent that these four drinking practices can be reduced, the likelihood of alcohol related problems will correspondingly diminish. For those who do not engage in these targeted drinking practices, the policy will be minimally intrusive. The policy is not intended to stand in opposition to legal and moderate drinking.

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1.0 PURPOSE OF THE POLICY

The Municipal Alcohol Risk Management Policy consists of a range of measures designed to prevent alcohol related problems and to increase the enjoyment of those who use City facilities. By reducing the potential for alcohol related problems, the City of Niagara Falls concurrently reduces users' loss of enjoyment of the facilities, reduces the risk of injury and death, reduces the risk of liability actions, and also reduces the users loss of enjoyment of the facilities.

2.0 AREAS DESIGNATED FOR CONDITIONAL USE OF ALCOHOL


The consumption of alcoholic beverages is prohibited in the majority of City facilities. Niagara Falls City Council may change the designation of any site at their discretion.

The following municipal facilities are eligible to be designated as suitable for Special Occasion Permit and Catering Endorsement (S.O.P.) functions:

- Chippawa Willoughby Memorial Arena
- City Hall
- Coronation 50 Plus Recreation Centre
- Firehalls:
 - Chippawa - Station #4
 - Sodom - Station #5
 - Crowland - Station #6
- Firehall Theatre
- Gale Centre
- MacBain Community Centre
- Niagara Falls History Museum
- Niagara Falls Main Library

Parks

- Battlefield Park
- C.W. Palmer Park
- Chippawa Lions Park
- Centennial Square
- Kalar Road Park
- M.F. Ker Park

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- Oakes Park
- Patrick Cummings Memorial Sports Complex
- Stamford Centre Volunteer Firemen's Association Park and Building
- W.L. Houck Park
- Municipal streets as approved by Council

Each facility is specified in Appendix "D".

2.1 That all other Municipal Owned properties shall not host Special Occasion Permit (S.O.P.) or Catering Endorsement Events.

They are known as:


- All outdoor Municipal Pools shall not host Special Occasion Permit or Catering Endorsements Events as they are not an approved area for a gathering
- All dressing rooms at arenas and field houses at parks
- E.E. Mitchelson, Youth Oriented Facility
- All other open green areas, namely municipal parks and playground areas owned and maintained by the Corporation of the City of Niagara Falls
- All Municipal Works Areas
- Niagara Falls Library branches with the exception of the main Library

**3.0 CERTIFICATION/TRAINING:
SMART SERVE PROGRAM**

In order to rent a City of Niagara Falls facility for a Special Occasion Permit, the event sponsor must utilize bartenders, ticket sellers, floor monitors, etc. with certification from a recognized Ontario based server program. Proof of certification or training must be provided two (2) weeks prior to the event.

The SMART SERVE Program (formerly known as SIP) prepared by the Hospitality Industry Training Organization of Ontario, is approved by the A.G.C.O., and is endorsed by the Ministry of Consumer and Commercial Relations. It introduces participants to the following topics:

- Alcohol and the Law
- Facts about Alcohol

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- Standard Drink Concept
- Managing the Intoxicated Person
- Drinking Rates and Limits
- Establishing House Policies
- Signs of Intoxication

The municipality, by requiring the presence of trained monitors, servers and ticket sellers at alcohol-related events, is better able to discharge its responsibilities as the owner of the facility.


Caterers and licenced stadia are required by law to have all personnel trained by a recognized Ontario based server program.

For information on the Smart Serve program call (416) 695-8737 or toll free at 1-877-620-6082 or email info@smartserve.ca. Training is available on-line www.smartserve.ca.

4.0 CONTROLS

In order to be eligible for a facility permit for a S.O.P. function, the sponsor must demonstrate, to the satisfaction of the Director of Recreation and Culture or his/her designate, that there are sufficient controls in place to prevent intoxicated or rowdy people from entering the event, and that the aforementioned participants will be refused service and escorted safely from the event. These controls will include:

- 4.1** That only a photo driver's licence, military identification, a passport, Canadian citizenship card or Liquor Control Board of Ontario "Bring Your Identification" (BYID) card as identification or be accepted for being served or consuming alcohol.
- 4.2** That all entrances and exits to the event be supervised.
- 4.3** That a ratio of one (1) floor monitor for every fifty (50) participants be utilized.
- 4.4** That with a minimum of one monitor, who must be trained, the area outside the licenced area at the event be patrolled as per A.G.C.O. regulations.
- 4.5** That a limit of four (4) drink tickets be permitted to be purchased by one person at any

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one time. All unused tickets are redeemable.

4.6 That a limit of two (2) drinks be served to one person at any one time.

4.7 That there be no reference to "last call" announced.

4.8 That single fence of minimum height of four (4) feet high being securely erected will be allowed if the Alcohol and Gaming Commission regulations on the specific permit allows for minors to be present within the permits' designated area, further that if minors are not allowed under Alcohol and Gaming Commission permit, then double fencing of a minimum height of four (4) feet, securely erected will remain a requirement.

4.9 That non alcoholic beverages, low-alcohol beverages and food be provided and promoted for the entire duration of the event. Snacks such as chips, peanuts or popcorn are not acceptable as a food option. It is recommended that non alcoholic beverages be provided at no charge or at cost significantly lower than alcoholic beverages.

4.10 That no high alcohol (greater than 5%) beer be sold.


4.11 That alcohol not be offered or given as a prize in a contest.

4.12 No Advertising of the Sale of Alcohol at the Events is permitted at facilities that are frequented by youth.

4.13 That any beverages being served at a S.O.P. function will be served in plastic or paper containers.

4.14 That no marketing practices which encourage increased consumption, i.e., oversized drinks, double shots, pitchers of beer, drinking contests, volume discounts, will be permitted.

4.15 That Recreation & Culture reserves the right to require the presence of off-duty police officers/security staff to be present for the duration of the event, the cost to be borne by the applicant.


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Event Worker Control Responsibilities

- 4.16 That all event workers (monitors, bartenders, servers and ticket sellers, etc.) must be of the age of majority, and certified by a recognized Ontario based server program..
- 4.17 That all event workers (monitors, bartenders, servers, and ticket sellers, etc.) must refrain from consuming alcohol prior to and during the event.
- 4.18 That all monitors, bartenders, servers, and ticket sellers, acting in official capacity at the event, must wear an I.D. name tag approved by Recreation & Culture.

Sponsor/Event Organizer Control Responsibilities

- 4.19 That the sponsor provide a list of monitors, bartenders, servers and ticket sellers with their proof of certification or training when application is made for the special event, and that such list shall be posted with the group's S.O.P. See Appendix "C"
- 4.20 That the person whose name is on the S.O.P. be certified from a recognized Ontario based server program or received training through the City of Niagara Falls.
- 4.21 That any incident or violation of the Municipal Alcohol Risk Management Policy which may endanger participants at the S.O.P. function, or off the premises of the S.O.P. function, shall be the responsibility of the S.O.P. permit holder.
- 4.22 That the person signing the S.O.P. must be present at the event, or his/her designate(s) (who shall be named) being the person(s) responsible for the event.
- 4.23 The person signing the S.O.P. or his/her designate is responsible for decision-making during the event, and therefore, must refrain from consuming alcohol prior to or during the event.
- 4.24 That the S.O.P. permit holder has the right to refuse admittance to persons who are under age, or to an individual who appears intoxicated.

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Signs will be displayed indicating that it is illegal to serve participants to a state of intoxication. The sign will be placed near the serving area in each licensed facility and will read:

CITY OF NIAGARA FALLS

It is against the Liquor Licence Act of Ontario for licensed establishments to serve customers to intoxication.

Servers in our facilities are required to obey the law and not serve anyone to intoxication. We believe that people use our facilities for enjoyable social gatherings, and we are happy to provide this opportunity.

Should you wish a non-alcoholic drink, request a soft drink, coffee or other alternative. Should you wish a smaller portion of alcohol, request a low-alcohol beer, wine or mixed drink.

RATIONALE


- It is a Provincial Offence to serve someone to intoxication.
- Provisions in the Liquor Licence Act authorize servers of Liquor to cut off over indulgent consumers.
- Individuals/groups named on Special Occasion Permit or Catering Endorsements and facility owners are responsible for the safety and sobriety of the people attending the event.

6.0 ACCOUNTABILITY AND SIGNAGE

Signs must be prominently posted at all Special Occasion Permit and Catering Endorsement functions informing the public where they can direct their concerns. The sign will name the sponsor of the event, the name of the Special Occasion Permit or Catering Endorsement holder, the addresses and telephone numbers of the City of Niagara Falls Recreation & Culture, the Niagara Regional Police and the Alcohol and Gaming Commission. Additional signs identify the need for a permit and it is against the law to serve a person beyond the point of intoxication. Depending on the final designation, the minimum requirements for the sign size shall be 24 inch wide by 14 inches high.

There shall be uniformity in the signs outlining:

Sign "A"

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• **Event Sponsor** _____
Name of Special Occasion Permit or Catering Endorsement Holder

- City of Niagara Falls, Recreation & Culture
 7150 Montrose Road, Unit 1, Niagara Falls, Ontario L2H 3N3
 Telephone: (905) 356-7521, Extension 3330
 After Hours: (905) 356-1355
- **Niagara Regional Police Service**
4343 Morrison Street
Niagara Falls, ON (905) 688-4111, Ext. 3338
- **Alcohol and Gaming Commission of Ontario**
90 Sheppard Avenue E., Suite 200
Toronto ON M2N 0A4 (416) 326-8700
1-800-522-2876 Toll Free in Ontario

Sign "B"

- **Alcohol Beverages by Special Occasion Permit or Catering Endorsement Only - Violators immediately forfeit all rights to the use of facility.**


Sign "C"

- **No Alcohol Beverages Permitted -Violators immediately forfeit all rights to the use of facility.**

RATIONALE

It is not possible for the police and Liquor Licence Inspectors to check on all Special Occasion Permit and Catering Endorsement functions. The signs serve notice to the permit holder that while enforcement personnel may not attend the event, concerned participants will know where to lodge a complaint.

7.0 SAFE TRANSPORTATION

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That only individuals, groups or organizations implementing a safe transportation strategy involving a designated driver program combined with an additional alternate home transportation option (to prevent intoxicated participants from driving) be permitted rental/use privileges of facilities for Special Occasion Permit and Catering Endorsement functions.

Examples:

- Designated Driver Program to be advertised at event
- Designated Driver to be identified to servers and monitors
- Designated Driver to receive free or low cost non-alcoholic drinks (i.e. coffee, pop, juice)
- Intoxicated person to be driven home by a sober friend whom will assume the responsibility of the intoxicated person and that the details be so documented by the Licensed Group or be provided with a taxi ride home.

8.0 PENALTY


Any individual or group bringing alcohol onto designated municipal properties must have a Special Occasion Permit or Catering Endorsement.

Special Occasion Permit or Catering Endorsement Holders violating city policy and procedures and/or the Liquor Licence Act may be refused future rental privileges. Future rentals to such individuals or groups will depend on them demonstrating to the Director of Recreation & Culture or designate and City Council that all the rules will be followed at future functions.

RATIONALE

Policy violators must be penalized so as not to jeopardize the use of the facility by other responsible organizations or individuals. The Alcohol and Gaming Commission of Ontario has the authority to refuse to issue Special Occasion Permit or Catering Endorsements for a particular premise if there has been evidence that the laws had been violated during the event.


9.0 ENFORCEMENT PROCEDURES FOR POLICY VIOLATIONS

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- 9.1** A violation of this policy occurs when the Special Occasion Permit or Catering Endorsement holder fails to comply with the conditions of the Liquor Licence Act of Ontario, or the Municipal Alcohol Risk Management Policy. Intervention can be initiated by a participant at the event, a City of Niagara Falls staff member, a member of Niagara Regional Police, or an Inspector of the Liquor Licence Board of Ontario.
- 9.2** A member of the organizing group, the S.O.P. holder, or monitor may intervene by informing the offending individual(s) of the policy violation and asking that it stop. Group members, the S.O.P. holder, and monitors are encouraged to intervene in this way because intervention at other levels could result in a loss of privileges and legal charges.
- 9.3** A City of Niagara Falls staff member will intervene whenever he or she encounters a violation of the policy. Depending upon the severity of the policy infraction, City of Niagara Falls staff may ask the organizers of the event to stop the violation, or they may close down the S.O.P. portion of the event. Should the organizers fail to comply, staff members may call the police for enforcement.
- 9.4** Where the Special Occasion Permit or Catering Endorsement holders have violated the Municipal Alcohol Risk Management Policy, and have been warned by a City of Niagara Falls staff member, the sponsoring organization will be sent a registered letter advising of the violation, and indicating that no further violations will be tolerated.
- 9.5** Should the Special Occasion Permit or Catering Endorsement holder violate the policy within one year of receiving notice of their first violation, the organizers will be suspended from Special Occasion Permit or Catering Endorsement privileges at all municipal facilities for a period of one year. A registered letter will be sent to the S.O.P. holder and sponsoring organization advising of the suspension. A copy of the suspension letter will be provided to Niagara Falls City Council.
- 9.6** A member of the Niagara Regional Police or an Inspector from the Alcohol and Gaming Commission of Ontario may intervene in a violation of this policy on his or her initiative, or in response to a request from either a City of Niagara Falls staff member or a member of the general public. Depending upon the severity of the infraction, charges may be laid under the Liquor Licence Act of Ontario, or any other relevant legislation.

10.0 POLICY MONITORING AND REVISIONS

That the policy be reviewed every year by the City of Niagara Falls Senior Management staff and reported to the City of Niagara Falls Council with suggested policy changes, if required.

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11.0 APPLICATIONS

Liquor Licence applications are approved by the A.G.C.O. All groups wishing to utilize a City owned facility for the serving of alcohol at a special event must also obtain approval from City Staff. Applications for use of City facilities can be obtained from the Recreation & Culture office. The forms should be completed and submitted to the Recreation & Culture office 21 days prior to the event.

12.0 INSURANCE POLICY


Individuals or groups sponsoring a Special Occasion Permit or Catering Endorsement function at a facility listed in the Municipal Alcohol Risk Management Policy, must show proof to the Director of Recreation & Culture or his/her designate at least two (2) weeks prior to the event, that they have a minimum of \$5,000,000.00 Liquor liability insurance coverage and that the City of Niagara Falls is named as co-insured. The permit holder will indemnify and save the City of Niagara Falls harmless from all claims arising from the permit or event.

13.0 NOISE POLICY

That the Special Occasion Permit and Catering Endorsement be also governed by the Municipal Noise Bylaw 2004-105.

As per the aforementioned by-law, the playing of music either by band, DJ, radio or other forms at special events held outdoors, sanctioned by a Special Occasion Permit or Catering Endorsement on Municipal Property, cease by 9:00 P.M. each day that their Special Occasion Permit or Catering Endorsement covers.

The process for requests for exemptions under the Municipal Noise Bylaw are outlined under Section 7 of said by-law (By-law 2004-105) and require, amongst other requirements, a written application with full particulars and supporting documentation to the Chief Building official.

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APPENDIX "A"

Special Occasion Permit (S.O.P.) or Catering Endorsement HOLDER AGREEMENT

(please print)

NAME OF ORGANIZATION _____

NAME OF PERMIT HOLDER _____

CERTIFICATION


1. The Permit Holder has received and reviewed a copy of the Municipal Alcohol Risk Management Policy.
2. The Permit Holder agrees to adhere to the conditions of this policy and the Liquor Licence Act of Ontario.
3. The Permit Holder understands that if an infraction of the policy occurs, the City of Niagara Falls may warn or suspend the organization from A.G.C.O. permit privileges to use City facilities for one year.
4. The Permit Holder understands that they can be held liable for injuries and damage arising from failure to adhere to the Liquor Licence Act of Ontario, or from otherwise failing to take action that will prevent foreseeable harm from occurring.
5. The Permit Holder understands that the Police and/or a Liquor Licence Inspector can lay charges for infractions of the Liquor Licence Act of Ontario or other relevant legislation.

SIGNATURE

_____ Permit Holder

Address: _____

Phone No. _____

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OFFICE USE

Agreement received by:

Recreation & Culture

Date: _____
Day/Month/Year

APPENDIX "B"

S.O.P. ACCOUNTABILITY

Name of Group Sponsoring Event

Name of Special Occasion Permit or Catering Endorsement Holder

Address and Phone Number of Permit Holder

Facility Owner


City of Niagara Falls Recreation & Culture
7150 Montrose Road, Unit 1, Niagara Falls, Ontario L2H 3N3
Telephone: (905) 356-7521, Extension 3330
After Hours: (905) 356-1355

Regional Police

Niagara Regional Police Service
4343 Morrison Street, Niagara Falls, Ontario L2E 6Z9
Telephone: (905) 688-4111 Ext. 4220

A.G.C.O.

Alcohol & Gaming Commission of Ontario
90 Sheppard Avenue E., Suite 200
Toronto ON M2N 0A4
Telephone: (416) 326-8700
Toll Free in Ont: 1-800-522-2876

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APPENDIX "C"


**S.O.P. HOLDER & CERTIFIED OR TRAINED EVENT WORKERS
S.O.P. HOLDER AND DESIGNATE(S)**

(Please Print)

**CERTIFIED OR TRAINED EVENT WORKERS
(MONITORS/BARTENDERS/ SERVERS/TICKET SELLERS)**

(Please Print)

1.
2.
3.
4.
5.
6.
7.
8.
9.
10.

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Use additional forms, if necessary. Proof of certification or training must be provided two (2) weeks prior to the event.

APPENDIX "D"

AREAS DESIGNATED FOR CONDITIONAL USE OF ALCOHOL

CHIPPAWA WILLOUGHBY MEMORIAL ARENA

- Meeting Room
- Roped-off lobby area
- Ice floor area
- East side of arena building

CITY HALL / CENTENNIAL SQUARE

CORONATION 50 PLUS RECREATION CENTRE

- Main & New Auditorium
- Lower Auditorium

FIREHALLS


- Chippawa - Station #4
- Sodom - Station #5
- Crowland - Station #6

FIREHALL THEATRE

GALE CENTRE

- Niagara Falls Memorial Room
- Convenor's Meeting Room
- Community Boardroom
- Main Corridor
- Sleep Cheap Mezzanine

MACBAIN COMMUNITY CENTRE

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- Community Board Room
- Coronation Multi-purpose Room
- Main Lobby (permitted only if facility is closed to the public)
- Main-Purpose Room A, D, E

NIAGARA FALLS HISTORY MUSEUM

- Theatre
- Lobby
- OPG Gallery
- Gale Family Gallery
- Niagara Community Gallery
- Niagara Falls Hydro Holding Corporation Courtyard

NIAGARA FALLS MAIN LIBRARY

CITY PARKS: Curfew 11:00 p.m.

BATTLEFIELD PARK

- South Park area

CHIPPAWA LIONS PARK

- Outside area, directly north of the Fire Hall Building
- Chippawa Lions Hall

C.W. PALMER PARK

- Concession area

KALAR ROAD PARK


- Clubhouse
- Designated location within the artificial turf field spectator area

M.F. KER PARK

- Diamond #1 fenced area
- Pitch #1 fenced area

OAKES PARK

- Entire fenced park area
- Ball diamond side of park
- Pitch and track side of park
- East side of park field house building

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STAMFORD CENTRE VOLUNTEER FIREMEN'S ASSOCIATION PARK

- Facility

W.L. HOUCK

- South side of park field house building

MUNICIPAL STREETS AS APPROVED BY COUNCIL