

Hospitality Zone Task Force Recommendation

The following recommendation includes the Task Force recommendations preceded by the referenced message to Columbia City Council:

Message to City Council:

This interlocking system of recommended actions has been carefully crafted and represents a compromise position for all stakeholders represented on the Task Force. We believe that this package of proposals, supported by law enforcement, neighborhoods, and industry representatives, will protect our citizens while greatly enhancing the success of our hospitality industry.

Critical recommendations (1 – 4 below) are just that: if any change is made to the recommendations, the position of the Task Force is no longer represented.

Other recommendations (5 – 8 below) are strongly encouraged but changes made by City Council do not necessarily affect the support of the Task Force.

Critical Recommendations:

1. **Implementation of a juvenile curfew**, at the same time every day of the week, year round, drafted with maximum likelihood of passing Constitutional challenges.¹ The only other exceptions to this curfew must be based on the special restricted driver's license exceptions² that law enforcement, parents and teenagers are familiar with. We recommend a curfew time of no later than 11PM for safety reasons. This curfew time will allow law enforcement the ability to balance curfew enforcement responsibilities with its responsibilities for hospitality zone adult activities, which begin increasing in numbers immediately thereafter. Curfew enforcement should be by warning only for first six months. Appropriate penalties for offenders should be determined by Council based on effectiveness of enforcement, committed resources, input from stakeholders, and exploration of alternative programs such as the Greenville model, collaboration with Richland County regarding an alternative jurisdiction (ie Juvenile Drug Court), community service, and/or use of the Midlands Evaluation Center.

¹ The curfew is recommended for hospitality zones but our understanding is that legalities necessitate a citywide curfew.

² [holder of restricted license may not drive]....unless accompanied by the holder's licensed parent or guardian. The restrictions in this section may be modified or waived by the department if the restricted licensee proves to the department's satisfaction that the restriction interferes or substantially interferes with:

- (a) employment or the opportunity for employment;
- (b) travel between the licensee's home and place of employment or school; or
- (c) travel between the licensee's home or place of employment and vocational training;

2. **Implementation of a citywide law closing bars at 2 AM, with one exception.** A bar may apply for a special permit to remain open until 4 AM where State law permits if it agrees to be bound on a 24/7 basis by strict adherence to legal requirements pertaining to the sale of alcohol (including the maintenance of insurance, not promoting binge drinking, proper scrutiny of IDs, not permitting overcrowding or overserving, etc.), adherence to city laws pertaining to smoking, litter and other quality of life issues, maintenance of their premises to code, allowing only 21-year-old and older individuals in the 2AM – 4AM hours, requiring training of all personnel in an approved TIPS or ServSafe program, and requiring minimum security personnel staffing, including uniformed law enforcement. This permit would render the bar subject to city police law enforcement for liquor license violations. Violation of their agreement can result in revocation of their business license and special permit. A model ordinance reflecting these requirements is attached.
3. **Enforcement in the hospitality zones by a Hospitality Public Safety Team** (the “Team”) committed to collaboration, to be immediately formed and trained in relevant laws and best practices. The Team must include law enforcement (including Columbia Police Department, USC Security, Richland County Sheriff’s Department and SLED), zoning inspectors (to ensure compliance with parking and encroachment requirements), fire marshals and business license personnel with community representatives. Initial goals for the Team must include, at a minimum, appropriate levels of allocated resources and planned location and resource coverage. SLED should train and “deputize” all appropriate Team representatives, including CPD officers, as constables. SLED, however, should continue to participate as a member of the Team.
4. **Implementation of extensive public relations campaigns** using outside expertise on curfew requirements, safe drinking practices, personal safety issues, more stringent open container enforcement and related topics.

Other recommendations:

5. Finalize a citywide open container ordinance, prohibiting any alcohol outside the enclosed area of a bar or outside the perimeter of an allowed encroachment zone area.
6. Tighten current anti-loitering laws which, among other things, forbid obstructing the sidewalks or streets without a permit, such as requirements set forth in New Orleans Section 54-401.
7. Increase penalties for overcrowding violations.
8. Provide a mechanism to link information about violations at establishments currently on several different systems (police, fire, code enforcement, business license) to better track nuisance cases, which should allow more consistent enforcement.

Columbia 2 AM Closing with Exemption Recommendation Bullets

Citywide, all bars and restaurants would have to close at 2 AM unless the bar obtains a special permit from the city to remain open until 4 AM but only allowed to sell beer and wine as prescribed by state law (Saturday night, no alcohol can be sold after 2 AM). To obtain the permit, the business must agree to:

- Not allow any non-employee under the age of 21 on their premise after 2 AM
- Not allow any drinking contests or games, or contests involving disrobing, “wet t-shirt,” or “Girls Gone Wild,” or similar contests to be held or advertised at the business, unless the business is licensed to operate as a sexually oriented business.
- Within thirty days of employment, all security, front-of-house managers, bartenders and wait staff shall be trained in either ServSafe Alcohol or TIPS responsible alcohol service programs.
- No alcohol consumption will be permitted in the parking lots under control of the business and no alcohol may leave the premises unless to decks, rooftops or encroachment zones.
- All businesses must employ security personnel licensed by the State and bonded at a minimum ratio of 1 per 100 occupancy.
- Business must maintain all licenses required by state or local law, insurance coverage including without limitation liquor liability insurance and workers’ compensation.

Penalties

- *If within a six month period on the premise two attempted or accomplished robberies or larcenies, breaches of the peace, drug offenses, assaults, public nuisances or violations of unlawful sale of alcohol then the business must employ security personnel on a ratio of 1 per 50 occupancy during all hours of operation and shall provide a special duty law enforcement officer from 11 PM until closing time for a period of at least 60 days. If the business fails to comply with this security requirement within 5 days of notice, they will loose their special permit for a period of 12 months.*
- *For a business not the victim of the incident, within any 3 month period on the premises under its control, three robberies or larcenies, breaches of the peace, drug offenses, assaults, public nuisances or violations of unlawful sale of alcohol, promotion of binge drinking, maintenance of liquor liability insurance, workers compensation insurance or any of the above rules, or other violations of law or of this exemption, the exemption will be immediately revoked for a period of at least 12 months.*

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