

Standard Operating Procedure

City of Greensboro Safety Review Board

Sec. 1. Purpose.

Acts of violence have repeatedly occurred at restaurants, bars, businesses and other locations that serve alcoholic beverages, allow for on-premise consumption of alcoholic beverages, and/or fail to prevent on-premise consumption of alcoholic beverages, and such occurrences constitute a detriment, danger and hazard to the health, safety, morals, general welfare, peace, and dignity of the inhabitants of the City of Greensboro. These violent incidents have occurred inside and outside businesses where patrons are gathered, waiting in line, entering, or exiting, or in adjoining parking areas owned, leased, operated, rented, or otherwise provided by such businesses. Therefore, the City of Greensboro ("City") adopts the policy herein in an effort to respond to and prevent such acts within the City.

Sec. 2. Definitions.

[The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

(a) "Applicable location" means and refers to all locations being used for a non-residential purpose and at which alcohol is served to patrons, and/or at which alcohol is permitted for on-premise consumption, and/or at which the owner or subtenant fails to prevent on-premise consumption of alcoholic beverages.

(b) "Owner" means and refers to any person or entity which owns, leases, uses or otherwise occupies an applicable location.

(c) "Subtenant" means and refers to any person or entity which subleases or uses an applicable location from an owner, which shall specifically include event promoters, agents or other persons or entities who assert a right of use of an applicable location.

(d) "Safe Operation" shall mean and refer to an applicable location that has operated for a period of eighteen (18) continuous months, during which time the applicable location has had zero (0) violent incidents. "Safe Operation" also means the applicable location shall have no active city code violations of the Fire, Building, Nuisances, Minimum Housing Code (IPMC) or the Good Repair Ordinance for Non-Residential Structures (IPMC) that would endanger occupants or the general public.

(e) "Violent Incident" 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) resulting in the death of a person; or 3) involving a sexual assault or robbery. A violent incident shall include incidents that occur inside the applicable location, on the premises, or in the immediate vicinity of the premises where patrons are gathered, waiting in line, entering, exiting, or in the adjacent parking areas if such parking areas are owned, leased, operated, rented or otherwise provided by the applicable location. Whether an incident qualifies as a "violent incident" will be determined by the Greensboro Police Department in coordination with the Office of the City Attorney.

(f) "Safety Review Board" shall mean and refer to a panel composed of a member of the Greensboro Police Department Command Staff, a member of the Greensboro Fire Department Fire Marshals Office,

a member of the Department of Neighborhood Development, a member of the Department of Building and Inspection, and a peer business owner.

(g) "Corrective Action Recommendation" is a recommendation created by the Safety Review Board, in conjunction with the applicable location when possible, to increase security and other public safety measures to bring the applicable location back to Safe Operation. Some examples of recommendations which the City Safety Board may select:

- 1) The applicable location will hire/retain additional armed security guard(s) in sufficient number to be determined by the Safety Review Board;
- 2) The applicable location shall have armed security guard(s) on duty Thursday through Saturday nights and on special events or holidays as set forth in the Corrective Action Plan;
- 3) Shall use fixed or hand-held metal detectors to check all patrons; and
- 4) Shall maintain a daily roster of patrons who are allowed admission into the applicable location. This roster shall be subject to disclosure to the Greensboro Police Department pursuant to a search warrant issued by a court of competent jurisdiction.

(h) "Safety Review Board Manual" shall mean and refer to the City of Greensboro Safety Review Board Manual. This manual shall be maintained and overseen by the Chief of Police or his designee. This manual shall describe the procedures of the Safety Review Board and the procedures and guidelines to create and approve Corrective Action Recommendations.

Sec. 3. Policy.

1. Upon the occurrence of a violent incident at an applicable location, a City Safety Review Board shall convene within seven (7) days. A notice of this Board meeting shall be served on the owner or any subtenant personally, by registered or certified mail, by regular mail, or by electronic mail. If regular mail or electronic mail is used, a notice of the pending meeting shall be posted in a conspicuous place on the premises affected. At the conclusion of this Board meeting, the City Safety Review Board may prepare a Corrective Action recommendation. The purpose of this Board meeting is to collaborate with the owner or any subtenant in an effort to prevent future violent incidents at the property. The property owner and/or subtenant, as well as any others with knowledge of the location or the violent incident, will be given the opportunity to provide all relevant information concerning the property and/or the violent incident.

In no case will the City Safety Board be required to prepare a Corrective Action Recommendation. Rather, such a recommendation will only be prepared in the event that such recommendations are warranted based upon the totality of the circumstances, to include past history of the location, cooperation by the owner and/or subtenant with efforts to stop violent incidents on the property, the facts of any particular violent incident, and any Code violations which may exist on the property.

The Office of the City Attorney shall make the final determination as to whether a location qualifies as an applicable location that is subject to this policy.

Sec. 4. Exemptions.

(a) The following uses and activities are exempt from the provisions of this policy:

1. Uses, activities and facilities owned or operated by any Federal, State, County, or local government agency or government-sponsored entity or events issued a special use permit by these entities.
2. Uses, activities and facilities owned or operated by any private educational institution or religious institution.
3. Facilities operated by an organization designated as a non-profit entity under section 501(c) of the Internal Revenue Code, when the location is being operated by the non-profit entity.
4. Arts and craft shows; athletic fields and athletic events; community festivals; carnivals, fairs or circuses; conventions, exhibitions, trade shows; religious events and assemblies, parades.

(b) The Office of the City Attorney shall make the final determination as to whether a location qualifies for one of the exemptions to this policy.

Sec. 18-66. Remedies.

(a) Violent incidents and/or failure to comply with Corrective Action Recommendations may be declared a public nuisance. The City may abate nuisances by seeking abatement, injunction, or other equitable remedies which may be imposed by a court of competent jurisdiction as allowed in G.S. § 160A-175.

(b) Applicable locations with continued incidents of violence and probable cause arrests will be subject to City action in conformity with Chapter 19 of the North Carolina General Statutes.

(c) Violent incidents and/or failure to comply with Corrective Action Recommendations may subject the applicable location to enforcement by the North Carolina Alcohol Law Enforcement Division of the North Carolina Department of Public Safety and/or the North Carolina Alcoholic Beverage Control Commission. Nothing herein shall limit or prevent the City from cooperating in those investigations, to include submitting evidence or other documentation concerning the applicable location.

(d) Nothing herein shall prevent the City from enforcing any City ordinances at the applicable location, including by not limited to regulations related to Building & Inspections or Zoning restrictions.