

Office of the City Attorney
City of Greensboro



February 11, 2015

**TO: Greensboro City Council
Jim Westmoreland, City Manager**

FROM: Tom Carruthers, City Attorney

SUBJECT: Night Club Security Ordinance

Pursuant to Council request, attached is the proposed new ordinance entitled Night Club Security Ordinance. This ordinance broadens the scope of regulated facilities, institutes a night club permitting system, and refines the security requirements.

The overview for such changes is as follows:

Scope of Regulation/ Equal Protection:

Pursuant to NCGS §160A-181 and 181.1, the scope of the ordinance is widened to cover night clubs, dance clubs, and after hours clubs, sexually oriented businesses, promoted events, restaurants that operate as night clubs, and teen clubs. All establishments that feature amplified music or amplified entertainment for dancing, musical entertainment, or other similar types of performances will be considered night clubs for purposes of this ordinance. Encompassing all such establishments ensures the City is treating similarly situated businesses the same.

Night Club Permit:

All night clubs and SOBs will apply for a Night Club Permit, which will be overseen by the Director of Finance. The purpose of the Night Club Permit is for the City to track the owners and operators of night clubs/SOBs and to inform them of their duties under the ordinance. In the process of applying for and receiving a permit, owners and operators will be provided a copy of the Night Club Security Ordinance and will be provided a copy of the Greensboro Police Department Security Manual. All night clubs/SOBs will be expected to operate as a “safe operation” meaning they have not had a violent incident for a continuous period of 18 months. The cost of the permit will be \$25.

GPD Security Manual:

This is the Greensboro Police Department’s Security Manual which outlines the practices and protocols for operating a safe club/SOB. This manual will detail the expectations for how security staff will maintain a secure environment, including how they will handle unruly patrons, how they will handle closing-time procedures, how they will deal with illegal activity, and the like. All clubs/SOBs will be expected to follow the protocols set forth in the GPD Security Manual.

Fresh Start:

From the date this ordinance is enacted, all existing clubs/SOBs and any new clubs will begin with a “fresh start” and will be considered safe operations that must comply with minimum security requirements. If a violent incident occurs at the business, the business shall cease to be a safe operation, and it shall comply with the enhanced security requirements.

Minimum Security:

A club/SOB must 1) have functioning video cameras at all entrances and exits; 2) hire security guards in proportion to the club’s occupancy capacity/patron attendance. As a safe operation, the club may choose to hire either unarmed or armed security staff.

The ordinance does *not* require unarmed security guards to be formally certified by the North Carolina Private Protective Services Board, but they are required to complete suitable class work and training. Unarmed security guards will be required to attend an initial 16-hour training class and thereafter complete an annual 4-hour online renewal class. GTCC will offer the appropriate training class at a cost of \$78. (This cost is mandated by the State of North Carolina.)

Enhanced Security:

Clubs and SOB that cease to be a safe operation because of a violent incident must comply with enhanced security requirements in addition to the minimum security requirements. Enhanced Security requirements means 1) small capacity clubs/SOBs will hire one (1) armed security guard; 2) high capacity clubs/SOBs will hire two (2) armed security guards; 3) clubs/SOBs will have armed security guard(s) on duty Thursday through Saturday nights and on special events or holidays as listed in the GPD Security Manual; 4) clubs/SOBs will use fixed or hand-held metal detectors to check all patrons; and 5) clubs/SOBs will maintain a daily roster of patrons for a 14-day period which will be subject to disclosure to the Greensboro Police Department if a search warrant is obtained.

These enhanced security requirements shall continue for a period of eighteen (18) months following the final determination that the club/SOB is not a safe operation. After eighteen (18) months during which time there have been no additional violent incidents, the club/SOB shall revert to a safe operation subject to the minimum security requirements.

Board of Adjustment / Appeals:

The Board of Adjustment is a quasi-judicial body that will hear appeals regarding the issuance of permits, revocation of permits, the determination that a violent incident occurred, the assessment of civil penalties, exemptions, or compliance with security requirements. An appeal will stay enforcement unless the city seeks immediate injunctive relief.

Effective Date:

From the date the ordinance is effective clubs/SOBs will have 60 days to comply.

Attached is a 2-year overview of data about violent incidents at the night clubs and sexually oriented businesses that are subject to the Night Club Security Ordinance.