

THE CORPORATION OF THE
TOWN OF PELHAM
BY-LAW # 3206 (2011)

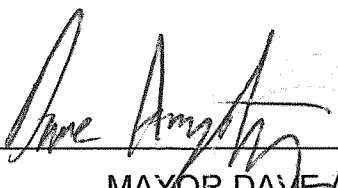
Being a by-law to authorize the Mayor and Clerk to enter into Agreements with three establishments licensed by the Alcohol and Gaming Commission of Ontario that are situate within the Summerfest licensed area, those establishments being namely Mossimo's Pizzeria, Zest Restaurant, and The Café on Main and Wine Bar, for the purposes of obtaining a Special Occasion Permit for the Summerfest event to be held on Saturday, July 23rd, 2011.

WHEREAS the Council of the Corporation of the Town of Pelham deems it desirable to enter into agreements with the three licensed establishments within the Summerfest licensed area to facilitate an application for a Special Occasion Permit, in accordance with the Regulations of the Alcohol and Gaming commission of Ontario, for the Summerfest event to be held on Saturday, July 23rd, 2011 between the hours of 11:00 a.m. and 12:00 midnight, those establishments namely being Mossimo's Pizzeria, Zest Restaurant and The Café on Main and Wine Bar;

NOW THEREFORE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM ENACTS AS FOLLOWS:

- (1) THAT the Agreements between Mossimo's Pizzeria, Zest Restaurant and The Café on Main and Wine Bar, be and the same are hereby approved;
- (2) THAT the Mayor and Clerk be and are hereby authorized and instructed on behalf of the Corporation of the Town of Pelham to execute the said Agreements and the Clerk is hereby authorized to affix the Corporate Seal thereto.

READ A FIRST, SECOND AND THIRD TIME
AND FINALLY PASSED BY COUNCIL THIS
22nd DAY OF JUNE, 2011 A.D.


MAYOR DAVE AUGUSTYN


CLERK NANCY J. BOZZATO

THIS AGREEMENT made in triplicate, this 22nd day of June, 2011.

BETWEEN:

ZEST RESTAURANT FONTHILL
(Hereinafter referred to as "Zest ")

of the FIRST PART

- and -

THE CORPORATION OF THE TOWN OF PELHAM
(Hereinafter referred to as the "Town")

of the SECOND PART

WHEREAS the Town is the holder of the Special Occasion Permit for a Street Festival known as Pelham Summerfest, to be held on Saturday, July 23rd, 2011, between the hours of 11:00 am and 12:00 midnight;

AND WHEREAS Pelham Summerfest, being an outdoor public event, Pelham Street will be closed from Highway #20 to Church Hill and Pelham Town Square Entrance;

AND WHEREAS according to the regulations of the Alcohol and Gaming Commission of Ontario, a Public Event Special Occasion Permit holder and a liquor sales licensee may jointly participate in an outdoor Public Event that allows patrons to carry a single serving of liquor between the licensed area and the area covered by the Special Occasion Permit;

AND WHEREAS the Street Festival known as Pelham Summerfest is an outdoor event where the boundaries of the permitted area include one or more liquor sales licensed establishments, as depicted on Schedule A attached hereto;

AND WHEREAS Pelham Summerfest has been designated a "municipally significant" Festival by a resolution of the Council of the Town of Pelham;

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of the mutual covenants herein contained, the parties hereto covenant, promise and agree as follows:

1. The liquor sales License Holder, Zest, and the Public Event Special Occasion Permit Holder, the Town, agree to ensure there is no unreasonable risk to public safety or the public interest and no unreasonable risk of non-compliance with the Liquor License Act (LLA) and its regulations.

2. Zest will ensure that no bottles or cans will be served to patrons exiting to the Festival area and that all alcoholic beverages will be served in plastic beverage containers.
3. Zest will ensure entrances and exits to their facility, situated at 1469 Pelham Street, are monitored during all hours of the festival.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their respective corporate seals duly attested to by their proper officers authorized in that regard.

SIGNED, SEALED AND DELIVERED

in the presence of

)THE CORPORATION OF

) THE TOWN OF PELHAM

)

)

) MAYOR

)

)

) CLERK

)

) ZEST

)

)

)

) LEIGH ATHERTON

)