

Government Operations Committee  
Monday, June 1, 2015  
City Council Chambers  
(Immediately Following the Finance Committee Meeting)

AGENDA

1. Resolve, Authorizing the City Manager to Accept and Appropriate a Grant in the amount of \$27,500 from the Maine Centers for Disease Control Lead Poisoning Prevention Fund.
  - Please see attached Council Action Page and Council Resolve
  
2. Review of Liquor License Notification Process
  - This was recently requested at a City Council meeting when a liquor license was under consideration for the first floor of a building that also contained residential units upstairs. A copy of the City's Liquor License Processing Policy and State Law are attached. City Clerk Goodwin and City Solicitor Heitmann will be present to review with the committee.
  
3. Discussion Concerning Political Signs
  - A review/ discussion of the current laws governing political signs was recently requested by Council, covering such topics as location, type, size, and posting period, among others. City Solicitor Heitmann and City Clerk Goodwin will be present to discuss with the Committee.
  
4. Discussion Regarding Vaping
  - Councilors have expressed an interest in discussing the issue of vaping. Please find attached a copy of the City's Tobacco Use in the Workplace Administrative Policy, along with a background memorandum from Public Health and Community Services Director Hamilton and Public Health Educator Bonnie Irwin. They will both be present to lead the discussion.

COUNCIL ACTION

Item No. 15-

Date: June 8, 2015

**Item/Subject:** RESOLVE, Authorizing the City Manager to Accept and Appropriate a Grant in the amount of \$27,500 from the Maine Centers for Disease Control Lead Poisoning Prevention Fund

**Responsible Department:** Public Health & Community Services

**Commentary:** This order authorizes the City Manager to accept and appropriate a grant in the amount of \$27,500 for the continuation of implementation strategies for lead poisoning prevention activities in Bangor and throughout the Penquis Public Health District. The City has received this grant since FY 2009. The grant would be for the period July 1, 2015 to June 30, 2016.

\_\_\_\_\_  
Department Head

**Manager's Comments:**

\_\_\_\_\_  
City Manager

**Associated Information:** Resolve

**Budget Approval:**

\_\_\_\_\_  
Finance Director

**Legal Approval:**

\_\_\_\_\_  
City Solicitor

**Introduced for**

- Passage
- First Reading
- Referral

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Assigned to Councilor

## CITY OF BANGOR

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**(TITLE.) RESOLVE,** Authorizing the City Manager to Accept and Appropriate a Grant in the amount of \$27,500 from the Maine Centers for Disease Control Lead Poisoning Prevention Fund

*By the City Council of the City of Bangor:*

**ORDERED, THAT** the City Manager is hereby authorized to apply for, accept and appropriate \$27,500.00 from the Maine Centers for Disease Control's Lead Poisoning Prevention Fund to continue lead poisoning prevention activities in Bangor and throughout the the Penquis Public Health District for the period July 1, 2015 to June 30, 2016.

## **Title 28-A §653. Hearings; bureau review; appeal**

**1. Hearings.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms. [1993, c. 730, §27 (AMD).]

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c. 140, §4 (AMD).]

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application. [2003, c. 213, §1 (AMD).]

D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant. [1995, c. 140, §5 (NEW).]

[ 2003, c. 213, §1 (AMD) .]

**2. Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

A. Conviction of the applicant of any Class A, Class B or Class C crime; [1987, c. 45, Pt. A, §4 (NEW).]

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c. 45, Pt. A, §4 (NEW).]

C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c. 730, §27 (AMD).]

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c. 592, §3 (AMD).]

E. A violation of any provision of this Title; [2009, c. 81, §1 (AMD).]

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601; and [2009, c. 81, §2 (AMD).]

G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages. [2009, c. 81, §3 (NEW).]

[ 2009, c. 81, §§1-3 (AMD) .]

**3. Appeal to bureau.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

A. [1993, c. 730, §27 (RP).]

B. If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause. [1993, c. 730, §27 (AMD).]

[ 1995, c. 140, §6 (AMD) .]

**4. No license to person who moved to obtain a license.**

[ 1987, c. 342, §32 (RP) .]

**5. Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

[ 1995, c. 140, §7 (AMD); 1999, c. 547, Pt. B, §78 (AMD); 1999, c. 547, Pt. B, §80 (AFF) .]

SECTION HISTORY

1987, c. 45, §A4 (NEW). 1987, c. 342, §32 (AMD). 1987, c. 623, §8 (AMD). 1989, c. 592, §§3,4 (AMD). 1993, c. 730, §27 (AMD). 1995, c. 10, §1 (AMD). 1995, c. 140, §§4-7 (AMD). 1999, c. 547, §B78 (AMD). 1999, c. 547, §B80 (AFF). 1999, c. 589, §1 (AMD). 2001, c. 500, §1 (AMD). 2003, c. 213, §1 (AMD). 2009, c. 81, §§1-3 (AMD).

## Liquor License Processing Policy

## 1.0 Purpose

The purpose of this policy is to establish guidelines for the processing of new and renewal liquor licenses for establishments within the City of Bangor that serve alcohol on premises.

## 2.0 General Statement

The city recognizes that efficient liquor license processing is expected by business establishments in the City. To that end, the City Clerk's office will work as a liaison between the State of Maine Liquor Licensing Division, the various city departments, and the applicant to facilitate the process.

## 3.0 Processing Policy

### 3.1 New Liquor Licenses

#### 3.1.1 Application Process

New applicants who wish to open a business that will sell alcohol on premise must complete and submit the required application forms and pay the license and advertising fees.

#### 3.1.2 Other licenses required

Establishments that serve alcohol must first apply for a Certificate of Occupancy from the Code Enforcement Office prior to submitting applications and payments. Establishments that sell on premise alcohol are also required by state law to have a food vendor license (victualer's license).

#### 3.1.3 Departmental Approvals

Approvals must be received from Treasury, Sewer, Code Enforcement, Fire Inspection, and Police before the license may be approved.

#### 3.1.4 Public Hearing Process

A public hearing is required for a new liquor license. This requires an ad to run in the local newspaper for three consecutive days before the Council meeting at which the hearing is held.

#### 3.1.5 Council Agenda

Licenses that have received all the required departmental approvals by the deadline for agenda submittals on the Wednesday prior to the Council meeting will be placed on the Council agenda under New Business. Applicants will be asked to attend the Council meeting in the event that questions should arise regarding the applicant or their application.

#### 3.1.6 Finalizing the License

Once approved and signed by Council, the applicant must submit the signed state application and the associated fees to the State Licensing Division in Hallowell.

## 3.2 Liquor License Renewals

### 3.2.1 Application Process

Establishments wishing to renew their liquor license must submit a completed state application and the associated fee to the City Clerk's office before the license expires. Recommended timeline for submittal is one month before expiration, but no later than one week before expiration.

### 3.2.2 Other Licenses Required

Applicants must maintain a Certificate of Occupancy and other required licenses.

### 3.2.3 Departmental Approvals

Approvals must be received from Treasury, Sewer, Code Enforcement, Fire Inspection, and Police before the license may be approved.

### 3.2.4 Public Hearing Process

A public hearing is not required for a liquor license renewal and will generally appear on the Council's Consent agenda; however, all Class X and Class XI licenses and any license that does not receive approval from any of the required departments will appear under new business on the agenda to allow for discussion.

### 3.2.5 Council Agenda

Applicants for licenses that appear under new business on the Council Agenda, along with representatives from the department(s) that have not given approval, if any, will be asked to attend the Council meeting.

### 3.2.6 Finalizing the License

Once approved and signed by Council, the applicant must submit the signed state application and the associated fees to the State Licensing Division in Hallowell.

## 4.0 Effective Date

This policy will become effective on July 24, 2009.

To: Government Operations Committee

From: Patricia Hamilton, Director, Bangor Public Health and Community Services

Bonnie Irwin, Public Health Educator

Subject: Vaping Discussion

Date: May 29, 2015

After the public health education presentation to the Bangor City Council members about marijuana and vaping, it became clear that the City Council had concerns and expressed interest in having further discussion regarding the possibility of prohibiting vaping in our community as many other municipalities are doing.

We have updated our current City of Bangor Workplace Tobacco Use Policy to meet Maine Law (copy attached). It prohibits smoking in buildings and twenty feet from the entrances, along with vehicles, including the Community Connector buses. We would like to have the Council consider adopting a more comprehensive tobacco use policy that prohibits all tobacco products, including electronic vaping devices. This policy is another way for us to be a public health leader and to role model healthy behaviors to our children and community.

With continually rising health care costs, death and disease directly related to all tobacco use, and the unknown short and long term health effects of vaping nicotine, we feel it's important to prohibit its use in our workplace/public place policy. A more comprehensive policy would prohibit all combustible and smokeless tobacco products along with electronic cigarettes and all other electronic vaping devices or systems.

We are beginning this discussion with the Government Operations Committee and would like to know your thoughts, and share what's happening throughout the community as far as open air areas, events, restaurants, outdoor dining, and other Maine Smoking Laws that affect our community.

Across Maine over ninety (90) communities have made tobacco-free environments important public health initiatives that meet US and Maine CDC, APHA and MPHA evidence based recommendations. In Maine, liquid nicotine is regulated and licensed the same as all other tobacco products, as it is derived from tobacco leaves. Additionally, our two largest Cities, Portland and Lewiston and most recently Hermon adopted a tobacco-free, and vaping free town ordinance with a communication and implementation plan to ensure awareness, education and enforcement.

According to the US Centers for Disease Control and Prevention, the number of middle schoolers who reported using an e-cigarette within the last thirty days tripled within the last year and in 2014 surpassed the use of every other tobacco product.

A comprehensive tobacco and vapor free ordinance that aligns with our smoke-free laws is the most effective and sustainable way of promoting healthy behaviors, creating a culture of health, and preventing youth from starting to use any tobacco product. Adults and older youth are influential people in a child's life. A comprehensive approach will create an environment where positive, healthy role modeling for youth will become the social norm for our community. The ordinance does not intend to tell people they can't smoke or vape, but rather to prohibit where it's used for the safety of all. Eighty

(80) percent of Maine residents don't smoke or use tobacco products. Our intention is to promote and support tobacco-free living and environments, a culture of well-being, and enhance quality of life.

We will be present at the Committee meeting to begin this dialogue and to determine if there is interest in proceeding further with this concept.

- As currently envisioned, Tobacco Specialty Stores would not be affected by any proposed ordinance and would still be able to sample and sell tobacco and nicotine products to adults 18 years old and above.