ATTACHMENT THREE

DRAFT OF REVISED ORDINANCE

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ORDINANCE AMENDING ARTICLE 8, CHAPTER 30-8-13.2(B) AND AMENDING CHAPTER 18 OF THE GREENSBORO CODE OF ORDINANCES, ENACTING ARTICLE VI. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

ARTICLE VI.

Sec. 18-71 Purpose.

The City Council finds and declares that criminal acts of violence have repeatedly occurred at Facilities that serve alcohol and provide dancing and/or live entertainment. These acts have occurred inside and outside businesses where the patrons gathered, wait in line, enter or exit the facility, or in parking areas owned, leased, operated, rented or provided by the businesses for its patrons. Such occurrences constitute a detriment, danger and hazard to the health, safety and general welfare of the inhabitants of the City. These occurrences of acts of violence at such locations requires the enactment of regulations upon these facilities to prevent or reduce the acts of violence.

Sec. 18-72 Definitions [WHAT FACILITIES SHOULD BE REGULATED]

(a) Bars

(b) Restaurants

(c) Night Clubs

(d) Dance Clubs

(e) Entertainment Facility

(f) Events Centers

(g) After hour Clubs

(h) Sexually Oriented Businesses

Sec. 18-73 (Minimum Capacity of Regulated Facilities WHAT IS THE MINIMUM CAPACITY REQUIREMENT

Sec. 18-74 Definition of Premise Controlled by Facility

Sec. 18-75 Criminal Acts of Violence for this ordinance shall be defined as: DEFINITION OF VIOLENT CRIME)

(a) Murder

(b) Assault with a Dangerous Weapon Inflicting Serious Injury,

(c) Robbery with a Dangerous Weapon

(d) Sexual Assault which results in an arrest of a Class C felony or higher

Sec. 18-76 Business Permit [NAME OF PERMIT]

(a) Each business as identified in Sec. 18-72 with the minimum capacity as defined in Sec. 73 shall obtain a Business Permit from the City of Greensboro.

(b) An online application shall be available on the City of Greensboro website under the Planning Department or its designee and shall include Corporate Name with North Carolina Secretary of State, Owner(s) Name, Business Name, Physical Address, Mailing Address, and Contact Information.

(c) City Manager shall established the cost of the permit, which shall be obtained annually no later than February 1 of each year. For each newly formed business within a calendar year, the permit shall be obtained ten (10) days prior to the first day of operation. Any modification of the cost of the permit shall be provided no later than \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

(d) The Greensboro Planning Department or its designee shall review the submitted application and determine if the business is subject to this ordinance.

(e) The sale or transferred of ownership shall result in the submission of a new application for permit within five (5) days after the sale or transfer.

Sec. 18-77

(a) Each business issued a permit pursuant to Sec. 18-76 shall perform and do the following:

(1) Provide security staff persons both inside the facility and in any outside area used for access to the facility including parking, lines, or gathering of patrons;

(2) DOES COUNCIL REGULATE THE REQUIRED NUMBER OF SECURITY OR IMPOSE THIS AS A RESULT OF AN OCCURANCE ON OR ACT THE FACILITY DEFINED AS A CRIMINAL ACT OF VIOLENCE?

Example:

(2) The number of security staff and whether unarmed or armed security shall be the operating decision of the facility unless and until a level one or higher violation is substantiated and the facility shall be subject to the higher regulations as required by the City and as set forth in Sec. 18-78.

Sec. 18-78 Regulations Imposed by City for violations

(a) Upon a Criminal Act of Violence as defined in Sec. 18-75, occurring in or on the premise, the business shall be subject to the following additional regulations:

(1) For a Criminal Act of Violence, except for an act, that which results in the death of a patron, the facility shall submit a security plan to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Department (?) Board (?), which shall provide the following:

(a) number of additional security, both armed and unarmed, that will be on the site of the premises with a minimum requirement of one unarmed security for every \_\_\_ number of allowed patrons;

(b) a reduced maximum capacity allowed by the facility;

(c) a closing time earlier than allowed by the facility at the time of the act of violence;

(d) the name and contact information for each manager/owner responsible for the enforcement of the security plan;

(e) the facility shall remained closed until the security plan has been submitted and approved by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

(2) After a period of \_\_\_\_ days (90? 120? 150?) without a second Criminal Act of Violence, the facility shall be allowed to operate under the standards set forth in Sec. 18-77.

(b) For a Criminal Act of Violence, that results in the death of a patron, the facility shall submit a security plan to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Department (?) Board (?), which shall provide the following:

(a) number of additional security, of which at least one must be licensed as an armed security officer, which will be on the site of the premises with a minimum requirement of one unarmed security for every \_\_\_ number of allowed patrons;

(b) a reduced maximum capacity determined by the City;

(c) a closing time which is at a minimum two hours earlier than allowed by the facility at the time of the act of violence;

(d) the name and contact information for each manager/owner responsible for the enforcement of the security plan; which shall be updated weekly;

(e) the facility shall remained closed for a medium period of thirty days and until the security plan has been submitted and approved by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

(2) After a period of \_\_\_\_ days (150?) without a subsequent violation of a Criminal Act of Violence, the facility shall be allowed to operate under the standards set forth in Sec. 18-77.

(c) Subsequent violations of a Criminal Act of Violence within twelve-month period of operation shall result in the following: