

Ordinance 2018-___

**ORDINANCE AMENDING CHAPTER 14,
ESTABLISHING ARTICLE IV, SECTIONS 14-100 – 14-103
CODE OF ORDINANCES OF THE CITY OF OXFORD, MISSISSIPPI –
Regulation and Safety of Patrons and Employees of Restaurants, Bars and Similar
Businesses, Including Event Venues**

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: PURPOSES AND APPLICABILITY

The goal of this article is to encourage and require restaurant, bar and entertainment venue 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, drunk or impaired driving, littered streets, sidewalks and alleyways, acts of violence and sex offenses, and nuisances to surrounding areas. The governing officials for the City of Oxford (“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 and from citizen reports and complaints, that all such activities have occurred and are occurring and the purpose of this ordinance is to decrease and minimize such activities in the Oxford Community.

This ordinance shall apply to all businesses in the City which are required by local or State law to obtain a permit for the sale, distribution or consumption of alcoholic beverages and/or beer and light wine, or which lease or rent their facilities to other individuals, businesses, or entities which are required by local or State law to obtain a permit for the sale, distribution or consumption of alcoholic beverages and/or beer or light wine, and which allow on-premises consumption.

Sec. 14-100. – SECURITY AND ACCESS

1. All businesses covered under this ordinance shall provide adequate supervision so as to prohibit the sale, giving, or furnishing of any alcohol, beer or light wine to any person visibly or noticeably intoxicated, or to any habitual drunkard, or to any person under the age of twenty-one (21) years, and to otherwise provide for the safety of employees and

patrons on the premises of such businesses, as further provided herein. All such businesses shall not permit persons of ill repute, known criminals, or prostitutes. Management must provide adequate security to ensure safety and lawfulness within and immediately surrounding the premises of the business, in view of, among other things, the event and the expected patrons, customers, or other attendants.

2. If any business under this ordinance shall have age restricted access, proper security must be in place to provide adequate supervision for the purposes stated above and in applicable State laws and ABC regulations.
3. Except as may be altered by written plan approved pursuant to Section 14-102, below, security guards shall be:
 - a. Distinctively and uniformly attired; and
 - 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. 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 shall 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.
 - c. The business shall maintain order in the line but is not required to physically confront or restrain patrons or individuals in 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.
5. Covered Businesses under this ordinance shall maintain cameras and appropriate lighting on their premises, as follows:
 - a. Digital cameras shall be mounted:
 - i. To monitor all entry/exit doors;
 - ii. To monitor all open common areas;
 - iii. To monitor all entry/exit doors of bathroom/restrooms;
 - iv. 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;

- v. 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.
 - vi. The owner or his/her designee shall have the right to appeal the location of additional cameras required by the Chief of Police to the Mayor and Board of Aldermen.
 - 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 and sample footage, showing day/date of usage, 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 capture video footage sufficient to identify individuals, and to provide clear observation of the premises and activities by patrons on the premises, by security staff at such businesses.
 - d. All video recordings shall be stored or electronically retained for a minimum of 7 days.
 - e. If a camera or cameras are found to be out of compliance due to placement or functionality, a business shall be given thirty working days from the date such non-compliance began, to return to compliance before being deemed in violation of this section.
- 6. The use of Electronic Age Verification Device(s) which contain software that is reasonably expected to detect false or invalid forms of identification, enhances and deters underage drinking and the improper entry of underage individuals. Electronic Age Verification Device(s), therefore, are required for businesses in the area to which this Article applies.
 - a. Electronic Age Verification Device(s) shall be used to verify age, at all entry points inside an establishment in the designated area, where age restricted entry is present;
 - b. Electronic Age Verification Device(s) shall 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. Such physical proof, however, shall not relieve any server from the responsibility of verifying age for the purchase of alcoholic beverages.
 - c. Person or persons who are known to the business to be above the legal age to possess and or consume an alcoholic beverage are not required to be scanned for age verification. The decision by a business or its employee(s) not to scan any

individual because of prior experience, knowledge, or appearance of the patron shall not release the individual or business from liability hereunder if the patron who was not scanned is found in possession of or consuming an alcoholic beverage, and is found to be under the legal age for possession or consumption of alcohol. The responsibility to determine proper age shall remain at all times with the business and its employees, and nothing in this section or Article shall be read to limit such responsibility in any way.

- d. The Electronic Age Verification Device(s) shall:
 - i. Have the technology to read a magnetic strip card or an alternate technology capable of electronically verifying the proof of age from a valid state issued driver's license, a valid state issued identification card, a valid military identification card, and/or a valid passport;
 - ii. Have the ability to be periodically updated with the latest information regarding valid state issued driver's licenses, identification(s) cards, military identification, and passports.
 - iii. Display or indicate if the identification card is valid and provide the individual's age and/or date of birth.
- e. Any data collected from the Electronic Age Verification Device shall only be used for the purpose of verifying an individual's age.
- f. This data may not be retained, used, sold, or disseminated by the business for any other purpose. This includes using the data for any mailing, advertising, or promotional activities or to make any personal contact with the individual.
- g. Management shall monitor the door and prohibit promoters or employees from allowing any patrons to avoid security and the required age verification checks.

Sec. 14-101. – EMPLOYEES OF BUSINESSES IN THE APPLICATION AREA

1. All employees of businesses in the area to which this Article applies 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 application area must designate a specific employee to maintain the occupancy counts throughout the night, and such employee, while on duty, must be able to provide such occupancy count to fire or police personnel.

3. At each business in the area to which this Article applies there 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.
 - b. 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 exercising control over the operation of the permitted place of business.

Sec. 14-102. – SAFETY PLANS, POLICIES, AND PROCEDURES REQUIRED IN APPLICATION AREA

1. Each business establishment in the application area 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; and
 - 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 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:
 - a. Illnesses, injuries, or medical emergencies;
 - b. Use of false ID to enter the establishment or purchase alcohol;
 - c. De-escalation techniques in dealing with uncooperative and/or disorderly conduct of patron(s) or employee(s);
 - d. De-escalation techniques for verbal and/or physical altercations;

- e. Identifying drug use and intoxicated individuals; and
 - f. A policy for the searching of patron(s), to include locating and recovering contraband, if the business is going to engage in searches of patrons.
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; and
 - 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 responsibilities assigned to designated employees 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 67-1-5(m)(ii) (hereinafter “event venues”) shall adhere to all requirements outlined in Section 14-100, 14-101 and 14-102.
2. Additionally, all businesses covered under this section shall provide notice of events scheduled at such event venues as follows:
- a. At least five (5) days before any such event, the property owner for such event venues must give notice of each event, and pay a processing fee. The fee for processing such notice shall not exceed \$75.00 but may be adjusted downward for repeat events.

- b. The Chief of Police or his/her designee may waive the five (5) day time requirement if:
 - i. Because of unusual circumstances, out of the control of the applicant, it was impossible to have provided notice within the time limitation;
 - 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
 - iii. The police department and other city services and personnel have adequate time to process the notice and plan for the event.
 - c. The notice shall be reviewed by the Chief of Police or his/her designee, who may require certain safeguards or conditions relative to such event, based on the following considerations:
 - i. The number of people expected to attend;
 - ii. The potential for street crowding and congestion, considering both the event and other activities occurring at the same time;
 - iii. Adequacy of the event venue's ingress and egress plan;
 - iv. Number, location, and training of security guards; and
 - v. Any other specific, known threat, articulable by the applicant or Oxford Police Chief or his or her designee.
 - d. Conditions that may be imposed include, but are not necessarily limited to:
 - i. Additional security presence or particularized requirement for security presence at particular locations;
 - ii. Limitations on ingress or egress, including time limitations to avoid conflict with other events or activities occurring simultaneously;
 - iii. Emergency action or evacuation plans tailored to specific contingencies for the event;
 - iv. Other requirements which, in the judgment of the Oxford Police Chief or his or her designee, are necessary in light of specific, articulable safety or health concerns, for the safety of business employees, patrons, or the public.
3. The event notice 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, but in no case shall an event permit be construed to allow the sale of alcoholic beverages, beer, and/or light wine 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; and
 - 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 shall at all times maintain responsibility for ensuring that 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 a minimum of \$250.00 and up to a maximum of \$1,000.00 and/or sentenced to serve up to six (6) months in the county jail.

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