

PORTLAND'S DOWNTOWN DISTRICT NIGHT LIFE SAFETY PLAN

April 29, 2002

I. VISION

The vision for the night life in Portland's Downtown is that of a dynamic, yet safe place for people of all ages who can securely and comfortably enjoy all of the night-time offerings.

II. MISSION OF THE NIGHT LIFE SAFETY PLAN

The mission of the Night Life Safety Plan ("Plan") is to provide policies, procedures, recommendations and controls to insure that the downtown night life scene in Portland's Downtown District is vibrant and safe. The Plan will be administered by the Night Life Oversight Committee.

III. NIGHT LIFE OVERSIGHT COMMITTEE

The purpose of the Night Life Oversight Committee ("NLOC") is to form consensus amongst the interested parties on:

- A. Appropriate standards of performance by downtown businesses holding liquor and/or entertainment licenses;
- B. Standards of behavior by patrons of those downtown businesses;
- C. Appropriate enforcement for ordinances and standards; and
- D. Advocacy of the standards adopted by the NLOC;

and to participate in the licensing specified in Section VI, below.

The NLOC will consist of the following members:

- Three members of the Portland Downtown Hospitality Association or Lounge License Holders (voting members)
- One downtown retailer (voting member)
- Two downtown restaurateurs (voting members)
- One member of PDD Board (voting member)
- Chief of Police or his designee (ex officio, non-voting)
- State Liquor Licensing agent or his designee (ex officio, non-voting)
- One member of Portland's City Council Public Safety Committee or designee by Mayor (ex officio, non-voting)

- Portland's Chief Inspector (ex officio, non-voting)
- Executive Director of PDD (ex officio, non-voting)

Bylaws will be established by the NLOC to determine voting quorums, elections and terms. For the first year of operation, the NLOC voting members will be appointed by the PDD and PDHA. Until Bylaws are adopted, all decisions by the NLOC shall be by majority of the votes entitled to be cast. As used herein, "nightclubs, bars and restaurants" shall be defined pursuant to the Entertainment Overlay Zone of the Portland Ordinances.

IV. WORK PLAN/GOALS

The NLOC will work on the following issues to attain the stated goals:

A. Recommend and advocate policies, procedures, and controls to Portland's Downtown District, Portland's Police Department, Portland's City Council, the Portland Downtown Hospitality Association, and the nightclubs, bars and restaurants in the downtown.

B. Identify problems and problem areas and address potential solutions consistent with NLOC's purposes.

C. Adopt and promote an appropriate and responsible code of behavior for the downtown night life scene.

D. Review the Overlay Zone ordinance and recommend any such changes as advisable.

E. Meet monthly to further the work plan, including review of new and existing downtown entertainment and liquor license applications no less than 30 days in advance of City Council action, but such reviews should be conducted as early as feasible up to 60 days in advance of the Council action.

F. Review and recommend ordinances that promote the vision for Portland's Downtown.

G. Identify revenue sources to fund adequate police coverage in the downtown.

H. Review summaries of police calls which indicate potential problems or identify problem areas and recommend potential solutions.

I. Enhance the overall image of night life in downtown.

J. Identify, as early as possible, concerns regarding the operation and/or management of any liquor or entertainment license holder and act as liaison between liquor and entertainment license holders and City of Portland.

V. STRATEGIES AND ROLES

A. Nightclubs, Bars and Restaurants (that serve alcohol)

1. Train bartenders in T.I.P.s or B.A.S.I.C.
2. Meet on a regular basis with each other, law enforcement and PDD to discuss pertinent issues.
3. Staff training/orientation in the bars, with police assistance regarding acceptable behavior of patrons.
4. Notify the police of any special events in their establishment likely to increase the number or type of patrons.
5. Check all emergency lighting and fire systems nightly.
6. Maintain an appropriate representative at the front door with crowd counters to ensure the appropriate occupancy (where applicable).
7. Check all patrons leaving the club for bottles and inebriation (per State law, alcoholic beverages cannot leave the premises).
8. Assist in arranging transportation for inebriated patrons.
9. Maintain a neat and orderly appearance in front of your location. Use ropes and stanchions. Maintain a clear sidewalk for pedestrians to pass.
10. Maintain and keep all emergency exits clear.
11. Insure that all patrons have left the premises by 1:30 a.m.
12. Maintain visible security presence at the exterior of premises until crowd disperses to ensure that people leave the exterior area.
13. Hire extra security on heavily attended nights (for example, if establishment has a special event, promotion or on a traditionally busy weekend).

14. Do not allow employees to have parties or hang around the club after hours.

15. Check all I.D.'s and report all fake I.D.'s to Liquor Enforcement.

16. Be responsible in all PR whether it's from bar owner or promoter/licensee; use appropriate messages on all promotional materials; assure that all promotional material is consistent with the Vision.

17. Do not pass out leaflets on cars or hang them on public property other than designated areas, as controlled by City Ordinances.

18. Provide appropriate, clearly marked, identifiable security personnel.

19. If the license holder sublets the licensed premises, it is the license holder's responsibility to forward the above information to the lessee.

B. Police Department

1. Designate a liaison between the Police Department and downtown establishments.

2. Train Police Officers regarding City ordinances specific to the downtown.

3. Enforce parking regulations and motor vehicle regulations, including OUI.

4. Increase police presence on traditionally busy nights and in traditionally busy areas.

5. Provide an adequate number of officers for the District given the apparent need and within reasonable budget constraints, reviewed by NLOC at its monthly meetings.

6. Provide regular reports to the NLOC regarding crime statistics, night-life related infractions and data needed by NLOC.

7. Notify NLOC of any police positions on individual licensing or re-licensing applications to the City.

8. Conduct periodic joint training with license holders and their employees to enhance their education on proper crowd control and bar discipline.

9. Develop an enhanced enforcement policy regarding this night life safety plan.

10. Attend all NLOC meetings.

C. City of Portland and City Council

1. Maintain and enhance downtown pedestrian lighting (Wharf Street, for example) in conjunction with PDD and PDHA.

2. Strictly enforce health, fire and building codes with regular inspections.

3. Solicit and accept recommendations from the NLOC regarding all downtown liquor and entertainment license applications.

4. Activate street sweeping machines at bar closing time to encourage patrons to leave the area.

5. Attend all NLOC meetings.

D. Portland's Downtown District and Portland Downtown Hospitality Association

1. Actively support Police requests to City Council for appropriate funding.

2. Seek additional funding for Police through other means (*i.e.*, PDHA event).

3. Continue to act as a liaison between police, restaurants, bars and night clubs.

4. Hold regular meetings with the above parties in addition to regular, monthly meetings.

VI. NLOC LICENSING REVIEW PROCEDURES

A. The NLOC will meet on a monthly basis and review license applications no less than 30 days prior to the City Council review, but such reviews should be conducted as early as feasible up to 60 days in advance of City Council action.

B. At each meeting, the NLOC will review summaries of relevant police calls for service and neighborhood complaints made to the Police Department.

C. Police calls and other relevant information will be reviewed on a case-by-case basis, with emphasis given to Oversight Violations (OVs) which are defined as threats to public safety or those that are violations of the terms of the liquor license. OVs include, but are not limited to:

1. calls regarding violations of the State of Maine Liquor Laws as outlined in the *Maine Grey Book*, appropriation no. 06018L0015 pub. January 1, 1997, as amended, and violations of the public safety regulations of the *City of Portland Municipal Codes*;

2. altercations inside or outside the premises where the patrons involved were served at that premises just before or during the fight;

3. repetitive neighborhood complaints and disturbances;

4. serving alcohol to underage patrons;

5. serving alcohol to intoxicated patrons;

6. serving alcohol past 1:00 a.m.;

7. any and all drug-related offenses;

8. repetitive noise violations; or

9. repetitive overcrowding violations.

OV's do not include:

1. parking/vehicular concerns;

2. calls for humanitarian aid (*i.e.*, ambulance, fire, police calls that are unrelated to performance of the bar owner or its agents);

3. calls regarding altercations occurring outside of the premises that did not originate inside the premises or the involved parties were not patrons of that premises;

4. calls for service while the licensee is not open or operating and are not attributable to that licensee; or

5. calls for service initiated by the licensee (will be reviewed on a case-by-case basis).

D. The NLOC may recommend to Portland's City Council license approval, denial or, if allowable under applicable law, approval with conditions on any liquor or entertainment licensing or re-licensing in the downtown district.

1. Any OV shall be sufficient grounds to recommend denial or non-renewal, but shall be considered in light of the facts and circumstances and may be deemed insufficient to recommend denial or non-renewal. Multiple or repetitive OVs shall be a presumptive basis to recommend denial or non-renewal.

E. When reviewing any application for a new license or renewal, the NLOC shall take into account the principals involved and their records with other, similar establishments.

Dated at Portland, Maine as of the _____ day of _____, 2002.

WITNESS

PORTLAND'S DOWNTOWN DISTRICT

By: _____
Drew Anderson, President

PORTLAND DOWNTOWN HOSPITALITY
ASSOCIATION

By: _____

By: _____

By: _____