



100 John West Way
Aurora, Ontario
L4G 6J1
(905) 727-3123
aurora.ca

Town of Aurora

Policy

Business Support Division

Contact: Manager, Business Support

Approval Authority: Aurora Town Council

Effective: April 8, 2014

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Municipal Alcohol

Purpose

The Corporation of The Town of Aurora (the “**Town**”) is committed to providing a safe, secure, and enjoyable environment for employees, volunteers, patrons and the public. This includes ensuring that all events where alcohol is served or sold under a facility permit and a special occasion permit (“S.O.P.”) are properly managed in accordance with the [Occupiers Liability Act, R.S.O. 1990, c. O.2](#), as amended, the *Liquor Licence and Control Act*, 2019, S.O. 2019, c. 15, Sched. 22, as amended, and the requirements of the Alcohol and Gaming Commission of Ontario (the “**A.G.C.O.**”).

This policy outlines the expectations for Town employees, volunteers, Town Council, permit holders, patrons, and the public regarding alcohol use at Town facilities for events which require both a facility permit and an S.O.P. Its objectives are to:

- Provide clear procedures to manage risks associated with serving and / or selling alcohol in compliance with all applicable legislation
- Promote and support responsible alcohol use, while respecting the choice not to consume alcohol

Scope

This policy sets standards and guidelines for Town employees, volunteers, Council, permit holders, patrons and the public regarding the serving and / or selling of alcohol at events at Town facilities that require both a facility permit and an A.G.C.O.-issued S.O.P.

This policy does not apply to Town-run events or events operated by third parties under contract with the Town.

Definitions

Alcohol / Liquor

Spirits, wine, and beer, or any combination, in any form fit for human consumption, alone or mixed. The terms “alcohol” and “liquor” are used interchangeably.

Director

The Director of Community Services for the Town, or their designate or successor.

Employee(s)

All Town staff.

Event(s)

Special occasions as prescribed by section 2 of Ontario Regulation 747/21, under the *Liquor Licence and Control Act*, 2019, including private, charity, and industry promotional events, where alcohol will be served / sold under a facility permit and S.O.P., and includes set-up, tear down, clean-up, and related activities.

Facility / Facilities

Any physical property, buildings, parks, sports fields, or other premises owned, leased, and/or controlled by the Town.

Facility Permit

A permit issued by Community Services for the use of a Town facility.

Fees and Charges By-law

The Town’s Fees and Charges By-law, as may be amended from time to time, or its successor.

Incident / Accident Form

A form prescribed by the Town for the purpose of documenting details of an incident / accident.

Industry Promotional Event

A public event at which a manufacturer, a licensed representative of a manufacturer, or the event organizer acting on behalf of either, may provide and sell samples of liquor at cost or less and take orders for liquor purchases, and that is conducted for the purpose of promoting a manufacturer’s products.

Municipally Significant Event

A public event, occurring annually or infrequently, with set start and end times, that:

- Has local, regional, national, or international historical or cultural significance;
- Promotes awareness of diverse cultures; or
- Provides a broad community benefit.

Outdoor Event

An event that is held at an outdoor facility.

Park(s)

Any real property owned, leased, or otherwise controlled by the Town for public use as open space, trails, or other recreational purposes.

Permit Holder

The person or organization applying for or named on a Facility Permit and/or SOP, as applicable, and who is responsible for the event.

Private Event

An event for invited guests only, that is conducted without the intention of gain or profit from the sale of liquor.

Public Event

Events that are open to the public, and which may be advertised, and where fundraising and / or profit from the sale of liquor is permitted. Public events include charity events, tailgate events, industry promotional events, and municipally significant events.

Smart Serve

A responsible liquor service training program for the Ontario hospitality industry, as approved by A.G.C.O, for the safe and responsible sale and service of alcohol.

Special Occasion Permit (S.O.P.)

A permit issued under the *Liquor Licence and Control Act, 2019*, as may be amended.

Special Occasion Permit Guide

The A.G.C.O. guidelines for S.O.P.s.

Volunteer(s)

A person(s) who performs services without pay.

Policy

A facility permit is required whenever a Town facility is used for an event. An S.O.P. is required any time alcohol is sold or served anywhere other than in a licensed establishment or a private place.

If alcohol will be served or sold at the event, the Permit Holder must first obtain a Facility Permit from Community Services prior to applying to the AGCO for an S.O.P.

- Community Services administers Facility Permits on behalf of the Town.

- AGCO oversees the S.O.P. program under the *Liquor Licence and Control Act, 2019*.
- The LCBO reviews S.O.P. requests and issues the S.O.P.s on AGCO's behalf.
- Permit Holders must comply with the Facility Permit, S.O.P. requirements, and the AGCO's *Special Occasion Permit Guide*.

Facility Permit

A permit holder must:

- Be of the provincial legal drinking age of 19 years;
- Apply to Community Services for a facility permit, which must be completed at least:
 - sixty days before the event for events which are to take place in a park; or
 - thirty days before the event for the use of all other facilities.
- Upon receiving written approval from the Town, apply for an S.O.P.

Authority

When an application for a facility permit is received by the Town with respect to an event where the permit holder wishes to serve alcohol, the issuance of the facility permit is at the sole discretion of the Director, who may choose to fully grant or refuse the permit, or grant the permit with conditions.

In reaching their decision, the Director should consider the following factors:

- The nature, type, size, and purpose of the event
- The location of the event, including its proximity to sensitive areas (e.g., schools, playgrounds), and its potential impact on neighbouring properties and users
- Proximity to public transportation services
- Evidence that the conditions listed under the Additional Requirements section of this policy have been satisfied, as applicable
- Risk to public safety or the public interest
- Whether the permit holder is 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
- Compliance with the *Liquor Licence & Control Act, 2019*, and all relevant federal, provincial and municipal statutes, regulations, and by-laws pertaining to the event
- Any additional factors, information, or documentation deemed relevant to the Town for the purposes of administering the application for a facility permit, as requested by the Director at the Director's discretion.

Terms and Conditions

In addition to standard facility permit terms and conditions, a permit holder must:

- Provide proof to Community Services of an approved S.O.P. at least 14 days prior to the event.
- Ensure that all individuals selling and / or serving liquor have valid Smart Serve certification and that proof of same is provided to Community Services at least 14 days prior to the event, subject to the following:
 - A minimum of two Smart Serve certified servers are required at each event; and
 - Smart Serve certificates must indicate an expiration date that occurs after the date of the event.
- Submit a signed Waiver, Release, and Indemnity to Community Services at least 14 days prior to the event (see Municipal Alcohol Procedure).
- Follow all conditions of the Facility Permit and the *Liquor Licence and Control Act, 2019*.

Prohibited Methods and Practices

A Permit Holder shall not:

- Supply alcohol except as authorized in writing by the Town and the AGCO
- Require alcohol or drink purchases for entry to or participation at the event
- Promote excessive drinking or vary alcohol pricing
- Offer free alcohol as a contest prize
- Allow alcohol vending machines, gambling, drunkenness, or disorderly conduct

Operational Requirements

A Permit Holder must follow the following operational requirements:

Presence & Posting

- Be present at the facility for the entire duration of the event.
- Post the S.O.P. in a conspicuous location at the facility, and/or keep it available for inspection.

Alcohol Supply & Records

- The alcohol must be purchased exclusively from authorized retailers (e.g.: LCBO, the Beer Store, or licensed manufacturers).
- All purchase receipts must be available for inspection at the facility during the event.
- Alcohol may only be served during the hours listed on the Facility Permit and the S.O.P.
- All unserved alcohol must remain behind the bar.
- Alcohol must be served in non-glass containers unless otherwise approved by the Director.
- Wine glasses may be placed on tables and used only during a sit-down event.

Record-Keeping Requirements

- The Permit Holder must maintain detailed records of all alcohol purchases, sales, and inventory associated with the S.O.P.
- All records must be retained for a minimum of one year and made available to Town employees, the A.G.C.O, or law enforcement, upon request.

Food & Beverage Service

- Food must be made available to event attendees within 30 minutes of the initial alcohol service and remain accessible until the event concludes.
- A minimum of 30 per cent of the alcoholic beverages being offered must have a low alcohol content (e.g. light beer).
- Non-alcoholic beverages must be available throughout the event and must either be complimentary or priced lower than the alcoholic options.

Security & Safety

- Sufficient security personnel must be present to prevent unauthorized access to the event and to uphold and enforce the facility permit requirements, S.O.P. requirements, and the requirements of the *Liquor Licence and Control Act, 2019*.
- The level of risk associated with the event will be based on the following:
 - nature and type of event
 - size of the facility/event space
 - number and age of attendees
- Events will be required to engage security as per the assessed risk level:
 - Low-risk events – no security required
 - Medium-risk events – paid security and/or paid-duty Bylaw Officers required
 - High-risk events - paid security and paid-duty Bylaw Officers and/or paid-duty York Regional Police Officers required
 - The number of security personnel required shall be proportional to the number of anticipated attendees
- All security costs are the sole responsibility of the permit holder.
- At the Director's discretion, the permit holder may be required to provide the Town with a security plan for the event.
- Safe transportation options must be encouraged for all attendees.
- Clear signage promoting Designated Driver programs and transit/taxi services must be displayed.
- Assist intoxicated guests by contacting a friend, family member, taxi service, or local authorities, as necessary.

Age Compliance

- Alcohol must not be served or sold to anyone under 19 years of age, or to anyone who appears to be under 19.
- Government-issued photo identification must be checked prior to serving alcohol to any individual who appears to be under 19 years of age.
- Where required, identification must also be checked prior to admitting underage individuals to the event.
- Only the following forms of identification are acceptable for the purpose of verifying age pursuant to this policy, so long as they are valid (not expired), include a photo, and show the person's date of birth:
 - Driver's Licence issued by a Canadian province
 - Passport
 - Canadian citizenship card issued before February 1, 2012
 - Canadian Armed Forces identification card
 - Secure Certificate of Indian Status issued by the Government of Canada
 - LCBO-issued BYID card
 - Permanent Resident Card issued by the Government of Canada
 - Ontario Photo Card issued under the *Photo Card Act, 2008*
 - Equivalent foreign photo identification such as a European Union identity card

Access & Conduct

- Access behind the bar must be restricted at all times to authorized personnel, including the permit holder, event staff, employees, AGCO representatives, law enforcement officers, inspectors, and manufacturer agents.
- Police officers and AGCO inspectors must be granted full access to the licensed facility and any adjacent areas under event control.
- Event staff and volunteers are strictly prohibited from consuming alcohol before or during the event.
- Drunkenness, unlawful gambling, disorderly behaviour, and violent conduct are not permitted under any circumstances.

Signage

- All signs as required by the Town or the AGCO must be prominently displayed at the event for the duration of the event, in sufficient quantity so that all attendees have an opportunity to view them.
- All alcohol, containers, and service-related signs must be removed from the facility within 45 minutes following the conclusion of the event.

Additional Event-Specific Requirements

Industry Promotional Events

- A detailed sketch of the event area must be provided, which must indicate the dimensions and boundaries of the facility to which the facility permit would apply.
- If the event is conducted for market research purposes in an open area, a physical barrier must be installed to clearly delineate the event space from any surrounding areas not covered by the facility permit. The barrier must be a minimum of 36 inches (0.9 metres) in height.

Outdoor Events

- A detailed sketch of the event area must be provided, which must indicate the dimensions and boundaries of the facility to which the facility permit would apply.
- A physical barrier must be installed to clearly delineate the event space from any surrounding areas not covered by the facility permit. The barrier must be a minimum of 36 inches (0.9 metres) in height.
- At the permit holder's expense, a minimum of one toilet must be provided for every 240 attendees at the outdoor event
- The outdoor facility must be completely vacated by 11:00 p.m., unless a different end time has been approved in writing by the Director.
- The event must receive approval in accordance with all applicable Town policies and by-laws, and any other government or regulatory requirements that apply to the event or its location.
- Written notification of the event, including the detailed sketch identifying the physical boundaries, must be provided to the following local authorities:
 - 1) The Corporation of the Town of Aurora
Attention: Town Clerk
100 John West Way, Box 1000
Aurora, ON L4G 6J1
 - 2) York Regional Police
17250 Yonge Street
Newmarket, ON L3Y 4W5
 - 3) Central York Fire Services
984 Gorham Street
Newmarket, ON L3Y 1L8
 - 4) The Regional Municipality of York
Public Health Department

17250 Yonge Street
Newmarket, ON L3Y 4W5

- If a tent, marquee, pavilion, or tiered seating is used at the event, then written notification of the event must also be provided to the Town's Building and By-law Services divisions.
- The notifications to all applicable authorities shall be provided as follows:
 - at least 30 days prior to the event if fewer than 5,000 attendees per day are expected at the event; or
 - at least 60 days prior to the event if 5,000 or more attendees per day are expected at the event.
- Additional notification requirements may apply under other Town policies. It is the permit holder's responsibility to be aware of and comply with all such requirements.

Multiple Day Event

- Alcohol that has not been consumed must be removed from the facility at the end of the event.
- Alcohol and bottle returns must be stored in a secure, non-residential location between event days. The permit holder must advise Community Services of the storage location, together with a list of all individuals who have access to it. Alcohol purchased under the S.O.P. must be stored separately from any other alcohol not associated with the event.
- All alcohol must be made available for inspection by Town employees, A.G.C.O. inspectors, and law enforcement officers upon request.

Advertising

- **Private Events:** No advertising or promotion of alcohol is permitted.
- **Public/Industry Events:** Advertising is permitted only if it is in compliance with A.G.C.O. guidelines and Town policies.

Youth Events

- Events that are exclusively or primarily intended for individuals under the age of 19 are not eligible for a facility permit or a S.O.P.

Eligible Facilities and Parks

Eligible Facilities

- Events requiring an S.O.P. may be held in designated rooms or public spaces at the following facilities:
 - Aurora Community Centre
 - Aurora Family Leisure Complex
 - Aurora Seniors Centre

- Aurora Town Hall
- Stronach Aurora Recreation Complex

Eligible Parks

- Outdoor events requiring an S.O.P. may be permitted to be held at the following parks:
 - Fleury Park
 - Lambert Willson Park
 - Machell Park
 - Town Park

Other Eligible Locations

- Unless expressly prohibited by this policy, facilities not listed may still be approved in writing by the Director, at the Director's sole discretion, prior to the S.O.P. application being submitted to the A.G.C.O.

Non-Eligible Facilities and Parks

- The following facilities are not eligible for a facility permit:
 - Club Aurora Fitness Centre
 - All change rooms, washrooms, locker rooms, pools, pool decks, and pool viewing galleries located in Town facilities

Required Signage

Permit holders must prominently display the following signs (found in Municipal Alcohol Procedure) in accordance with this Policy and the requirements of the AGCO and the *Liquor Licence and Control Act, 2019*:

- Accountability Statement
- Designated Drivers Statement
- No "Last Call" Statement
- Sandy's Law Statement
- Ticket Sales for Liquor Statement

Non-Compliance

Failure to Comply

A violation occurs when a permit holder fails to:

- Comply with this policy or the *Liquor Licence and Control Act, 2019*
- Adhere to all applicable Town By-laws and policies (e.g. Noise By-law)

- Comply with all relevant federal and provincial legislation, including but not limited to the *Smoke-Free Ontario Act, 2017*, S.O. 2017, c. 26, Sched. 3, and the *Occupiers' Liability Act*, R.S.O. 1990, c. O.2, each as amended
- Ensure that all event staff, volunteers, and attendees comply with this policy

Reporting of Violations

To maintain safety, accountability, and compliance with applicable laws and regulations, all permit holders are required to adhere to the following reporting and notification procedures:

- **Immediate Reporting of Violations:**
 - All violations must be reported immediately to a Town employee present at the facility.
 - if the facility is not staffed, or if an employee cannot be located, the violation must be reported to Community Services at Town Hall by the start of the next working day.
- **Incident Documentation:** Upon receiving a report of a violation, Community Services employees shall promptly complete and file an Incident / Accident Report detailing the nature of the violation, individuals involved, and any actions taken. A copy of the report should then be provided to their supervisor.
- **Notification of Authorities:** Depending on the nature and severity of the incident, the permit holder must notify the appropriate parties as soon as possible, including but not limited to: Town employees or volunteers, York Regional Police, Central York Fire Services, Municipal Law Enforcement Officers, Building Inspector, and / or an inspector of the A.G.C.O.

Responding to Violations

- Town employees and volunteers, York Regional Police, Central York Fire Services, Building Inspectors, Municipal Law Enforcement Officers, and A.G.C.O. Inspectors are authorized to intervene and take appropriate action to address any violations of this policy or applicable legislation.
- Community Services shall collect, record, and forward all incident-related information and completed Incident / Accident Reports to the Director.
- The Director shall investigate reported incidents, determine appropriate resolutions, and impose any necessary sanctions.
- The Director has the sole discretion to terminate, suspend, or modify event privileges based on the nature and severity of the violation.
- Individuals who are banned from the facility for a period exceeding 24 hours shall be notified in accordance with the Town's Trespass Policy and Trespass By-law.

Penalties

A permit holder who fails to comply with this policy is subject to penalties, which may include, but are not limited to, the following:

- The event may be subject to immediate correction and / or shutdown at the discretion of the Director or a Town Manager having operational jurisdiction over the facility.
- The full or partial forfeiture of the security deposit may be applied to cover any corrective costs, damages, or administrative expenses incurred by the Town.
- The permit holder may face suspension or loss of future facility rental privileges, including long-term or permanent bans from Town's facilities in accordance with the Town's Trespass Policy and Trespass By-law.
- York Regional Police may be contacted if the violation involves criminal activity, public safety concerns, or breaches of an applicable law.
- The A.G.C.O. May be notified if the violation involves contraventions of the *Liquor Licence and Control Act, 2019*, which may result in monetary penalties, suspension, or revocation of the permit.
- The Town reserves the right to pursue any other legal remedies, including actions to recover costs for damages to Town facilities that exceed the amount of the deposit.

Insurance

Permit holders must obtain and maintain insurance coverage at their own expense for the duration of their use of the facility. A valid Certificate of Insurance must be submitted to the Town no later than 14 days prior to the event, which must name "The Corporation of The Town of Aurora" as an additional insured, and meet or exceed the minimum coverage requirements outlined in the Town's Facility User Insurance Policy.

The Town reserves the right to require that the insurance be purchased through the Town's Facility Users Insurance Program.

Indemnification

The permit holder shall indemnify, defend, and hold harmless the Town, its elected councillors, officers, employees, volunteers, agents, successors, and assigns (collectively, the "Indemnitees") from and against all claims, demands, actions, damages, losses, liabilities, costs, and expenses (including, without limitation, legal fees on a substantial indemnity basis) arising out of, relating to, or in any way connected with:

- the issuance of a facility permit and/or a S.O.P
- the holding, operation, or conduct of the event

- any act, error, omission, negligence, misconduct, or breach of this policy, applicable law, or permit condition by the permit holder, its employees, volunteers, agents, contractors, invitees, or other event workers.

This obligation shall apply regardless of whether such claim is made directly or indirectly against the indemnitees and shall survive the expiration or termination of the facility permit.

As a condition of the facility permit, the permit holder shall execute and submit the “Release, Waiver, Indemnity and Insurance” agreement attached hereto as Schedule “A”, to Community Services, no later than 14 days prior to the commencement of the event (or, in the case of a multi-day event, the first day thereof).

Responsibilities

All Employees and Volunteers

- Be aware of this policy and understand their associated obligations and responsibilities.
- Collect and review Smart Serve certificates, Certificate of Insurance, and S.O.P. approvals.

Permit Holders

- Be aware of this policy and understand their obligations and responsibilities.
- Comply with all aspects of this policy, all at the permit holder’s own expense.
- Users of facilities agree to be bound by the terms of this policy, and the permit holder shall ensure attendees are aware of any obligations or responsibilities pertaining to them.
- 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 prior to submitting an application to Community Services. The Town is not responsible for any misunderstanding of the policy on the part of the permit holder. By submitting an application, 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.

Monitoring and Maintenance

C.A.O. / directors / managers / supervisors and employees should work collaboratively to resolve issues related to this policy. Any employee found to be disrespecting the terms of this policy other than under exceptional circumstances, emergencies, or operational requirements, is subject to an investigation and discipline deemed

appropriate by their immediate supervisor, Human Resources, the Town Clerk and / or the C.A.O.

This policy will be reviewed two years from its effective or revision date, in accordance with the Town's policy maintenance schedule.

References

- [Liquor License & Control Act](#)
- [Occupiers' Liability Act, R.S.O. 1990, c. O.2](#)
- [Photo Card Act, 2008, S.O. 2008, c. 17 - Bill 85](#)
- [Smoke Free Ontario Act, 2017, S.O. 2017, c. 26, Sched. 3](#)
- By-law – Fees and Charges
- By-law – Noise
- Policy – Facility Users Insurance
- Policy – Third Party Special Events
- Policy – Trespass
- Policy – Facility Sponsorship and Advertising
- [A.G.C.O. Special Occasion Permit Guide](#)
- Town of Aurora Incident / Accident Report
- Procedure – Municipal Alcohol