

Ordinance 2018-\_\_\_

**ORDINANCE AMENDING CHAPTER 14,  
ESTABLISHING ARTICLE IV, SECTIONS 14-100 – 14-104  
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. 14-102, Sec. 14-103, and 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 article shall apply to all businesses in the City which are required by local or State law to obtain an on-premise permit for the sale, distribution and consumption of alcoholic beverages and/or beer and light wine, including when these businesses lease or rent their facilities to other individuals, businesses, or entities. When the article refers to an action which is to be undertaken by the Chief of Police or his or her designee, designation of such designee, by title, must be made in advance of such designation and be approved by the governing authority for the City.

**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 to the extent required by State and local laws, rules, and regulations, and as further provided herein. The permittee for the sale of alcoholic beverages and/or beer or light wine, as the case may be, shall be responsible at all times for acts of manager(s) and employee(s) who are in violation of applicable local

or State laws or rules and regulations, and which take place at the permitted establishment, regardless of whether the permittee is present. Management must provide adequate supervision to ensure the business's compliance with all applicable State and local laws, rules, and regulations upon the covered premises. To the extent the business causes the adjoining public rights-of-way or sidewalks to be blocked or obstructed in any way whatsoever by employees, stands, or patrons utilizing or seeking to utilize the services of such business, management must provide supervision and personnel which is adequate to remove or manage such obstruction so as to allow the public's use and enjoyment of such adjoining rights-of-way or sidewalks.

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 herein and in applicable State and local laws, rules, and 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 business name and **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.
  - c. If a private security company is used by the business that company must be insured, bonded and hold a valid business license to do business in the State of Mississippi and the City of Oxford.
4. All patrons or employees awaiting admission to the business and obstructing any part of the public sidewalks or rights-of-way shall be placed in a line, the design of which shall be approved by the Chief of Police or his or her designee, so as to minimize such obstruction.
  - a. Admission lines shall be designated and distinguishable for each establishment and maintained by the establishment's security, pursuant to the design approved by the Chief of Police or his or her designee. The location of the lines shall adhere to previous plans and/or instructions provided and approved by the Chief of Police or his or her designee.
  - b. Businesses shall utilize a rope line or other crowd control device approved by the Chief of Police or his or her designee.
  - 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 with the ability to view the following areas:
    - i. all entry/exit doors;
    - ii. all open common areas;
    - iii. all entry/exit doors of bathroom/restrooms;
    - iv. 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. A single camera may have the ability to monitor multiple areas, and in such case there need not be separate cameras mounted in each of the locations provided in sections a.i. through a.v., provided all such locations are monitored.
    - vi. If there are practical impediments to the placement of cameras in the locations stated above, or if the locations noted above are insufficient to meet the stated goals of safety and security, the Chief of Police or his/her designee shall have the authority to determine alternate locations not listed above, based on safety and security considerations, and such considerations shall be explained and provided to the business in written form.
    - vii. The owner or his/her designee shall have the right to appeal the location of additional cameras required by the Chief of Police or his or her designee, to the Mayor and Board of Aldermen at its next regularly-scheduled meeting after the determination as to location has been made.
  - 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. For purposes of inspection, the Chief of Police or his/her designee shall review, during regular business hours, only the minimal amount of the most recent footage to allow him or her to determine that the cameras are working properly and otherwise in compliance with this section. Such inspections shall be undertaken no more often than quarterly, unless a covered business has a demonstrated failure to comply with the requirements herein within the previous three month period, in which case such inspections may be undertaken with sufficient frequency to establish ongoing compliance with the ordinance.
  - 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 cameras shall be required to operate in the record mode during regular hours of operation or any time the business is open to the public and alcohol is being sold or consumed on the business's premises. "Open to the public" shall mean accessible to individuals other than staff or employees, whether by general admission, special permit, special permission or invitation.
  - e. All video recordings shall be stored or electronically retained for a minimum of 7 days.
  - f. If a camera or cameras are found to be out of compliance due to placement or functionality, a business shall be given thirty calendar days from the date such non-compliance began, to return to compliance before being deemed in violation of this section.
  - g. Other than minimum footage required during an inspection to determine whether the cameras are present and functioning properly, video footage shall not be required to be turned over to authorities absent a lawful order for such production.
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. Such Electronic Age Verification Device(s), capable of such detection as herein described, therefore, are required for businesses 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 businesses to which this Article applies must have a photo ID available of each of such business's employees, and a description of each such employees' position and contact information. Such information shall be retained for each such employee for a minimum period of sixty (60) days from the most recent date of hire for each such employee.
2. All businesses to which this Article applies must designate a specific employee to maintain the occupancy counts throughout the night. Such employee, while on duty, must be able to provide such occupancy count to fire or police personnel.
3. All businesses to which this Article applies shall have 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. All businesses to which this Article applies 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 review;
  - b. Once reviewed, 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 a reviewed Plan must be re-submitted to and reviewed 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, if such event is for 150 people or more, 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.

- 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.
3. The event notice shall include at a minimum:
  - a. The property owner's name and contact information;
  - b. The specific type or types of event planned (i.e. live music, disc jockey, fundraiser, wedding, dance, or some combination of specific types of events);
  - c. The security company's name and contact information, including whether security will be armed or unarmed;
  - d. Whether alcohol will be sold

In no case shall the provision of notice of an event by a covered entity 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

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 Regulation and Safety of Patrons and Employees of Restaurants, Bars and Similar Businesses, Including Event Venues Ordinance as approved, shall become effective for all covered businesses in the Downtown District on October 5, 2018. The Downtown District is defined as that area in the City which lies adjoining and to the north of University Avenue starting at 9th Street, proceeding east until 14th Street; proceeding north on 14th Street to Jefferson Avenue to include all businesses on the west side of 14th Street; and proceeding west on Jefferson Avenue to 9th Street, to include all businesses on the north and south sides of Jefferson Avenue; and then proceeding south on 9th Street to University Avenue to include all businesses on the east side of 9th Street.

The ordinance shall become effective for all other covered businesses within the City of Oxford on January 1, 2019.

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

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ROBYN TANNEHILL, MAYOR