City of Biddeford, Maine
Policy Committee Meeting
Monday April 24, 2017

Minutes

1. **Roll Call** – Meeting called to order at 6:30 p.m. by Policy Committee Chair councilor Michael Ready. Other Policy Committee members present were: councilors Laura Seaver and Norman Belanger; members Nathan Bean and Renee O'Neil.

2. **Pledge of Allegiance** – The American flag was honored through the Pledge of Allegiance.

3. Adjustments to the Agenda – Agenda items 5 as originally posted, was changed to Item 7, and item 7 became Item 5 within the Agenda order.

4. Acceptance of Minutes: *Motion by SEAVER seconded by ONEIL to accept the minutes of the March 13, 2017 meeting as printed. Vote unanimous.*

5. Discussion/Review: **Ch. 46, Parks, Sec. 46-13-Park operating policy/Dogs on Beaches; and Ch. 10, Animals, Art. II-DOGS - Sec. 10-35-Running at large on public ways prohibited; restraint required**

The Committee considered the following Ordinance proposals:

2017. IN BOARD OF CITY COUNCIL...
BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 46, Parks. **Section 46-13** Park operating policy, is amended by adding or ~~deleting~~ to read as follows:

§ 46-13 **Park operating policy.**

A. Hours. All Parks, as defined herein, shall be open to the public every day of the year from dawn to dusk. In the event that activities are conducted at either the St. Louis Field or Mechanics Park for which there is an admission fee charged or access is otherwise controlled, no member of the public shall have the right to enter said Park areas without authorization and/or payment of such admission fee. The Director shall cause notices of the opening and closing hours to be posted in each individual Park for public information and enforcement purposes.

B. Closed areas. Any section or part of any Park may be declared closed to the public by the Director at any time for any interval of time, either temporarily or at regular stated intervals (daily or otherwise).

C. Entry prohibited. Except with the written permission of the Director, no person shall enter, pass through or remain in any Park, or the closed area of any Park, except during the hours and times when such Park, or portion thereof, is open to the public as provided in this section.

D. Dogs horses and horse-drawn vehicles. Dogs, horses and horse-drawn vehicles are prohibited from entering or remaining in any Park or Beach areas. **Except as follows**:

(1) City Beaches:
No unleashed dog is allowed on any of the City's public beaches from March 15 to September 15. Dogs are completely prohibited from May 25 to September 15 between the hours of 9:00 a.m. and 5:00 p.m. Unleashed dogs under voice command are allowed on the City's public beaches all day from September 16 to March 14. This subsection does not apply to the beach at Rotary Park.

(2) Rotary Park:
Horses or horse-drawn vehicles, or dogs may not use any part of the Rotary Park beach between the hours of 9:00 a.m. and 8:00 p.m. from May 25 to September 15 of each year.

~~horses, horse-drawn vehicles or dogs may not use any part of the City's public beaches between the hours of 9:00 a.m. to 5:00 p.m. from May 25th to September 15th ; No unleashed dog is allowed on any of the City's public beaches between the hours of 9:00 a.m. and 8:00 p.m. at Rotary Park, from May 25 to September 15 of each year. From September 16 and May 24, and during operating hours, dogs may be off leash and under voice command~~. Nothing herein is intended to prohibit the Recreation Commission from creating and maintaining a Dog Park, as defined herein under section 46-1(B), and for establishing rules and regulations governing the operation thereof.

2017. IN BOARD OF CITY COUNCIL...

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 10, ANIMALS, ARTICLE II, DOGS, Section 10-35, Running at large on public ways prohibited; restraint required by adding or ~~deleting~~ to read as follows:

Sec. 10-35 **Running at large on public ways prohibited; restraint required.**
[Code 1975, § 5-30; amended 11-18-2014 by Ord. No. 2014.109]

Dogs on a public way or place shall be under restraint. For a dog to be "under restraint" as required in this section, it must be controlled by a leash, which shall not be more than eight feet long, on or within a vehicle being driven or parked on the streets, or within the property limits of its owner or keeper, or in specially defined "off leash" areas.
Off-leash areas: All dogs must be within 50 feet of owner or keeper and be under voice control. "Voice control" is defined as being able to immediately call the dog back with one call.

Off-leash areas within the City include:

(1) Rotary Park: The river bank along the boat launch side of the park. This shall be defined as the area bordered by and including the boat launch, up the river bank to where the access road and the river split. The "river bank," for this purpose, is defined as up to but not including the dirt road in the park. Dogs may not use any part of the Rotary Park beach between the hours of 9:00 a.m. and 8:00 p.m. from May 25 to September 15 of each year.

(2) Clifford Park: Dogs may be off leash and under voice command on designated trails in the wooded section of the park. This section is defined as the wooded area of the public park and 100 yards from all trail heads and parking areas.

(3) City Beaches: Unleashed dogs under voice command are allowed on the City's public beaches all day from September 16 to March 14. This subsection does not apply to the beach at Rotary Park. **See Chapter 46, section 46-13 (d).**

Motion by SEAVER and seconded by BELANGER to approve the proposed language in both Orders as printed, and to forward this Order to the City Council with a recommendation for adoption. Vote unanimous.

6. Discussion/Review: Ch. 42, Motor Vehicles & Traffic, Sec. 42-90- No Parking/Summit Street

The Policy Committee reviewed the following Ordinance language changes:

2017. IN BOARD OF CITY COUNCIL...
BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article IV Specific Street Regulations**, Section 42-90 No Parking**, is amended by adding or ~~deleting~~ to read as follows:

Summit Street, even-numbered side, from the intersection with Alfred Street thence northerly to the intersection with Round Hill Street.

2017. IN BOARD OF CITY COUNCIL...
BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article IV Specific Street Regulations**, Section 42-90 No Parking**, is amended by adding or ~~deleting~~ to read as follows:

Summit Street, odd-numbered side, from the intersection with Alfred Street thence northerly to the intersection with Round Hill Street.

Motion by BELANGER and seconded by SEAVER to approve the proposed language as printed, and to forward this Order to the City Council with a recommendation for adoption. Vote unanimous.

7. Discussion/Review: Ch. 46, Parks, Sec. 46-11-Alcoholic beverages; fires; use of closed areas; and Ch. 6, Amusements, New Article V-Sales, Possession and Consumption of liquor at and during Special Events on City Public Property

The Policy Committee reviewed the following Ordinance proposals:

2017. IN BOARD OF CITY COUNCIL...MARCH 21, 2017
BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, **Chapter 46, PARKS**, **Section 46-11**, Alcoholic beverages; fires; use of closed areas is amended by adding or ~~deleting~~ to read as follows:

Sec. 46-11 **Alcoholic beverages; fires; use of closed areas.**
(a) Intoxicating beverages.

(1) Liquor defined. For purposes of this subsection, "liquor" shall mean and include any alcoholic, spirituous, vinous, fermented or other alcoholic beverage, or combination of liquors and mixed liquors, intended for human consumption which contains more than 1/2 of 1% of alcohol by volume.

(2) Prohibition. Except as specifically authorized in writing by the City Council, No person within ~~in~~ a city park, public beach, or athletic field, identified under section 46-5 of this Chapter, or in any parking area contiguous thereto ~~shall~~ may ~~transport~~, possess or consume liquor at any time.

(b) Fires. No person in a park shall build or attempt to build a fire, except at such areas and under such regulations as may be designated by the Director. No person shall drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco or other inflammable material within any park area or on any highway, road or street abutting or contiguous thereto.

(c) Closed areas. No person in a park shall enter an area posted as "Closed to the Public," nor shall any person use or let the use of any area in violation of posted notices.

2017 **BE IT ORDAINED**, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 6, AMUSEMENTS, be amended by adding a new **ARTICLE V, Sales, Possession and Consumption of liquor at and during Special Events on City Public Property**, to read as follows:

In addition to the requirements set forth under Article IV of this Chapter, applications for the sale, possession and consumption of liquor at Special Events which are held on city public property, that falls within the jurisdiction of the City Council, must be completed on a form that has been approved by the City Clerk.

As used herein, "Liquor" means spirits, wine, malt liquor or hard cider, or any substance containing liquor, intended for human consumption, that contains more than ½ of 1% of alcohol by volume.

Sec. 6-175. Purpose.

This policy sets forth the procedures, requirements, and limitations on the use of City property for the service and/or sale of liquor at and during permitted special events. Special events do not include gatherings of family and friends in public parks, listed under Chapter 46, section 46-5. This policy is subject to and supplements any applicable provisions in the Code of Ordinances for special events on and other uses of City property.

Sec. 6-176. Properties Authorized for Special Events.

Whenever a Special Event has been specifically authorized by the City Council for the service and/or sale of liquor, this authorization shall be limited to income tax exempt organizations or governmental entities, and restricted to the following properties:

Facility:	**Address:**
Mechanics Park	Corner of Water & Main Streets
Shevenell Park	147 Main Street
St. Louis Field	284 Hill Street

Sec. 6-177. Reviewing Authority:

Applications for liquor on City Property for sale, possession, and/or consumption of liquor at special events shall be submitted along with the Event Application to the Biddeford Codes department not less than 30 (thirty) days prior to the special event, although the Codes Enforcement Officer may accept late applications in exigent or special circumstances.

Sec. 6-178. Restrictions and Permissions:

An Applicant who has received permission to sell or serve liquor during a special event must agree to the following restrictions in order to gain permission to serve liquor:

- Liquor is limited to malt liquor and wine only. No other spirits are permitted.
- Liquor may be sold and served for on-premises consumption only by a licensed caterer, or other non-profit organization registered with the Secretary of State, and licensed to sell alcoholic beverages through the Bureau of Alcoholic Beverages. Prior to the special event, the caterer, or other qualified non-profit organization, shall provide proof that the caterer has received all State and local licenses and permits necessary for the sale and service of liquor at the event, and shall provide a Certificate of Liquor Liability insurance in an amount to be determined by the City, which Certificate names both the City of Biddeford and the Applicant as additional insureds.
- At least thirty (30) days prior to the event, the Applicant must provide to the City the following: (1) copy of all required permits, licenses and insurance certificates; (2) the name(s) and complete and accurate contact information for the State-licensed caterer, or qualified non- profit organization, who will be staffing the event; (3) the names and addresses of the trained servers who are expected to be staffing the event, together with evidence of their training; and (4) the name of a Responsible Party (which may also be the Applicant or caterer) designated by the Applicant to supervise the sale and/or service of liquor at, and during the special event.
- The Responsible Party listed on the Event Application shall serve as the contact person during the event, and must be present on the site and for the entire duration of the sale or service of liquor at the special event.
- The Security and Fees Chart below specifies the number of Security Personnel to be present, and the arrangements and expense for the same shall be borne by the Applicant.
- All liquor servers at the special event must have received TIPS training (Training for Intervention Procedures) approved by the State of Maine.
- Liquor may be served only in area(s) specifically laid out and identified as such in the special events application, reviewed by the City, and approved by the State of Maine Bureau of Alcoholic Beverages. The Applicant shall assure that signs are prominently posted that identifies liquor restrictions at all entrance and exit points.
- The Applicant must designate TIPS trained servers (number specified in chart below) to serve and oversee the area that is licensed for the sale and consumption of liquor at all times. This person is responsible for verifying the legal age of each person consuming or possessing liquor.
- The Applicant or its caterer is responsible for the purchase and transportation of all liquor to be sold or served at the special event.
- Patrons attending the event are strictly prohibited from bringing in their own beverages.

- Only a caterer or TIPS trained server may dispense beer from kegs or barrels. Proper recycling of empty liquor containers is the responsibility of the Applicant. No person less than 21 years of age may serve, possess and/or consume liquor.
- Oversized drinks, contests, volume discounts, or similar incentives are not permitted.
- The serving of all liquor must cease at least 30 minutes prior to the specified and approved closing time of the special event.
- All liquor and related containers must be removed from the premises immediately after the event. The Applicant must provide appropriate cleaning of the area sufficient to eliminate any liquor residue or smell on the premises.
- An adequate supply of food must be served and available to persons attending the special event. It is recommended that all event organizers take steps to encourage food consumption to help reduce the risk of intoxication. Non-liquor must be made available and at a lower cost than any liquor.

Security and Fees Chart

Number of people	1 - 100	101-200	201-300*
Security Personnel	Min. 1 Security Personnel	Min. 2 Security Personnel	Min. 3 Security Personnel
Liquor Permit Fee	$150	$150	$150
Servers/Caterer (TIPS training)	Min. 1 TIPS trained server	Min. 2 TIPS trained server	Min. 3 TIPS trained servers

* Requisite levels of staffing for special events with over 300 participants shall be determined by the reviewing authority on a case-by-case basis.

The City reserves the right to amend and/or impose additional policies, requirements, deposits and restrictions by Order of the City Council and/or as conditions imposed on one or more special events applicants.

Sec. 6-179. Termination of Activity.

The Code Enforcement Officer, Chief of Police, or their designee may order the immediate termination of the special event if the Applicant is found to be in violation of any term or condition of Applicant's permit, or any State Statute or local ordinance or regulation. Upon such termination, all activities shall cease and all equipment, furnishings and other material shall be removed from the premises, and the premises cleaned and restored to its original condition forthwith.

Sec. 6-180. Assignment.

Permits issued pursuant to these Regulations are for the specific event, with a specific date, time and place listed on the application. Permits are not transferable or assignable to any other person, group or other entity.

Except as authorized herein, liquor may not be sold, served or consumed at any of the City's athletic fields or playgrounds.

After discussion and some modifications to the language, the committee took the following action on BOTH Orders:

Motion by BELANGER and seconded by BEAN to approve the proposed language as printed, and to forward this Order to the City Council with a recommendation for adoption. Vote 4 in favor (Seaver, Belanger, O'Neil and Bean) and 1 in opposition (Ready). Both councilors Ready and Seaver expressed opposition to the drinking of alcoholic beverages in or on any of the City's Parks. Seaver, however, voted in favor of sending these items for consideration by the City Council.) Motion passes 4 to 1.

8. Adjourn – Councilor Ready informed the Committee that the newspaper ordinance would be reviewed at the May 8th Policy Committee meeting.

Motion by SEAVER and seconded by BELANGER to adjourn at 7:33 p.m. Vote unanimous.