

TOWNSHIP OF MCGARRY

MUNICIPAL ALCOHOL POLICY

INTRODUCTION

Through a motion of municipal council (Resolution #142/92) that the Township of McGarry, which encompasses along Highway 66 the small communities of Virginiatown, Kearns and North Virginiatown, along with the McGarry Recreation Committee has decided to adopt an Alcohol Management Policy.

This policy will endeavour to ensure the Safe Management of alcohol beverages in ALL "Township of McGarry" owned-leased-operated facilities and parks.

This policy is being formulated to ensure the safety and well being of ALL patrons and citizens as well as protect the corporation, its staff, volunteers and participants from the possibility of liability and breaking the law.

With the assistance of René Lauzon, a Program Consultant with The Addiction Research Foundation and the 11 committee members: Derek Callahan, Community Co-Ordinator, Clermont Laponte, Reeve-Township of McGarry, Municipal Council Members Normand Mino, Sylvia Fenton, Cliff Patterson and Merdy Armstrong, Ontario Provincial Police Officer David Wert, as well as members of the community, Ron Manseau, Normand Jolette, Leo Denner and Marlene Stickland, the following policy was developed.

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GOAL OF THE ALCOHOL MANAGEMENT POLICY

The Township of McGarry and the Recreation Committee want residents and visitors to enjoy our parks and facilities. Through the efforts of the people of Virginiatown, the Township offers a variety of unique recreational experiences for people of all ages.

In order that as many people as possible can enjoy our facilities in a manner that ensures the health and safety of the participants and the protection of municipal facilities, a policy for the orderly use of alcohol during events and functions has been developed. The following pages outline these regulations.

POLICY OBJECTIVES

- a) To provide appropriate procedures and education to individuals or groups wishing to hold events in municipally owned/operated facilities in order to ensure that all Liquor Licence Board of Ontario legislation pertaining to Special Occasion Permits are properly understood and strictly complied with.
- b) To ensure proper supervision and proper operation of Special Occasion Permit events/functions in order to protect the organizers, the participating public, volunteers, the Corporation and its staff from liability by providing education in prevention and intervention techniques and through effective management procedures.
- c) To encourage and reinforce responsible, moderate drinking practices for consumers through the development of appropriate operational procedures, controls, training and education.
- d) To honour the decision of abstainers not to drink alcohol and to encourage their participation by providing alternative, non-alcoholic drinks and to recognize designated drivers as those to be treated with due respect.

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- e) To provide for a balanced use of alcohol through Special Occasion Permits so that alcohol becomes a responsible part of a social function rather than the reason for it.
- f) To provide a balance of wet and dry facilities and programs in order to ensure that consumers, abstainers, adults, youth and families will be adequately serviced and protected.
- g) To provide for the enjoyment of Township of McGarry facilities by the residents of and the visitors to our communities.
- h) To work in co-operation with neighbouring communities who have adopted municipal alcohol policies.
- i) To ensure that as many people as possible can and do enjoy municipal facilities in a manner that ensures the health and safety of the participants and the workers at all SOP events/functions.
- j) To protect all municipal facilities whether business or recreational.
- k) To enhance the perception of Virginitown, Kearns and North Virginitown as a place to live, visit and to play in.
- l) To enhance and to ensure that all underage persons are supervised at all times by the parent(s) or guardian(s) or event workers at SOP events/functions, unless child care is provided on the premises during the event.
- m) It is not the intent to ban underage persons from all SOP events/functions but to reduce their participation and to control their participation as per LLBO requirements being used as a base guideline. Youths will be admitted with the understanding that extra event staff will be added to compensate.

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POLICY REGULATIONS

REGULATION #1: FACILITIES TO BE COVERED
/DESIGNATED FOR S.O.P.
EVENTS

- a) Main Township Building including Fire Hall and recreation room above
- b) McGarry Recreation Complex (usually known as the ARENA). In the Complex the areas for SOP are designated as follows:
 - 1) Gym Area
 - 2) Arts and Craft Room
 - 3) XYZ Club Room
 - 4) Ice surface area when there is no ice
- c) McGarry Curling Club
- d) Lions McGarry Park
- e) Larder McGarry Tourist Information Centre

REGULATION #2: FACILITIES NOT SUITED FOR
SPECIAL OCCASION PERMITS

AREAS CONSIDERED OFF LIMITS ARE ALL OTHER AREAS SOME OF WHICH ARE IDENTIFIED AS:

- 1) Lobby
- 2) Seating Area of Arena
- 3) Dressing Rooms
- 4) Zamboni Room
- 5) Compressor Rooms
- 6) All Hallways and Entrance Ways
- 7) Complex Manager's Office(s)
- 8) Cloak Rooms
- 9) All Washrooms
- 10) Referees/Officials Room(s)
- 11) Storage Area Constructed in the Summer of 1992
- 12) McIver Park Ball Diamonds
- 13) Street Parties

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All other areas will not be designated as areas capable of supporting SOP events/functions due to the problem of controlling access to the events by minors or the inability of controlling access to the function by persons. This person access problem is basically the one of not being able to stop persons from entering or leaving the grounds with alcohol along with the inability to control the amount of alcohol consumed.

REGULATION #3: **IMPLEMENTATION OF POLICY**

IN COOPERATION WITH THE COMMUNITY CO-ORDINATOR, THE ADDICTION RESEARCH FOUNDATION WILL BE INVITED TO HELP FACILITATE THE FOLLOWING IMPLEMENTATION STRATEGIES:

- a) A copy of the policy is to be sent to all past organizations that have run SOP events/functions.
- b) A copy of the policy is to be sent to local media for publication and distribution as required.
- c) A copy of the policy is to be posted/made available at all Township facilities.
- d) A copy of the policy is to be sent to all clubs with a potential for SOP events/functions in the future.
- e) A letter is to be sent to all homes in town informing them of the policy and the date of implementation and that if they sign a receipt of policy statement that they receive a souvenir of such receipt (i.e. some form of recognition that they know about the policy.)
- f) The media blitz will allow for a pre-determined introduction date of the policy.
- g) To promote the fact that most people are law abiding citizens and that they will comply with rules if adequately informed and if the policy

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addresses in a reasonable manner the public's concerns.

- h) To promote public reception to the NEW Municipal Alcohol Management Policy by promoting a positive image of the benefits of such a policy.
- i) To recognize the Public's reception of the Municipal Alcohol Management Policy by positive reinforcement recognition techniques.
- j) To publicize that the concerns of various organizations by introducing the policy that has evolved because of the concerns of township volunteers, charity or otherwise organizations.

REGULATION #4:

UNDERAGE PERSONS

1. THAT UNDERAGE PERSONS MAY BE ADMITTED TO ADULT SOCIAL FUNCTIONS HELD IN MUNICIPALLY-OWNED FACILITIES ONLY IF STRICT SUPERVISION OF THESE MINORS IS IN PLACE, AND AN EXTRA SET OF WORKERS BE PLACED ON THE FLOOR WITH THE PURPOSES OF SUPERVISION OF THE UNDERAGE PEOPLE:

- a) Curling Club
- b) Weddings
- c) Anniversaries
- d) Awards functions/banquets
- e) Pubs

That where underage persons are allowed at functions, alcoholic beverages are to be served only from "The Bar" and Wines will be poured by SIP servers. No alcoholic containers are allowed away from the bar except by servers. All alcohol will be served in readily identifiable containers/glasses etc.

2. NO YOUTH BASED EVENTS ARE ELIGIBLE FOR SOP PERMITS, I.E. HOCKEY, BALL, FIGURE SKATING, KARATE, ETC.

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REGULATION #5: SIGNS

THAT THE FOLLOWING SIGNS BE PROMINENTLY DISPLAYED IN SOP DESIGNATED FACILITIES.

A. STATEMENT OF INTOXICATION

THE FOLLOWING MESSAGE SHALL APPEAR ON A WALL SIGN LOCATED IN ALL DESIGNATED BAR AREAS.

"THE MCGARRY RECREATION COMMITTEE STRIVES TO PROVIDE RECREATION FACILITIES FOR THE ENJOYMENT OF ALL MEMBERS OF THE COMMUNITY. OUR SERVERS ARE REQUIRED BY LAW NOT TO SERVE AN INTOXICATED PERSON OR TO SERVE ANYONE TO THE POINT OF INTOXICATION. WE ARE PLEASED TO PROVIDE LOW-ALCOHOL BEVERAGES, SOFT DRINKS, COFFEE AND FOOD ITEMS."

Rationale:

MI RAS:

- In Ontario it is illegal to serve a person to the point of intoxication.

JJW

- Signage provides authoritative support to servers and supervisors should they have to refuse service to consumers approaching the point of intoxication.

- The message is consistent with the LLBO Special Occasion Permit Application which states the holder of a Special Occasion Permit and the facility owners are jointly responsible for the "safety and sobriety of the people attending the event."

B. RIDE AWARENESS

THE FOLLOWING STATEMENT WILL APPEAR ON WALL SIGNS AT THE MAIN EXITS OF ALL FACILITIES COVERED BY THIS POLICY:

"THE VIRGINIATOWN DETACHMENT OF THE ONTARIO PROVINCIAL POLICE REDUCE IMPAIRED DRIVING EVERYWHERE (RIDE) PROGRAM THANKS YOU FOR HELPING TO REDUCE IMPAIRED DRIVING EVERYWHERE IN VIRGINIATOWN. WE LOOK FORWARD TO PERSONALLY THANKING YOU AT ONE OF OUR SPOT CHECKS FOR LEAVING THIS EVENT A SOBER DRIVER."

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Rationale:

- A 1980 roadside study found that 12.7% of impaired drivers detected at roadside spotchecks were travelling from recreation facilities.
- In a 1986 survey 5% of drivers above .05 were returning from a Special Occasion Permit event.
- This sign politely informs participants that Police regularly conduct roadside spotchecks. Consequently, drivers are aware of the possibility of apprehension should they consider drinking and driving.

C. ACCOUNTABILITY

THAT A SIGN WITH THE FOLLOWING INFORMATION WILL APPEAR IN A PROMINENT LOCATION IN THE SOP AREA.

THE SIGN WILL NAME THE SPONSOR OF THE EVENT AND WILL PROVIDE THE ADDRESS AND TELEPHONE NUMBER OF THE RECREATION DEPARTMENT AND THE ONTARIO PROVINCIAL POLICE.

Rationale:

- Although informed of the date, time and place of the SOP event in their area, the police do not always have the time to drop in.
- The Liquor Licence Inspector is located in New Liskeard and is rarely able to check in on SOP functions.
- This sign informs the participants that there is a procedure for lodging complaints even if enforcement personnel are not present at the event.

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REGULATION #6: SERVER TRAINING

THAT IN ORDER TO BE ELIGIBLE TO RENT A MUNICIPAL FACILITY, THE SPONSOR MUST DEMONSTRATE TO THE SATISFACTION OF THE RECREATION COMMITTEE THAT THE EVENT SERVERS, DOOR SUPERVISORS, AND FLOOR SUPERVISORS HAVE ATTENDED AN ADDICTION RESEARCH FOUNDATION SERVER INTERVENTION COURSE OR EQUIVALENT AND HAVE BEEN TRAINED IN RESPONSIBLE SERVER TECHNIQUES.*

* 50% AS OF THE DATE OF IMPLEMENTATION OF THE POLICY AND 100% WITHIN THE NEXT 6 MONTHS.

Rationale:

- Reducing the risk of litigation requires not only the components of policy and procedures, but also the recruitment of appropriately trained supervisors and servers.
- The municipality is morally obliged to inform volunteers of the potential for litigation and to provide them with the tools to avoid such action.
- The Addiction Research Foundation's Server Intervention Program has been endorsed by the Ministry of Consumer and Commercial Relations and sections of it are now used as part of the L.L.B.O. orientation program for new hotel licensees.
- The previous Provincial government recommended that, as of December 31, 1992, all licence holders and servers of alcohol be required to have completed an L.L.B.O. approved course in server education. This recommendation is presently being reviewed by the current government. One exception is in stadiums, where the course is already mandatory. The L.L.B.O. will provide printed server education information to all Special Occasion Permit holders.

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REGULATION #7: PROVIDE LOW-ALCOHOL DRINKS

THAT IN ORDER TO BE ELIGIBLE TO RENT A MUNICIPAL FACILITY, THE SPONSOR MUST DEMONSTRATE TO THE SATISFACTION OF THE RECREATION COMMITTEE THAT AT LEAST 35% OF THE AVAILABLE ALCOHOL CONSISTS OF LOW-ALCOHOL BEVERAGE. NON-ALCOHOL DRINKS MUST BE AVAILABLE AT AN INSIGNIFICANT CHARGE AS COMPARED TO ALCOHOLIC DRINKS. FURTHERMORE, THE SPONSOR MUST AGREE TO PROVIDE NON-ALCOHOLIC BEVERAGES ALONG WITH FOOD STUFFS AT NO CHARGE TO DESIGNATED DRIVERS.

Rationale:

- 1 1/2 oz. of spirits, 5 oz. of table wine and 12 oz. of 5% beer all contain equal amounts of pure alcohol.
- Low-alcohol drinks reduce the consumption of absolute alcohol, reduce the likeliness of intoxication and permit participants to socialize throughout the evening without becoming intoxicated.
- The Liquor Licence Act requires that a variety of brands be offered and that licensed premises must have lists or signs prominently displayed which indicate the varieties and prices of alcohol and non-alcohol beverages available.
- The availability of low-alcohol drinks reduces the likelihood of impaired driving.
- The availability of non-alcohol drinks supports the designated driver program.
- Low-alcohol drinks reduce the consumption of absolute alcohol, reduce the likeliness of intoxication and permit participants to socialize throughout the evening without becoming intoxicated.

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REGULATION #8: LIABILITY INSURANCE

THAT THE SPONSORS OF A SPECIAL OCCASION PERMIT EVENT BEING HELD IN A MUNICIPALLY-OWNED FACILITY BE REQUIRED TO PROVIDE PROOF, AT LEAST 14 DAYS PRIOR TO THE EVENT, THAT THEY HAVE PURCHASED A MINIMUM OF ONE MILLION DOLLARS IN LIABILITY INSURANCE.

Rationale:

- By insisting on insurance, potentially risky groups may be discouraged from sponsoring events since they may be unable to obtain insurance.
- Case law indicates that judges and juries are sympathetic towards the injured plaintiff.
- Municipalities can be held jointly liable and could end up paying the predominant share of an award to a plaintiff should the sponsor be uninsured.

REGULATION #9: SAFE TRANSPORTATION

THAT PRIOR TO RECEIVING RENTAL PRIVILEGES OF MUNICIPAL FACILITIES FOR SOP FUNCTION, SPONSORS MUST DEMONSTRATE TO THE SATISFACTION OF THE RECREATION COMMITTEE THAT A SAFE TRANSPORTATION PLAN CAN AND WILL BE IMPLEMENTED, WHICH INCLUDES A DESIGNATED DRIVER PROGRAM. ALTERNATE TRANSPORTATION CAN INCLUDE THE FOLLOWING:

- a) Taxis
- b) Designated Drivers
- c) Bus Transportation
- d) Contacting of responsible non-drinking persons from home.
- e) Ride programs to promote the RIDE program which the Township supports.

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Rationale:

- The greatest risk of liability is viewed as the impaired driver leaving an alcohol-related event.
- Ensuring that event participants have safe transportation when leaving a social event reduces the risk of liability.
- Awareness of police spot-checks for impaired drivers raises the possibility of probable apprehension.
- The positive tone of the "RIDE Awareness" sign reinforces responsible behaviour by the majority of drivers and does not deter from the party atmosphere of a social event.

REGULATION #10: DISCIPLINARY ACTIONS

THAT INDIVIDUALS AND/OR GROUPS THAT FAIL TO COMPLY TO THE MUNICIPAL ALCOHOL POLICY BE SUBJECT TO THE FOLLOWING CONSEQUENCES:

FAILURE TO FOLLOW GUIDELINES

Not following policies:

- | | |
|--------------------|---|
| First Infraction: | Letter of warning sent by registered mail to event sponsor. |
| Second Infraction: | Cancellation of sponsor's rental privileges for six months. |
| Third Infraction: | Cancellation of sponsor's rental privileges for 1 year. |

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UNDERAGE PERSONS

INFRACTION(S) WHICH INVOLVE THE CONSUMPTION OF ALCOHOL BY UNDERAGE PERSONS WILL BE REPORTED TO APPROPRIATE LAW OFFICIALS PLUS THE FOLLOWING FOR THE SPONSOR:

First Infraction: Individual's parent or guardian informed by registered letter.

Second Infraction: Individual banned from public functions in Township buildings/property for six months.

Third Infraction: Individual banned from public functions in Township buildings/property for 12 months along with attendance at a recreation committee meeting.

DISRUPTIVE BEHAVIOUR

First Infraction: A warning letter sent to the individual(s).

Second Infraction: Individual banned from public functions in Township buildings/property for six months.

Third Infraction: Individual banned from public functions in Township buildings/property for 12 months along with attendance at a recreation committee meeting.

Consumption of alcohol outside of SOP licensed area will necessitate a call to law officials if cooperation not encountered.

Sponsors deliberately contravening the above policy may have their privileges of renting Township property revoked for a time in line with the degree of the contravention.

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THAT THE POLICY BE REVIEWED ANNUALLY BY THE RECREATION COMMITTEE BASED ON INFORMATION BY THE COMMUNITY CO-ORDINATOR AND OTHER INVITED SOURCES AND REPORTED TO COUNCIL WITH SUGGESTED POLICY CHANGES IF REQUIRED.

CONTROLS

THAT IN ORDER TO BE ELIGIBLE TO RENT A MUNICIPAL FACILITY FOR A SOP EVENT, THE SPONSOR MUST DEMONSTRATE TO THE SATISFACTION OF THE RECREATION COMMITTEE THAT THE ALCOHOL MANAGEMENT POLICY IS UNDERSTOOD, THAT THE REGULATIONS WILL BE STRICTLY OBSERVED AND THE SUFFICIENT CONTROLS ARE IN PLACE WHICH WILL ASSIST IN ENSURING COMPLIANCE TO THE POLICY. THESE CONTROLS WILL INCLUDE THE FOLLOWING BUT WILL NOT BE LIMITED TO:

- a) The event sponsor must provide a list of event workers to the Recreation Committee at least two weeks prior to the event along with each worker's SIP registration number.
- b) The event sponsor must obtain a SOP permit from the LLBO and must show proof of this to the Recreation Committee at least five (5) days prior to the event.
- c) The entrance will be monitored by two people 19 years or over, one person to be chosen from a list of SIP trained supervisors, this list to be provided by the Recreation Committee.
- d) The only acceptable form of identification will be an age of majority card or a Driver's Licence complete with photograph.
- e) The person who signs the SOP permit application and the Rental Agreement must attend the event and be responsible for making decisions regarding the operation of the event.

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- f) The event sponsor is responsible for decision-making during the event and therefore must refrain from consuming alcohol while the event is in progress.
- g) All event workers must refrain from consuming alcohol while the event is in progress.
- h) The event sponsor and recreation staff must ensure that the physical setting is safe for both drinkers and non-drinkers.
- i) The event sponsor and recreation staff must prevent patrons from engaging in activities that can harm them or others.
- j) All exits must be supervised.
- k) A floor supervisor will be available upon request to ticket sellers who require assistance in managing a person who is refused a sale. (v)
- l) All bottles must be retained at the bar, all drinks must be served in plastic cups, and a minimum of 50% of drinks must be served in containers purchased from the Recreation Department. (w)
- m) At least one municipality representative with authority to demand correction and/or to shut down an event on behalf of the town, will attend all SOP events.
- n) The licensee must abide by the rules of the Municipal Alcohol Policy as enforced by the municipal representative.
- o) Marketing practices which encourage increased consumption such as oversize drinks, double shots of spirits, pitchers of beer, drinking contests, and volume discounts are not permitted.
- p) Tickets must be purchased from a designated ticket seller and redeemed at the bar, with a maximum of 4 drinks per purchase.

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- q) Unused tickets are to be redeemable for cash on demand at any time during the event.
- r) The recreation committee reserves the right to require the presence of two police officers for the duration of an event, the cost of which will be borne by the sponsoring group or individual.
- s) There will be no last call.
- t) A free bar event must have trained servers and floor supervisors.
- u) All event workers must wear highly visual identification approved and provided by the Recreation Department.
- v) Whenever possible, police will be notified by the Recreation staff of a potentially risky situation before the situation is out of control.
- w) In order to reduce the risk of intoxication and the rate of consumption, staff will encourage patrons to consume food, low-alcohol beverages and non-alcoholic beverages.
- x) The bar area will close after the last patron has been served beyond 12:30 and no later than 1:00 a.m.
- y) All entertainment must be completed 30 minutes after the closing of the bar.
- z) Facilities must be vacated 45 minutes after the closing of the bar.

THE RATIO OF EVENT WORKERS AT SOP EVENTS WILL BE AS FOLLOWS:

(The sponsor is responsible for financial obligations to all workers)

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WEDDINGS AND RECEPTIONS (NO SALE EVENTS):

SUPERVISORS	LESSEE	RECREATION
Under 125	1	1
125-225	1	1
226-325	1	1
326-500	1	1
Over 500	1	1

BARTENDERS	LESSEE	RECREATION
Under 125	0	1
125-225	1	1
226-325	1	2
326-500	1	3
Over 500	1	4

FUND RAISING:

FLOOR SUPERVISORS	LESSEE	RECREATION
Under 125	1	1
125-225	1	1
226-325	1	2
326-500	2	2
Over 500	2	3

WEDDINGS AND RECEPTIONS (SALE EVENTS):

DOOR SUPERVISORS	LESSEE	RECREATION
Under 125	1	1
125-225	1	1
226-325	1	1
326-500	1	1
Over 500	1	2

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BARTENDERS

Under 125	0	1
125-225	0	2
226-325	0	3
326-500	0	4
Over 500	0	5

FLOOR SUPERVISORS

Under 125	1	1
125-225	1	1
226-325	1	2
326-500	2	2
Over 500	2	3

FUND RAISING:

DOOR SUPERVISORS	LESSEE	RECREATION	FLOOR SUPERVISORS
Under 125	1	1	1
125-225	1	1	1
226-325	1	1	2
326-500	1	2	2
Over 500	2	2	3

SOCIALS:

DOOR SUPERVISORS	LESSEE	RECREATION
Under 125	1	1
125-225	1	1
226-325	1	1
326-500	1	1
Over 500	1	2

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BARTENDERS

Under 125	0	1
125-225	0	2
226-325	0	3
326-500	0	4
Over 500	0	5

FLOOR SUPERVISORS

Under 125	1	1
125-225	1	2
226-325	1	3
326-500	2	3
Over 500	2	4

Rationale:

- The law clearly states that the sponsor of an event has a "duty to control" that is, to protect participants from foreseeable harm to themselves or others.
- Although police will be called if a situation becomes risky, it is the responsibility of the Special Occasion Permit holder to ensure the proper management of an event.

FORMS

That the following forms be signed and accepted by SOP holders as follows:

AGREEMENT FOR

SPECIAL OCCASION PERMIT HOLDER

1. I have received and reviewed a copy of the Township of McGarry's Guidelines for SOP permit holders.
2. I understand that I must adhere to the conditions of the alcohol policy and the LLBO Act of Ontario.
3. I understand that if I or other individuals at the event fail to adhere to the alcohol policy, the Township of McGarry staff will take the appropriate action. This action may include eviction, revoking of the SOP permit and the notification of appropriate legal authorities.
4. I understand I can be held liable for injuries and damages arising from failure to adhere to the LLBO Act of Ontario.
5. The sponsor shall take all reasonable steps to prevent drinking and driving.
6. The sponsor will be held liable for any damages occurring during the event.
7. The lessee releases the Township of McGarry from liability for all loss of financial and material property of the lessee, his associates, agents, customers, employees, spectators or any other persons entering the leased facility upon the lessee's invitation, license or consent during the duration of the lease.

(NAME)

(DATE)

RENTAL QUESTIONNAIRE

1. Name of organization _____
2. List of Executive Members _____

3. Event _____
4. Will alcoholic beverages be available? Yes _____ No _____
and/or sold Yes _____ No _____
5. Facility _____
6. Date of Event _____
7. Permit Holder's Name _____
8. Expected attendance _____
9. Transportation Strategies
Designated Drivers _____

Van and/or Bus _____
Other _____
10. Will security be present? Yes _____ No _____
11. Will non-alcohol beverages be available?
Yes _____ No _____
12. Does your organization have alcohol-related liability
insurance? Yes _____ No _____
13. Has your organization ever been refused rental privileges
at any other facility? Yes _____ No _____
14. Have you received a copy of the Town's Hall rental
Policy? Yes _____ No _____
15. Do you understand this policy? Yes _____ No _____

Signature_____
Date