

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

RESOLUTION NO. R2004-97

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE
OF WELLINGTON, FLORIDA ADOPTING THE VILLAGE
ALCOHOL RISK MANAGEMENT POLICY FOR VILLAGE
RECREATION FACILITIES, PARKS AND EVENTS; AND
PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Parks & Recreation Advisory Board voted 5 - 1 to recommend that Village Council approve the recommended policy for the Village Alcohol Risk Management Policy for Village Recreation Facilities, Parks and Events; and

WHEREAS, the proposed policy is consistent with the purposes, goals, objectives and policies of the Village of Wellington.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA that:

SECTION 1. The foregoing recital is hereby affirmed and ratified.

SECTION 2. The Village Council hereby accepts the recommendation of the Parks & Recreation Advisory Board and adopts the Village Alcohol Risk Management Policy for Village Recreation Facilities, Parks and Events as set forth in Exhibit "A" attached hereto and incorporated herein by reference.

SECTION 3. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED this 22nd day of June, 2004.

ATTEST:

VILLAGE OF WELLINGTON, FLORIDA

BY: Awilda Rodriguez
Awilda Rodriguez, Village Clerk

BY: Thomas M. Wenham
Thomas M. Wenham, Mayor

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

BY: Jeffrey S. Kurtz
Jeffrey S. Kurtz, Village Attorney

**Village of Wellington
Parks & Recreation Department**

Village Alcohol Risk Management Policy

For

Village Recreation Facilities, Parks and Events

The Village of Wellington owns and manages facilities where:

1. Alcohol consumption is not permitted
2. Alcohol consumption is permitted under the authority of an Alcohol Consumption Permit in conjunction with a Wellington Community Center Facility Rental Agreement
3. The sale and the consumption of alcohol is permitted under the authority of a Special Event Alcohol Permit in conjunction with a Special Use Permit.

The Village of Wellington has developed an alcohol risk management policy in order to prevent alcohol-related problems that arise from alcohol consumption within its facilities, and to promote a safe, enjoyable environment for those who use the Village's facilities.

A range of problems may arise from alcohol consumption. These problems can affect, not only the alcohol consumer, but other people who use the facilities.

These problems include:

- Vandalism and destruction of property
- Police called to municipal property
- Injuries to alcohol consumers and other individuals
- Charges laid against the Village or the Special Event Alcohol Permit Holder under the Liquor Licensing Laws or other relevant legislation whether federal, state or local
- Loss of enjoyment for non-alcohol consumers and moderate alcohol consumers
- Withdrawal from use of facilities by people concerned about alcohol consumption
- Loss of revenue due to reduced participation
- Increased public concern about alcohol consumption
- Liability action arising from alcohol-related injuries and deaths

- Loss of insurability or increased rates as a result of alcohol-related incidents
- Suspension or loss of alcohol permit privileges by the State of Florida Division of Alcoholic Beverages and Tobacco One/Two/Three Day Permit or Special Sales License

In many instances, these problems will not be attributable to moderate alcohol consumers or to those who respect the rules regarding alcohol consumption.

The majority of these problems will arise from alcohol consumers who engage in four specific drinking practices:

- Consuming alcohol to intoxication
- Consuming alcohol and driving
- Underage alcohol consumption and
- Alcohol consumption in prohibited areas

To the extent that these four alcohol consumption practices can be reduced, the likelihood of alcohol-related problems will correspondingly diminish. For those who do not engage in the above mentioned consumption practices, the Village's policy will be minimally intrusive. The policy is not intended to stand in opposition to legal and moderate alcohol consumption.

PURPOSE OF THE POLICY

The alcohol risk management policy consists of a range of measures designated to prevent alcohol-related problems, and to increase the enjoyment of those who consume alcohol moderately and use Village facilities. By reducing the potential for alcohol-related problems, the Village of Wellington concurrently reduces its risk of liability actions. In this context, policy measures introduce barriers, which impede the adoption of the targeted alcohol consumption practices.

The policy is divided into four sections:

1. Designation of facilities where alcohol use is prohibited
2. Designation of facilities where alcohol use is permitted
3. Specification of conditions under which alcohol is permitted
4. Enforcement procedures for violations of the policy

SECTION 1: AREAS DESIGNATED WHERE ALCOHOL USE IS PROHIBITED

The consumption of **ALCOHOL IS PROHIBITED** in ALL Parks and Recreation facilities and parks except for those facilities mentioned in **SECTION 2.1 –**

FACILITIES AND PARKS DESIGNATED FOR ALCOHOL SALES AND CONSUMPTION UNDER A SPECIAL EVENT ALCOHOL PERMIT AND 2.2 – FACILITIES DESIGNATED FOR ALCOHOL CONSUMPTION UNDER AN ALCOHOL CONSUMPTION PERMIT. The Village Council may change the designation of any site at its discretion. Users who seek permission to use facilities not listed in SECTION 2.1 will be asked to sign a form agreeing that people included in the activity or event will not consume alcohol. (Appendix A).

SECTION 2: AREAS DESIGNATED FOR CONDITIONAL USE OF ALCOHOL

The following facilities are currently designated for alcohol use under the authority of Special Event Alcohol Permits or an Alcohol Consumption Permit. The Village Council may change the designation of any site at its discretion.

2.1 Facilities and Parks Designated for Special Event Alcohol Permits

- Wellington Community Center
- Wellington Green Mall Park Site

2.2 Facilities Designated for Alcohol Consumption Permits

- Wellington Community Center

SECTION 3: CONDITIONS FOR SPECIAL EVENT ALCOHOL PERMITS

Anyone who wishes to sell and serve alcohol at a site designated in **2.1 Facilities and Parks Designated for Special Event Alcohol Permits** must complete a permit application that stipulates the conditions under which alcohol may be sold and served (Appendix B). In addition, the responsible person must obtain from the Village a Special Use Permit and a Special Event Alcohol Permit and from the State of Florida Division of Alcoholic Beverages & Tobacco a one/two/three Day Permit (Note: Per Florida Statute only Non-Profit Civic Organizations registered in the State of Florida are eligible to apply for the one/two/three Day Permit or Special Sales License). The permit holder must ensure that all the conditions of the Village of Wellington's Alcohol Risk Management Policy and the State of Florida Division of Alcoholic Beverages & Tobacco Permit are adhered to at the event. The Village of Wellington reserves the right to refuse an applicant permission to run a licensed event on its property. All documentation (Special Use Permit, Special Event Alcohol Permit, Appendix B and State of Florida Division of Alcoholic Beverage & Tobacco one/two/three Day Permit) should be returned to the Parks and Recreation Department a minimum of seven (7) days prior to the event.

Anyone who wishes to serve alcohol at a site designated in **2.2 Facilities Designated for Facility Rental and Alcohol Consumption** must complete a permit application that stipulates the conditions under which alcohol may be served (Appendix C). The permit holder must ensure that all the conditions of the Village of Wellington's Alcohol Risk Management Policy are adhered to at the event. The Village of Wellington reserves the right to refuse an applicant permission to run a licensed event on its property.

All Special Event Alcohol Permit Holders and Alcohol Consumption Permit Holders are required to adhere to the following conditions:

3.1 Control

3.1.1 In order to be eligible for a Special Event Alcohol Permit or an Alcohol Consumption Permit, the permittee must demonstrate to the satisfaction of the Parks and Recreation Department, that adequate controls are in order for the event, including but not limited to:

- Alcohol Servers
- Door/Entrance Supervisors
- Floor Supervisors
- Ticket Sellers (if applicable)
- Off-Duty Sheriff Officers (when required)

A minimum of one (1) off-duty uniformed officer is required for all events where alcohol is sold. Additional officers may be required depending upon the specifics of the event. All costs associated for the provision of off-duty officer(s) shall be paid for by the permit holder.

3.1.2 The permit holder will ensure that the servers do not serve alcohol to underage, intoxicated, rowdy or unauthorized people at the event. The servers will accept only a photo driver's license, a passport, or other state issued photo identification as proof of age.

3.1.3 Servers will not consume alcohol during the event nor will they be under the influence of any alcohol consumed before the event.

3.1.4 The permit holder will be responsible for recognizing the need for assistance during the event and requesting it from the appropriate people or, if necessary, the Sheriff's Department.

3.1.5 The permit holder will post the Special Event Alcohol Permit and the State of Florida Division of Alcoholic

Beverages and Tobacco Permit, if applicable or the Alcohol Consumption Permit.

- 3.1.6** At events where alcohol is being sold, the permit holder shall provide a list of "lead supervisor(s)". Lead supervisors are required to view a safety video at the Parks & Recreation Department on serving alcohol prior to the event.

Rationale

The Permit Holder and the Village of Wellington needs to be alerted to the potential liability and server responsibility to prevent participants from becoming intoxicated and protect them from foreseeable harm.

To provide a safe environment and control behavior, event organizers must have supervised entrances and exits. By controlling entry, underage, intoxicated, rowdy or unauthorized people can be prevented from entering an event. This action will considerably reduce the likelihood of a problem occurring.

3.2 SALE OF ALCOHOL

- 3.2.1** When tickets are sold for alcoholic beverages, there will be a limit of 4 per person at one time. Discounts will not be offered for the volume purchase of tickets.
- 3.2.2** When tickets are not sold, each person will be limited to a serving of 4 drinks at a time.
- 3.2.3** All ticket sales are to close by the earlier of the following:
(a) one half hour prior to facility rental permit expiration time OR
(b) by 12:45 a.m.
- 3.2.4** A sign will be posted at the bar and at the ticket counter stating the law on serving to intoxication.
- 3.2.5** No last call announced.

Rationale

By limiting the number of tickets or drinks participants can purchase at one time, the ticket sellers, supervisors, and bartenders are provided with more opportunities to observe participants for signs of intoxication. Table consumption shall be monitored. (i.e.; by not selling rounds of large number of tickets a strip of twenty, for example).

3.3 LOW-ALCOHOL AND NON-ALCOHOL SALES OPTIONS

- 3.3.1** The Special Event Alcohol permit holder will ensure that 25% of the alcoholic beverages offered consist of low-alcohol option (i.e., light beer, light wine and light alcohol spirits). Non-alcoholic beverages will be available at a lower cost than any alcoholic beverages.
- 3.3.2** A sign will be posted identifying the low alcohol and non-alcoholic beverages available at the event.

Rationale

Low-alcohol beverages help prevent intoxication by permitting responsible consumers with an opportunity to consume less alcohol and avoid becoming intoxicated and will provide servers with a substitute drink for those nearing intoxication. A patron consuming a regular beer (at 5% alcohol) could drink two (2) "extra light" beers (at 2.5% alcohol) to ingest the same amount of alcohol. Similarly a "light" beer (at 4% alcohol) represents a twenty percent (20%) reduction in alcohol intake.

3.4 LIABILITY INSURANCE REQUIREMENTS AND INDEMNIFICATION

- 3.4.1** All those organizing Special Events where alcohol sales will occur shall ensure that all conditions associated with the issuance of that permit are met throughout the term of the activity. In addition, at the time the facility permit is issued, organizers of such licensed Special Events (where alcohol sales will occur) are required to produce proof that the following forms of coverage have been bound for the full term of the event:
- A. Carry general liability and property damage insurance with an insurer in an amount not less than one million dollars (1,000,000.00). This insurance shall name the Village of Wellington as an Additional Insured for the period of the activity stated on the facility permit.
 - B. Carry non-owned auto insurance coverage with an insurer in an amount not less than one million dollars (\$1,000,000.00). This form of insurance shall name the Village of Wellington as an additional insured for the period of the activity stated on the facility permit.

(NON-OWNED AUTO INSURANCE COVERGE is a mandatory requirement of all groups serving alcoholic beverages on Village property, to protect BOTH YOUR USER GROUP and THE VILLAGE in the event that a patron who has attended the licensed program later causes damage or harm to a third party while driving a vehicle, on or off the premises.)

C. The permit holder agrees to indemnify and save the Village of Wellington, its elected officials, public officials, and employees, harmless from all claims, damages, losses, and expenses which might arise as a result of this event taking place.

D. Cross liability and severability of interest clause.

Rationale

The purpose of the liability insurance requirement is to ensure that the permit holder and the Village are financially protected against legal actions which might follow as a result of the event taking place. The indemnification undertaking provides additional financial protection to the Village in the event that the Village suffers other costs and expenses as a result of the event which is taking place.

3.5 SAFE TRANSPORTATION

3.5.1 The Special Event Permit holder and the Alcohol Consumption Permit holder will be responsible for promoting safe transportation options for all the drinking participants. Examples of safe transportation options are:

- a. a designated driver selected from non-drinking participants
- b. a designated driver provided by the sponsoring group;
or
- c. a taxi paid either by the sponsoring group or the participant

Should Village staff feel it is necessary, they have the option of contacting a pre-arranged taxi service to transport a patron home, the cost of which will be deducted from the renter's security deposit.

Rationale

The risk of liability is high when an impaired driver leaves an alcohol-related event. Event organizers must assume responsibility for promoting safe

transportation for all drinking participants. Safe transportation options are essential since the only way to “sober up” an impaired person is with time. Coffee provided at the end of the evening only turns a sleepy drunk into a wide-awake drunk who is still unable to drive.

3.6 OTHER

3.6.1 The Village of Wellington reserves the right to introduce other conditions from time to time at its discretion

3.6.2 Alcohol may be sold or served under the authority of a Special Event Permit or a Alcohol Consumption Permit, whichever is applicable, only where there is an adequate supply of food.

3.6.3 All alcohol must be opened and consumed on site.

3.6.4 The sale of alcohol shall be permitted within Village facilities and parks only under the strict guidelines of the State of Florida Division of Alcoholic Beverages and Tobacco one/two/three Day Permit, and the Village of Wellington Parks & Recreation Department Village Alcohol Risk Management Policy for Village Recreation Facilities and Parks.

3.6.5 Village sponsored or co-sponsored events and Village Employee Association (VEA) events held at village facilities and parks are subject to this policy.

SECTION 4: ENFORCEMENT PROCEDURE FOR POLICY VIOLATION

4.1 AREAS WHERE ALCOHOL IS PROHIBITED

4.1.1 A violation of this policy occurs when individuals consume alcohol in a Village facility or area where alcohol consumption is prohibited. Intervention can be initiated by a member of the group using the facility or area, a Staff Member of the Village of Wellington, an employee of an approved Village Security Contractor or a Member of the Sheriff’s Department.

4.1.2 A group member may intervene by informing the offending individual that Village policy prohibits alcohol consumption and asking that it stop. Group members should feel encouraged to intervene in this way because intervention at other levels could result in loss of privileges.

4.1.3 A staff member of the Village of Wellington will intervene whenever he or she encounters a violation of the policy. Staff Members can ask that the consumption of alcohol stop, or they can ask the individual or group to leave the facility or area depending on the circumstances, the nature of the violation and the potential for harm. Should the individuals or group members

fail to comply, the staff member will call the local sheriff for enforcement.

- 4.1.4** Where a member of an organized group has violated the Village Policy, and has been confronted by Village staff, the group will be sent a letter advising of the violation and indicating that no further violations will be tolerated.
- 4.1.5** After receiving the above letter, application for future bookings of any Village operated facility or park must first be approved by the Parks and Recreation Director. The Village reserves the right to refuse a permit application it feels has a potential for harm or injury.
- 4.1.6** Should members of an organized group violate the policy a second time, the group will be suspended from organized use of a Village of Wellington facility or area (e.g. near & around ball diamonds, parking lot, open parks, fields, rooms, etc.) for a minimum period of one year. A letter will be sent to the contact person advising of the suspension, with a copy provided to the Village Council.
- 4.1.7** A member of the Palm Beach County Sheriff's Department or an employee of an approved Village Security Contractor may intervene in a violation of this policy on his or her initiative or in response to a request from Village Staff or a member of the general public. In addition, the Sheriff's Officer may, at his or her discretion, lay charges against the offending individual(s) under any relevant legislation.

4.2 AREAS WHERE ALCOHOL IS PERMITTED

- 4.2.1** A violation of this policy occurs when the Special Event Permit Holder fails to comply with the conditions of the State of Florida Division of Alcoholic Beverages and Tobacco One/Two/Three Day Permit or Special Sales License or the Village of Wellington Alcohol Risk Management Policy. Intervention can be initiated by a participant at the event, a staff member of the Village of Wellington, an Inspector of the State of Florida Division of Alcoholic Beverages and Tobacco, an employee of an approved Village Security Contractor, or a member of the Palm Beach County Sheriff's Department.
- 4.2.2** A member of the organizing group or the designated supervisor may intervene by informing the individual(s) of the policy violation and asking that it stop. Group members and supervisors should feel encouraged to intervene in this way because intervention at other levels could result in loss of privileges and legal charges.
- 4.2.3** A Village of Wellington Staff Member will intervene whenever he or she encounters a violation of the Policy. Depending upon the

severity of the policy infraction, Village Staff will ask the organizers of the event to stop the violation or they may close down the event. Should the organizers fail to comply, the staff member will call the sheriff for enforcement.

4.2.4 Where the Permit Holders have violated Village Policy and have been confronted by Village of Wellington staff, the group will be sent a letter advising of the violation and indicating that no further violations will be tolerated.

4.2.5 After receiving the above letter, application for future bookings of any Village operated facility or park must first be approved by the Parks and Recreation Director. The Village reserves the right to refuse a permit application it feels has a potential for harm or injury.