

Ordinance 2018-___

**ORDINANCE AMENDING CHAPTER 14,
ESTABLISHING ARTICLE IV, SECTIONS 14-100 – 14-103
CODE OF ORDINANCES OF THE CITY OF OXFORD, MISSISSIPPI –
DOWNTOWN DISTRICT**

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF OXFORD, MISSISSIPPI AS FOLLOWS:

SECTION I. That Chapter 14, Article IV, Section 14-100, Sec. 14-101, - Sec.14-104, Code of Ordinances, Oxford, Mississippi, is hereby established as follows:

CHAPTER 14, ARTICLE IV: DOWNTOWN DISTRICT

The goal of this article is to encourage and require downtown business owners to maintain safe restaurants, bars and similar businesses, all free from illegal activity, including but not limited to drug sales, underage drinking, over consumption of alcohol, acts of violence and sex offenses. The governing officials for the City hereby find, based on information provided to them by personnel from the City's police, fire, public works, and building and grounds departments, that all such activities have occurred and are occurring in the Downtown District, and the purpose of this ordinance is to decrease and minimize such activities in the Downtown District.

The Downtown District is defined as that area in the City which lies west of the Lafayette County Courthouse, beginning on the west side of Courthouse Square, proceeding west on Jackson Avenue to include those businesses on the south side of Jackson Avenue to South 10th Street; then proceeding south to the north side of Van Buren Avenue to include those businesses on the east side of South 10th Street; and then proceeding east on Van Buren Avenue to South Lamar Boulevard to include those businesses on the North side of Van Buren Avenue, within the boundaries as herein stated.

Sec. 14-100. – Security and Access

1. For businesses within the Downtown District, there shall be a minimum of one (1) security guard, in every premise, when up to 50 patrons are present.
 - a. An additional security guard or guards shall be required:
 - i. For 51-100 patrons (two (2) security guards);
 - ii. For 101-150 patrons (three (3) security guards);
 - iii. For 151-200 patrons (four (4) security guards);
 - iv. For 201-250 patrons (five (5) security guards);
 - v. For each additional fifty (50) patrons thereafter there shall be an additional security guard.

b. The requirement in section 1. above is a minimum, and management should utilize its judgment to determine if additional security guards are needed above this minimum requirement based on the event and/or crowd, to ensure safety and lawfulness within and immediately surrounding the premises

~~b.c.~~ Any business within the Downtown District may apply to the Board of Aldermen for a reduction or modification of the requirements above if such business: (i) is primarily engaged in the full-service sale of food for consumption on the premises and (ii) does not restrict entry to persons above a certain age.

2. For every five (5) security guards as required hereunder, one (1) security guard shall be designated as a security supervisor, ensuring a minimum supervisions of one (1) security supervisor for every four (4) subordinates.

a. The security supervisor shall be included when counting the total number of security guards employed.

3. Security guards shall be:

a. Distinctively and uniformly attired;

b. Easily identified with **SECURITY** printed on their shirt or uniform, with lettering in a bold color which contrasts with the color of the shirt.

i. The shirt/uniform shall be different than any other shirt/uniform worn by non-security employees on the premises.

4. All patrons awaiting admission to the business should be placed in a line, not blocking the sidewalk or roadway.

a. Admission lines shall be designated and distinguishable for each establishment and maintained by the establishment's security. The location of the lines shall adhere to previous plans and/or instructions provided and approved by the Oxford Police Department.

b. Businesses shall utilize a rope line or other crowd control device approved by the Oxford Police Department.

~~a.c.~~ All individuals in the admission line shall be informed that if they are not orderly, they will not be admitted. The business is responsible for maintaining order in the line. If order cannot be kept in the admission line, the owner, security supervisor, or other responsible manager shall inform the Oxford Police Department immediately.

~~b.a.~~ Admission lines shall be designated and distinguishable for each establishment and maintained by the establishment's security. The location of the lines shall adhere to previous plans and/or instructions provided and approved by the Oxford Police Department.

5. Cameras required for Businesses in the Downtown District:

- a. Digital cameras shall be mounted:
 - i. To monitor all entry/exit doors;
 - ii. To monitor behind the bar;
 - iii. To monitor all open common areas;
 - iv. To monitor all entry/exit doors of bathroom/restrooms;
 - v. To monitor all entry/exit doors of any restricted or private areas;
 - vi. To monitor all entry/exit doors and the common area of any other area or room where the public is granted access by general admission, special permit, special permission or invitation;
 - vii. The Chief of Police or his/her designee shall have the authority to determine other locations not listed above, based on safety and security considerations.
 - b. All cameras must be working properly and maintained by the business. The Chief of Police or his/her designee has the authority to periodically inspect cameras to ensure compliance.
 - c. All cameras must have sufficient resolution and low-light capabilities to capture clear and identifiable images of persons inside the establishment. No camera shall operate at a resolution lower than 720p. Sufficient levels of lighting shall be maintained inside the establishment to ensure the capturing of video footage as well as clear observation by security staff.
 - d. All videos recordings shall be stored or electronically retained for a minimum of 147 days and must be made available to law enforcement upon lawful request.
6. ID scanning machines required for businesses in the Downtown District:
- a. ID scanning machines shall be used to verify age, at all entry points inside an establishment in the designated Downtown District, where age restricted entry is present;
 - b. These machines shall also be used to verify age when purchasing alcoholic beverages, ~~unless the patron's ID has already been scanned at entry and the patron has physical proof on his or her person that such scanning has occurred.~~
 - c. Management shall monitor the door and prohibit promoters or employees from allowing any patrons to avoid security and the required ID checks;
 - d. ID scanning shall be used not only for patrons but also for employees, to identify all employees on the premises.
 - e. Scanned ID information shall be stored for a minimum of 14 days and must be made available to law enforcement upon a lawful request.

Commented [PW1]: We agreed that OPD would provide a list of goals or objectives that the ID scanner requirement sought to achieve. We can use that information to more carefully craft this section and let business owners know what's expected of them.

Sec. 14-101. – Employees of businesses in the Downtown District

- 1. All employees of businesses in the Downtown District must have a photo ID on file in the business location, with a description of his/her position and contact information.

2. Each business in the Downtown District must designate a specific employee to conduct occupancy counts periodically throughout the night.
3. At each business in the Downtown District here shall be a manager or other person designated to be in charge of the premises during operating hours.
 - a. During all hours of operation, the names and phone numbers of both the manager and the person designated to be in charge of the premises, if different, must be available, upon lawful request, to appropriate government agencies.
 - ~~a. Neither the designated occupancy counter, the manager, nor other person in charge shall be allowed to consume any alcoholic beverage, beer, or light wine while on duty. "On duty" for purposes of this ordinance shall mean visibly working or the absence of another approved manager who is visibly working and exercising control over the operation of the permitted place of business.~~
 - b. _____

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Sec. 14-102. – SAFETY PLANS, POLICIES, AND PROCEDURES REQUIRED IN DOWNTOWN DISTRICT

1. Each business establishment in the Downtown District shall have a written Safety Plan (“Plan”), which shall set forth policies and procedures related to patron and employee safety and security, as stated herein and as may be further promulgated and required by the Chief of Police or his/her designee, in consultation with fire personnel and other appropriate city employees.
 - a. The Plan shall be submitted to the Chief of Police or his/her designee for approval;
 - b. Once approved, such Plan shall be posted at all times in a prominent place in view of employees, and shall be distributed to all employees, who shall be trained on the Plan and its policies and procedures;
 - c. Any changes or modification to an approved Plan must be re-submitted to and approved by the Chief of Police or his/her designee, before implementation.
2. The Plan shall:
 - a. Inform all employees how to recognize and address situations relating to security and safety of patrons and employees that arise frequently and which often lead to dangerous situations or illegal activity, including but not necessarily limited to:
 - i. Illnesses, injuries, or medical emergencies;
 - ii. Use of false ID to enter the establishment or purchase alcohol;
 - iii. Uncooperative and disorderly Conduct of patron(s) or employee(s);

- iv. Verbal and/or physical altercations;
 - v. Identifying drug use and intoxicated individuals;
 - vi. Refusal of patron(s) to a search, and locating and recovering weapons or other contraband; and
 - vii. Citizen arrest.
3. The Plan shall include an emergency evacuation and exit plan, which shall include, but not necessarily be limited to the following elements:
 - a. An emergency evacuation plan which must include a method of clear communication to staff and patrons;
 - b. Well-defined routes, exit plans and assembly areas;
 - c. Training for staff members who shall act as marshals (leaders/coordinators) in case of an evacuation, and to oversee an evacuation assembly area;
 - d. Proof of consultation with neighboring establishments for designing an evacuation plan to ensure that both establishments are not using a single assembly area, if such area would not be suitable for joint use;
 - e. Designation of at least one alternative evacuation assembly area.
 4. All employees shall be trained on the Plan, and its policies, and procedures, and must acknowledge and be willing to undertake all assigned responsibilities under the Plan.
 5. In case of an evacuation of the establishment, law enforcement MUST be notified IMMEDIATELY of the reason for the evacuation, the evacuation route and the assembly area being used.

Sec. 14-103. – RESTRICTIONS FOR ESTABLISHMENTS OPERATING UNDER Miss. Code Ann. 67-1-5 (m)(ii)

1. All establishments operating pursuant to Mississippi Code Annotated Section 76-1-5(m)(ii) (hereinafter “event venues”) shall adhere to all requirements outlined in Sec. 14-100, 14-101 and 14-102.
2. Additionally, all events scheduled at such event venues must be permitted through the City of Oxford, as follows:
 - a. At least ~~5 (five)~~ five (5) days before any such event, the property owner for such event venues must apply for an event permit for each event, and pay an application and processing fee for each permit, in the amount of \$75. The Chief of Police or his/her designee may waive the five-day time limitation if:
 - i. Because of unusual circumstances, it was impossible to have made application within the time limitations and

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ii. The nature or conduct of the event would not be dangerous or harmful to the public health, safety and welfare of the residents of the city and the police department; and

a-iii. The police department and other city services and personnel have adequate time to process the application and plan for the event.

b. The application shall be reviewed by the Chief of Police or his/her designee and may be denied on the basis of safety and security considerations ~~which include but are not necessarily limited to~~ including:

i. ~~the time of the event,~~The potential for excessive street crowding and congestion due to the time of the event and/or conflicts with ~~other~~ activities in the vicinity of the event location; ~~or,~~

ii. Articulable safety concerns based on specific occurrences at past similar events at the same location, specific occurrences at other venues involving the same performer(s), a likelihood that the event will result in injury or damage to persons or property, or the existence of threats of such injury or damage.

~~b-c. the effect of the event on the city, prior experience with the property owner or applicant, previous violations, issues or criminal convictions of the property owner or applicant, and/or other similar and justifiable reasons. If the Chief of Police or his designee denies an application, he shall provide the applicant with written reasons for such denial. In no event shall an application be denied based on the content of speech or expression anticipated at an event. If the application is denied, the \$75.00 application fee shall be refunded.~~

e-d. An applicant may appeal the denial of such event permit to the Board of Aldermen at its next scheduled meeting, which shall consider the same factors listed above. The Board of Aldermen shall not be required to hold a special meeting to consider such an appeal, so applicants should consider early application for events.

3. The request shall include

- a. The property owner's name and contact information;
- b. The organizer or promoter's name and contact information;
- c. The band, performer, or DJ's name and contact information;
- d. The security company's name and contact information, including whether security will be armed or unarmed;
- e. The request shall state if alcohol will be sold;
 - i. This section shall in no way allow the sale of beer, light wine, and/or alcoholic beverages by any individual or business entity not licensed or approved to do so by the State of Mississippi or, as may be required, the City of Oxford.

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- f. The request shall include a proposed evacuation plan outlined and approved by the Chief of Police or his/her designee.
- 4. The property owner is responsible for and shall ensure the event complies with all state and federal laws, and is in compliance with all local codes and ordinances.

Sec. 14-104. – VIOLATIONS

- 1. Any person or business violating any provision of this section shall be guilty of a misdemeanor and may be fined an amount not to exceed the sum of \$500.00 for the first offense, or \$1,000.00 for any subsequent offense, and/or sentenced to serve up to 90 days in jail for the first offense, or up to six months for any subsequent offense.

SECTION II. REPEALING CLAUSE

All ordinances or parts of ordinances in conflict herein shall be, and the same are hereby repealed.

SECTION III. EFFECTIVE DATE

The Mayor and Board of Aldermen find

The above ordinance having being first reduced to writing and read and considered section by section at a public meeting or the governing authorities of the City of Oxford Mississippi on motion of Alderman _____, seconded by Alderman _____, and the roll being called, the same by the following votes:

Alderman Addy	voted _____
Alderman Huelse	voted _____
Alderman Antonow	voted _____
Alderman Howell	voted _____
Alderman Taylor	voted _____
Alderman Bailey	voted _____
Alderman Morgan	voted _____

APPROVED, this the ____ day of, 2018

ROBYN TANNEHILL, MAYOR

