

ATTACHMENT 2

Amended Ordinances - December 2, 2014

ID 14-0826
14-0151

ORDINANCE AMENDING ARTICLE 8, CHAPTER 30-8-13.2(B), AND AMENDING CHAPTER 18
OF THE GREENSBORO CODE OF ORDINANCES, ENACTING ARTICLE VI,
ENTERTAINMENT FACILITY SECURITY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. Chapter 30-8-13.2(B) of the Greensboro Code of ordinances is hereby amended to read as follows:

B. The term "Entertainment Facilities" shall mean and refer to Entertainment Facilities operating after 9:00 p.m., at which alcohol is sold, served or consumed and the occupancy capacity of the facility as determined by the Greensboro Fire Department is 150 persons or more unless otherwise stated within this Article, "Entertainment Facilities" includes facilities at which any of the following occur:

1. Bars;
2. Clubs or lodges where an event open to the public is being held or conducted and which include dancing or a live entertainment performance;
- ~~3. Dance clubs;~~
- ~~4. Night Clubs;~~
- ~~5.~~ 3. Special events facilities where an even open to the public is being held or conducted which includes dancing or a live entertainment performance;
- ~~6.~~ 4. Temporary events open to the public where dancing or live entertainment performance is being held or conducted; and/or
- ~~7.~~ 5. Sexually oriented businesses at which some kind or type of dancing or live entertainment occurs, without regard to the occupancy capacity of the Entertainment Facility

Section 2. Chapter 18 of the Greensboro Code of ordinances is hereby amended to read as follows:

ARTICLE VI. ENTERTAINMENT FACILITY SECURITY

Sec. 18-71. - Purpose.

The city council finds and declares that criminal acts of violence have repeatedly occurred at Night Clubs, Dance Clubs, and After-hours Clubs and such occurrences constitute a detriment, danger and hazard to the health, safety, morals and general welfare of the inhabitants of the city. This condition requires the enactment of regulations which impose minimum security requirements upon entertainment facilities in order to prevent or reduce the occurrence of future acts of violence.

Sec. 18-72. - Definitions.

- (a) "Night Clubs" and "Dance Clubs" shall mean and refer to commercial establishments where the

principal use is for dancing, musical entertainment, comedy, or other similar types of performances and activities at which alcohol is sold, served or consumed. The term Night Club shall include Dance Clubs. Admission to a Night Club may, but need not, take place by payment of a direct or indirect charge, fee, donation, or any form of consideration, or by the purchase, possession, or presentation of a ticket or token. A Night Club may also be known as a discothèque (disco) or a dance hall, and is an entertainment venue which usually operates late into the night. A Night Club may have live music and is generally distinguished from bars, pubs or taverns by the inclusion of a dance floor and a DJ booth, where a DJ plays recorded music or a stage for live entertainment.

- (b) The definitions of Night Clubs and Dance Clubs shall also include "After Hours Clubs" which are businesses open to the public after 3am (Eastern Standard Time) where alcohol is consumed.
- (c) "Act of violence" shall mean and refer to any violent act: 1) resulting in injury to a person which requires the victim to receive transportation and/or treatment at a medical facility; or 2) which involves the use of any weapon which may reasonably cause injury requiring transportation and/or treatment at a medical facility; or 3) results in the death of a person; or 4) involves a sexual assault or robbery.
- (d) The Planning Director or the Planning Director's designee shall make the final determination as to whether an entertainment facility qualifies as a Night Club that is subject to the provisions of this ordinance. Appeals to the decision of the Planning Director or the Planning Director's designee shall be made to the Board of Adjustment.

Sec. 18-73. – Minimum security requirements for all Night Clubs with occupancy of 100 or more persons.

- (a) The following table depicts the required number of qualified security staff based upon the occupancy capacity:

Occupancy Capacity	Security Staff Required
100-200	2
201-300	3
301-400	4
401-600	5
601-800	6
801-1100	7
1101-1400	8

Each facility with an occupancy capacity over one hundred (100) patrons shall provide a minimum of

two (2) uniformed off-duty sworn law enforcement officers or two (2) armed security guards as defined by NCGS Chapter 74C. Each facility shall provide one (1) additional unarmed security guard for every additional one hundred (100) patrons up to four hundred (400) patrons in attendance. At a capacity above four hundred (400) patrons, each facility shall provide one (1) additional unarmed security guard for every additional two hundred (200) patrons in attendance.

(b) All security staff for Night Clubs shall meet the following requirements:

1. The security staff shall be required to be on duty when the public entertainment begins or 9:00 p.m., whichever occurs first in time, and shall remain on duty for at least one-half hour after the facility has closed or after all patrons have vacated the area immediately surrounding the premises and the adjacent parking lots used by patrons, whichever occurs later in time.
2. The security staff shall provide security that is plainly visible to patrons inside the premises of the facility. Security staff will also maintain plainly visible security outside of the facility at parking sites immediately adjacent to the premises which are used by patrons, as well as the perimeters of the building in which the facility is located and areas within one hundred and fifty (150) feet of the entrances to the facility at which a line of patrons has formed.
3. Security staff shall make every reasonable effort to remove disruptive persons separately and ensure that each departs the premises and parking area prior to the next disruptive person being removed from the premises and parking area.
4. If found, security staff shall remove any illegal contraband from patrons, report its existence to the Greensboro Police Department, identify the person in possession of the illegal contraband and immediately turn it over to the proper law enforcement authorities.
5. All unarmed security staff shall register and maintain a valid certification as an unarmed security guard pursuant to the requirements of North Carolina General Statute 74C-13, *et. seq.*, and shall attend and obtain certification by successfully completing the Unarmed Security Officer Training Course offered pursuant to the North Carolina Private Protective Services Board. Law enforcement officers who act as unarmed security shall hold a valid and current certification as a law enforcement officer issued by either North Carolina Sheriffs' Education and Training Standards Commission or the North Carolina Criminal Justice Education & Training Standards Commission. At no time shall any security staff be registered with the state at any level that is less than that of an unarmed security guard. Proof of application and registration for all security staff shall be kept by the entertainment facility and available for inspection on the premises. The proof shall consist of copies of all relevant documentation including: application forms, receipts for application fees and live scan fees, and actual proof of certification.
6. Armed security staff shall register and maintain a valid certification as an armed security guard pursuant to the requirements of North Carolina General Statute 74C-13, *et. seq.*, or

shall hold a valid and current certification as a law enforcement officer issued by either North Carolina Sheriffs' Education and Training Standards Commission or the North Carolina Criminal Justice Education & Training Standards Commission. In addition, all armed security staff shall at all times while engaged in employment as such, be in possession of and provide to the Chief of Police or his designee upon request the following documentation:

- a. A copy of the license issued to him or her by the appropriate state or local agency authorizing him or her to possess such firearm;
 - b. A copy of his or her law enforcement identification (if he or she is employed by a law enforcement agency); and
 - c. A copy of his or her state driver's license or state identification card.
7. At closing time, the security staff shall be responsible for clearing the patrons of the facility from the sidewalk and street areas in front of the premises and from other areas accessible to persons around the perimeter and within one hundred and fifty (150) feet of the premises.
 8. While on duty, each member of security staff shall have a nameplate containing that person's full name and the word "SECURITY" printed in bold, capital letters. The nameplate shall be exhibited prominently on the clothing, at chest level, and shall be visible and easily read at all times. The nameplate shall be a minimum of three inches high and nine inches wide, with the required information printed in capital letters, at least two and one-half inches high and in a contrasting and highly visible color. As an alternative to a nameplate, the security personnel's name and the word "SECURITY" may be embroidered on the security personnel's outermost garment with the required information meeting the above specifications and located at chest level.
 9. The facility shall not allow any security staff to, and no security staff shall, sit at the bar, consume alcoholic beverages or any controlled substance, be under the influence of alcoholic beverages or any controlled substance, or engage in any other violations of law while on duty. Additionally, the high capacity Night Club facility shall not allow any security staff to, and no security staff shall at any time, serve any patron any food, drink, alcohol or other consumable item or items.
 10. The facility shall not allow any security staff to be, and no security staff shall be, in possession of any firearm while on the premises without first having obtained a license from the appropriate state or local agency authorizing that person to be in possession of a firearm.
 11. Security staff shall be responsible for maintaining order at the facility premises and shall ensure the patrons do not carry concealed weapons, including but not limited to guns and knives.

- (c) The owner(s) and manager(s) of a facility are jointly responsible for compliance with this Article without regard to assignment or sub-lease of the premises to any other person or entity for any entertainment. If the use of a facility is assigned or sub-leased to another person or entity, the assignee or sub-tenant (which may be referred to as a "promoter"), said assignee or sub-tenant shall be jointly responsible with the owner(s) and manager(s) for compliance with this Article.
- (d) The applicant shall provide a written security plan which describes in detail all procedures which the entertainment facility shall use. The security plan shall also include the following:
 - 1. A list of equipment to be used for facility security purposes; and
 - 2. A list of employees, agents, or contractors of the facility whose responsibilities include compliance with the security plan, including a description of the duties of each such employee, agent or contractor.

Sec. 18-74. - Exemptions.

- (a) This ordinance shall apply to all Night Clubs, Dance Clubs, and After-Hours Clubs. If any Night Club, Dance Club, or After-Hours Club existing as of the date of this ordinance has operated for a period of three (3) years without an incident involving an act of violence, as defined in this ordinance, that business shall be exempt from the required security regulations until such time as an act of violence shall occur at the facility. A determination of exemption shall be made by a records review conducted by the Greensboro Police Department and the records reviewed shall relate back to the previous three (3) years from the date of the requested review. Appeals to a determination of exemption shall be made to the Board of Adjustment.
- (b) The following uses and activities are exempt from the provisions of this article:
 - 1. Uses, activities and facilities owned or operated by any Federal, State, County, or local government agency or government sponsored entity.
 - 2. Uses, activities and facilities owned or operated by any private educational institution.
 - 3. Facilities operated by an organization designated as a non-profit entity under section 501(c) of the Internal Revenue Code.

Sec. 18-75. – Standard of Proof.

In determining any civil violation of this ordinance, the occurrence of any act of violence or other fact need only be proved to a preponderance of the evidence.

Sec. 18-76. – Violations and Enforcement.

- (a) It is a violation of this Article for an owner, manager, assignee and/or sub-tenant of an entertainment facility to fail to provide the minimum security requirements described herein.
- (b) Failure to comply with the security regulations set forth herein is hereby declared a public nuisance. The City shall abate nuisances occurring under this Article by seeking abatement and other

equitable remedies which may be imposed by a court of competent jurisdiction as allowed in North Carolina General Statute § 160A-175. The terms of such order of abatement sought by the City may include:

1. Ordering the entertainment facility to cease all business at the location where the nuisance occurred; or
2. Requiring additional security measures including camera systems, metal detection systems or other physical changes which reduce the danger of future acts of violence.

This sub-section does not preclude the City from seeking other terms of abatement or injunctive relief which may be appropriate under the circumstances.

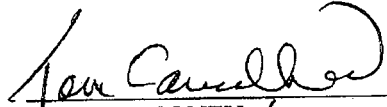
Section 3. That this ordinance shall become effective upon adoption and shall require all Night Clubs to upgrade security in conformity with this section within 14 days.

Section 4. That all ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

THE FOREGOING ORDINANCE WAS ADOPTED
BY THE CITY COUNCIL OF THE CITY OF
GREENSBORO ON THE 2ND DAY
OF DECEMBER, 2014 AND WILL BECOME
EFFECTIVE UPON ADOPTION.

ELIZABETH H. RICHARDSON
CITY CLERK

APPROVED AS TO FORM


CITY ATTORNEY /s/