Planning, Managing and Policing Hospitality Zones

A Practical Guide

SECURITY, SERVICE AND SAFETY

MULTI-USE SIDEWALKS

COMMUNITY POLICING IN HOSPITALITY ZONES

LATE-NIGHT INTEGRATED TRANSPORTATION

THE FUTURE OF MUSIC AND ENTERTAINMENT

QUALITY OF LIFE

Summit Edition
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ABOUT US

The Responsible Hospitality Institute (RHI), with over 20 years of research and experience, is the leading non-profit source for networking, online resources and consultation services that assist cities seeking to plan, manage or police dining and entertainment districts (hospitality zones). With increasing demand for places to socialize, RHI and its partners continually look for new ways to facilitate cooperation and consensus-building to maximize the economic and social benefits of hospitality.

NETWORK

The RHI Network provides both online and face-to-face channels to resources and network partners. Interactive *Webinars* allow participants the depth of presentation of a seminar without leaving the office. RHI's *Networking Conferences* explore current and emerging trends and issues using a North American host city as a hands-on learning laboratory. *2020 Vision Leadership Summits* present expert and local panels on key topics as well as educational seminars on global sociability patterns impacting cities with late-night activity.

- Webinar
- Networking Conference
- Leadership Summit
- International Symposium

RESOURCE

RHI Resource provide a centralized access point for regularly updated tools, practices and policies in hospitality zones. The *Resource Directory* provides a listing of key organizations representing hospitality, safety, development and community perspectives. The *Clearinghouse* is a searchable database with links to news articles, press releases, publication reviews, case studies, upcoming events and columns by staff and featured guests.

- Resource Directory
- Clearinghouse
- Café Society
- Tools

SERVICES

RHI Consulting and Training Services provide cities direct, expert assistance in planning, managing and policing new or transitioning hospitality zones. Designed to facilitate communication and expedite collaboration through a comprehensive force field assessment, the *Hospitality Zone Assessment* maximizes the use of existing resources and engages a broad base of community stakeholders in reaching consensus on issues and gaps, and devising a six month implementation plan.

- Plan
- Manage
- Police
- The HRP

Planning, Managing and Policing Hospitality Zones
A Practical Guide

A compilation of the collective knowledge gathered from cities throughout North America, this guide contains promising and often innovative approaches and practices that address the potential impacts of a hospitality zone while still enhancing safety and vibrancy. Designed for real-life application and practical use within cities, this is a valuable resource to cities with late-night sociability venues.

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PLANNING, MANAGING AND POLICING HOSPITALITY ZONES

A Practical Guide

Creating Safe and Vibrant Places
for
People to Socialize

The Future of Music and Entertainment

Multi-use Sidewalks

Security, Service and Safety

Community Policing in Hospitality Zones

Late-night Integrated Transportation

Quality of Life

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Forward

"Committed people working together in a community of effort will produce more than could ever have been prescribed through a formal strategic planning process."
James A. Autry, Real Power, Business Lessons from the Tao Te Ching

"Laws evolve from perceived abuse. When there is no real abuse, there is no need for laws."
Debra Setzer, El Cajon Police Department

From its founding in 1983, the Responsible Hospitality Institute (RHI) has been in the forefront of organizing events and showcasing innovative strategies, finding workable solutions, and building networks among diverse sectors toward a common vision of creating safe and vibrant places for people to socialize.

Development of a publication like this evolved through the interaction and examination of resources from many sources, contributions of time, knowledge and resources of many people, and struggles to filter the best information in as concise a way as possible.

Each year, through RHI's Networking Conferences, Webinars, Leadership Summits and Issue Forums, and the growing number of cities implementing the Hospitality Resource Panel/Partnership process, new ideas and tactics are uncovered, and shared.

We hope you'll appreciate this document as a starting point of an exciting journey to making life better, more fun, and your city or organization more successful.

Visit our website www.RHIweb.org and discover new ways to network with your peers, access more information, and join in upcoming RHI events.

Thanks to all who contributed to this publication, and to all who will continue to be part of the RHI Network.

Jim Peters, President, Responsible Hospitality Institute

A Practical Guide
Gathering the Information

Beginning in the spring of 2003, the Responsible Hospitality Institute (RHI) began a series of Leadership Summits to collect and organize information on trends, issues, gaps and resources relating to the development of dining and entertainment districts. The three part process begins with a **Community Engagement Orientation**, with key "influentials" assuming a leadership role in organizing and facilitating a series of Roundtables.

In the early phases there were three specific stakeholders identified for separate **Roundtable** focus groups – hospitality, safety and development. Burlington, Vermont recommended a fourth focus with residential and community representatives.

Representatives from each of the Roundtables were selected to participate in a **Leadership Summit** to identify the top five priority action steps, achievable within six months, utilizing existing resources, though improved communication and collaboration, and become a member of a Hospitality Resource Panel/Partnership.

The development of the *Practical Guide* evolved from the collective insights from each of these Leadership Summits as well as from a series of four **Networking Conferences** where representatives from dozens of other cities participated, and each of the host cities served as a laboratory of discovery. It is the contribution of time and knowledge of the hundreds of individuals representing an almost equal number of organizations from the following cities that deserve recognition for their participation.

Leadership Summit Locations

San Diego, California
Philadelphia, Pennsylvania
Tallahassee, Florida
Seattle, Washington
Monterey, California
Burlington, Vermont
Columbus, Georgia
Washington, DC
Norfolk, Virginia
Phoenix, Arizona
Boulder, Colorado
Springfield, Missouri
Windsor, Ontario
Edmonton, Alberta
Chicago, Illinois
Providence, Rhode Island
Baltimore, Maryland
Cleveland, Ohio

Networking Conferences

Philadelphia, Pennsylvania
Delray Beach, Florida
Burlington, Vermont
Hollywood, California

Planning, Managing and Policing Hospitality Zones

A Practical Guide

INTRODUCTION TO THE PRACTICAL GUIDE

Planning, Managing and Policing Hospitality Zones, a Practical Guide is a compilation of the collective knowledge gathered from cities throughout North America. Rather than presenting theories, this guide has been designed for real-life application and *practical* use within cities. The aim of the guide is to help cities plan, manage and police safe and vibrant places to socialize within a hospitality zone.

Working toward this ideal involves consideration of six core elements essential to the creation of these places and understanding of the six trends driving increased demand for them.

The guide contains promising and often innovative approaches and practices that address the potential impacts of a hospitality zone while still enhancing safety and vibrancy. The information is presented in seven sections.

- Overview: An introduction to planning, managing and policing hospitality zones that includes a definition of sociability and the six trends and driving forces impacting cities and an introduction to the Hospitality Resource Panel/Partnership process.
- Music and Entertainment: The first of six core elements. State and city governments are beginning to recognize the importance of music and entertainment in developing and revitalizing of neighborhoods and districts. Success requires a balance of addressing community concerns with enhancing opportunities for music and entertainment. It is also important to recognize both the social and economic contributions and the inherent conflicts associated with vibrant late-night entertainment districts.
- Multi-use Sidewalks: The role of the sidewalk has expanded from a mere pedestrian pathway to a new and vibrant venue serving various social and cultural functions. The sidewalk of modern times, the “multi-use sidewalk,” offers unique opportunities for dining, street entertainment, vendor-shopping, and most importantly, people watching.
- Community Policing in Hospitality Zones: Thursdays through Saturdays are high intensity periods which place greater demands on staffing and operations. This new brand of "event" requires a new approach to policing and a new brand of officer, as well as greater collaboration with community to maximize prevention, and safety resources and responses.
- Security, Service and Safety: Vibrant hospitality zones operate in the day, evening and late-night and cater to different ages and demographics. With an increasing number of young adults seeking places to meet and socialize, there is increased pressure for licensed beverage establishments to better regulate sales and service to underage and intoxicated persons, as well as assure the safety of patrons leaving their establishments.
- Late-night Integrated Transportation: Facilitating the safest uses of conventional transportation options, maximizing points of intervention for intoxicated drivers and pedestrians, and utilizing innovative strategies in order to plan for a comprehensive network of transportation services, cities can ensure safer and more efficient access and exiting of the hospitality zone for those who socialize and work there.
- Quality of Life: The trend toward mixed-use development places residents and commercial businesses in close proximity and raises new issues for policymakers, managers, businesses and residents. Impacts include noise, deliveries, trash, litter, public urination, traffic and vandalism. Smoking bans can also set into motion a string of conflicts, with demands for more outdoor seating.

Although these strategies have been compiled from hospitality zones of various sizes and types, this guide may not be applicable to all cities. Furthermore, not all of the information has been verified. Planning, Managing and Policing Hospitality Zones, a Practical Guide aims to consolidate key concepts and practices, yet it should not be considered a definitive text.

PLANNING, MANAGING AND POLICING HOSPITALITY ZONES

"Policing involves more than enforcement: it's keeping the peace and providing service."
Leonard J Supenski, The Community Policing Consortium - July 25, 2001

Anyone who has ridden a motorcycle understands that there are many challenges, as well as an equal number of rewards, resulting from the thrill of staying up and moving forward.

For some, the most important lesson is to not get on the road. Others who succeed realize they have to:

- Look: The first lesson is to look in the direction you want to go. The motorcycle will travel to the destination you are focusing on. If an obstacle comes in your path, and your attention shifts to focus on it, your direction will veer off course.
- Lean: The second lesson is to lean to turn. You do not steer the motorcycle.
- Let Go: The final lesson, as you are leaning closer to the ground, is to let go, and realize that there are forces greater than you understand directing you toward your destination.

Similarly, when planning a district, opening a business or for most any activity you pursue, a similar process applies:

- Vision: Having a clearly defined vision is the first step. If it is creating a hospitality zone, a vision might be "create safe and vibrant places to socialize." Conflicts and problems often emerge, but just like with the motorcycle, you don't get to your destination if you focus on the obstacles in your path.
- Plan: Creating a plan, organizing resources, recruiting key stakeholders and building a solid foundation are the next step.
- Trust: Finally, if you have the plan, stay focused on your vision; you have to trust the process to get you to your destination.

It seems almost universal that as hospitality zones evolve, and conflicts emerge, the quick response is to blame the restaurants and clubs, or seek resources for more police. Whether it is late-night noise from pedestrians and traffic, trash, litter and property damage, fights and violence, or drunk driving, the conflicts can often be attributed to poor planning or ineffective management, rather than a policing problem.

As cities seek to create environments for people to "live, work and play," there are organized and focused strategies for developing residential housing and attracting business to the city center, but often, the formula for "play" is that "it just happens."

Planning, Managing and Policing Hospitality Zones, a Practical Guide asks the reader to consider the opposite, to consider the possibility that by building safe and vibrant places for all peoples to socialize (play), they will come to live and work.

The process presented in *Planning, Managing and Policing Hospitality Zones, a Practical Guide* relies upon the three steps central to hospitality zones:

- Planning: Recognizing that the ultimate outcome is to meet the public's need for sociability, a city, district, or neighborhood needs a clear vision, organized resources, and commitment to the process. Too often people and institutions become grounded in their current state, without recognizing that there is constant motion and patterns. For instance, as spring emerges from winter, with warmer days and nights, people want to be outside more, and increasingly seek outdoor seating as they share food and drink with friends. Whether because of biology, lifestyle, or stage of life that prompt discovery and exploring risks and freedoms, teenagers and people in their early twenties are more social and more active later at night than their aging parents.
- Managing: The natural cycle of change requires continual processes that match the stages of change. Creating places for young people to meet and socialize and anticipating the impacts from seasonal changes in dining and entertainment are necessary in the proper management of hospitality zones.
- Policing: Policing can be considered providing a service as well as enforcing the laws, and involves more than police departments. Effective policing is anticipatory, guiding and defining boundaries based upon community

standards. In hospitality zones, policing is a responsibility of government agencies, businesses and their staff, and the patrons and residents utilizing the products and services in the zone.

SOCIABILITY

"The trend toward dining and entertainment is demographic driven – there is a new generation of consumers looking for unique spaces that reflect local culture and desire for a ``third place'' besides work and home."
Michael Beyard, Urban Land Institute - July 25, 2001

A Basic Human Need

Life is about relationships. Our need and desire to connect with others forms the essence of our being. People who are more connected with meaningful relationships live longer and healthier lives; people who have lost connections or believe they have none are at risk of more health disorders or suicide.

The sharing of music, food, and dance are crucial elements of socializing. These activities are often complemented by the enjoyment of beer, wine, spirits and other alcoholic beverages as well as non-alcoholic beverages such as coffee, tea, juice and water. However, expectations about the use of alcoholic beverages and the appropriateness of intoxication vary from country to country and culture to culture. In turn, rules and regulations governing the practices of alcohol-serving establishments or the creation of public gathering places have evolved over the centuries.

The changing moral and public attitudes toward alcohol indicate concern for the growing need to balance safety, social need and economic necessity. The dynamics of a global economy and advances in technology have brought a new understanding and insight into the lifestyles of cultures throughout the world. They have also introduced new forms of communication through the advent of the Internet, so that face-to-face interaction is no longer necessary for the formation of relationships.

In an age that is increasingly mobile, fast-paced and global, it is vital that spaces allow people to achieve sociability quickly, and at more times of the day. Working in a global economy requires access during more hours of the day, or on non-traditional schedules. People's homes are becoming work places. Demand for late-night shopping, theatre and dining pushes back the hours those employees, many of them young people, get off shift to 10 p.m. 24/7 service centers, financial institutions that trade with international partners and clients, and the variable schedules of the "creative class" create an ever increasing need for "third places" (away from home and work) to be open on an ever expanding schedule.

Connections established by the phone and Internet often only achieve true effectiveness in face-to-face conviviality. Moreover, in an age when people often work in front of computer screens, it is a joy to be able to converse in person. Relationships that once took months to germinate now often are expected to develop in a few hours. Contemporary hospitality can play a central role in facilitating this sociable synergy. Hospitable contexts nurture a feeling of community and encourage people to feel connected and committed to the community, which tends to lower risks of uncivil behavior.

RESPONSIBLE HOSPITALITY

Hospitality is the art and science of creating the space for people to socialize. The planning and organizing of an event to bring people together, to connect, and to share an "experience" defines hospitality. Responsible hospitality provides for the comfort and safety of guests while maintaining the quality of life of the surrounding community.

Hospitality is the fabric of community life, and in many ways, a community - whether a village, town, city, state or country - serves as a host to residents and visitors. Entrances to main streets across America display signs and banners welcoming people to their communities. It is this welcoming that also conveys a message that your needs will be met and you will be safe in "our town."

During the past half century, as Americans moved from towns and cities to the suburbs, they replaced "community" time with "commuting" time. Many of the abundant ethnic and cultural customs and traditions found in "neighborhoods" were replaced by quick meals from fast service restaurants at shopping malls or pre-processed meals consumed in the

home. The daily ritual of connecting with family and friends was replaced by social isolation and unhealthy diets and lifestyles.

However, the new Millennium has brought three trends that are turning the tide and returning North Americans to community: an aging Baby Boom generation that has more time and resources to spend with and on others; equal in numbers to the Boomers, an emerging "millennial" generation entering their late teens and early twenties; and an evolution in planning and market demand to model our communities and lifestyles around the European "café society."

As communities strive to bring life back to their main streets and downtowns, the creation of events, fairs and festivals seek to unite people and often celebrate the ethnic and cultural diversity that makes America unique. Often, it is the pairing of food, drink and entertainment that forms the core of these events. Yet concerns about underage drinking, intoxication and drunk driving remain an important consideration for event planners, and appropriate steps are required to reduce risk while enhancing the hospitality experience.

Commercial dining and entertainment establishments, community fairs, festivals and events in city centers and downtowns are increasingly being affected by six trends and driving forces. While not all cities are affected equally, each trend needs to be considered in relation to the others.

The Six Trends

"Commercial revitalization needs to be based in a cultural context. Planners need to seek community involvement up front to avoid the loss of the neighborhood's character. Segregation of entertainment doesn't manage behavior. A mix of uses creates a natural management."
Mac Nichols, National Main Street Center July 25, 2001

Trend 1: Demographics

Demographics are driving many of the changes in cities, and the year 2020 will mark a major transitional date, as the last of the baby boom generation will turn 60 and the Millennials (those born after 1980) will be between 20 and 40 years old.

Two major demographic groups defining downtown development are the Bookend Generations. They share the desire to live in urban environments, yet they have very different needs and expectations for urban living. First, the aging Baby Boomer cohort (born 1946-1964), many of whom originally sought the suburban environment in order to raise families, now seek the convenient access to the arts, entertainment and hospitality offered in an urban center. Second, the emerging Millennial, or Gen-Y cohort (born after 1980), now entering young adulthood and the workforce, either lives in or near urban centers. There, they access work, late-night dining and entertainment venues.

The term "Bookend Generations" was coined to describe the relationship between the Baby Boom and Millennial generations, which are the two largest demographic groups in the nation. According to United States Census data, there were approximately 80 million Baby Boomers and 80 million Millennials in 2005. The number of Baby Boomers projected to be living in 2030 is 57.8 million, hence Millennials, whose lifestyle and views are already shaping changes in downtown development, will become the largest generation in the U.S. history.

Chart 1 shows the change in population by age between 1990 to 2000, while Chart 2 shows the rate of "going out" three or more times a week. The peaks and valleys of those over 40 and under 20 define the "Bookend" generations. In the next twenty years, the growth in those between 20 and 40 and over 60 is projected to rise.

Chart 2 is a survey of the frequency people report "going out" divided by age. Projecting the pattern forward, one could assume the rate rises as people turn 50 or become "empty nesters" with more time and resources to spend on dining and entertainment, though most likely on a schedule different than those under 30.

Chart 1
Bookend Generations

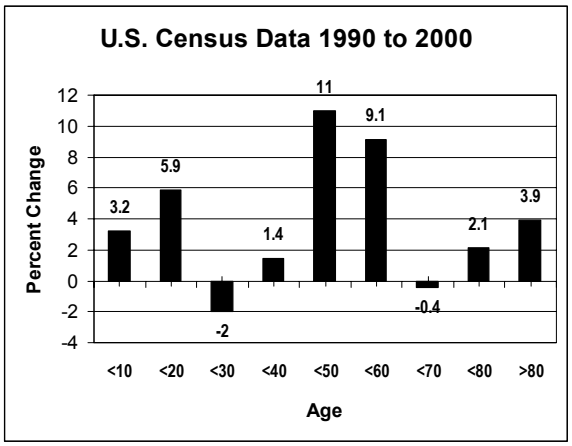
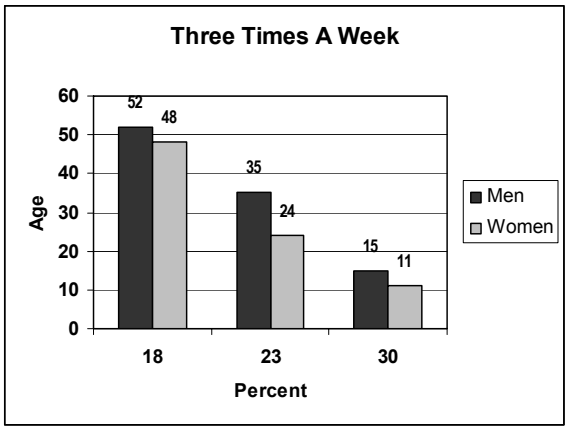


Chart 2
Going Out



University of Michigan Institute for Social Research (ISR)

Media Influence on Lifestyles

Whether media follows lifestyles or lifestyles follow media is difficult to assess. But, when reviewing popular media and attitudes of the four generations alive today, some interesting patterns emerge.

Chart 3 correlates popular media forms and themes and how they may affect attitudes and behavior. The Silent Generation, born before 1945; the Boomers, born between 1946 and 1964; the X'ers, born between 1965 and 1979; and the Millennials, born after 1980.

Chart 3
GENERATIONS AND MEDIA

SILENT	BOOMERS	X'ERS	MILLENNIALS
Radio	Captain Kangaroo	Sesame Street	Barney
Prohibition Depression WWII	Father Knows Best	Brady Bunch	Friends Sex and the City
Conformity	Identity	Isolation	Protected
THEM	ME	WE	US

- **Silent:** Living through three major crisis periods, this generation was very committed to country, company and family. Having struggled through difficult times, they were raised with strong values of conformity and were expected to work for the same company their entire life. In addition, they were the first to live in the suburbs, and "keep up with the Jones'" and were especially dedicated to raising their children. They can be considered the "Them" generation because they are so "other" focused.
- **Boomers:** Beneficiaries of a strong economy and parents willing to make their lives more comfortable than the ones they had, the Boomers became very self-focused, sometimes labeled as the "Me Generation." TV programs like *Father Knows Best*, *Donna Reed* and *Leave it to Beaver* portrayed adulthood as a repeat of their parents' lives in the suburbs. Rebelling against their parents, this generation led the changes in the role of women, race and political action. Though remaining in the suburbs to raise their families, the older members of this generation are now migrating back to urban life as they become empty nesters.
- **X Generation:** The first of this generation was born of the early Boomers, who often put careers ahead of family. This generation was referred to as "latchkey kids" because they often returned home from school to an empty house and in addition, they struggled with high divorce rates and the redefinition of family, as TV programs like *The Brady Brunch* highlight. *Sesame Street was* their baby sitter, teaching them to do things independently, be individuals and explore. They were also the first generation to have basic computer technology, and as they came of age, they drove the dot com economy. X'ers migrated to cities tolerant of alternative lifestyles. Referred to as "Urban Tribes," members of this generation challenged the norms on workplace dress and schedules, and drove the Bohemian culture of cities, spurring the art communities, loft living and innovation in food and restaurant cuisine. Without strong ties to their dysfunctional families, they relied upon friends for support. They can be called the "We" generation.
- **Millennials:** The most recent generation, born after 1980, and referred to as Millennials or Gen Y, lived through the longest period of world peace and strongest economy in the 20th Century. They are born of the Boomers who postponed having families or the X'ers who had children early. The strong economy allowed an investment in children, as well as a commitment to "protecting" them with a focus on safety (bicycle helmets, seat belts, "baby on board" and "just say no") and scheduled lives built around group activities. Schools shifted their approach to education by building teams and focusing on civic duty while TV programs like *Barney and Friends* reinforced doing things together and recognizing everyone as equal. A number of events shaped their future, especially for young women. For the first time in history, there are more women entering college than men, with more women in medical and law schools than men. Millennials' role models are depicted in shows such as *Friends*, *Seinfeld* and *Sex and the City*, which are all urban based and focused on group socializing and new patterns of dating. Demonstrating a sense of entitlement, but more attached to their family than the Boomers and X'ers, Millennials are the "Us" generation.

Besides understanding the four major population cohorts, it is equally important to recognize social phases and patterns in sociability, which are creating different demands for different venues in hospitality zones.

- **Singles:** Individuals in their late teens and early twenties exploring relationships and often making decisions based upon physical appearance. Limited social skills and interest in music and dancing leads them to venues that allow for easy movement, loud music (limited conversation) and alcohol, which is often used to relieve social inhibitions.
- **Mingles:** Social groups of any age with a common interest, either mixed or single-gender, or couples. Desired venues provide more comfortable seating, especially for small groups, entertainment (but not too loud to limit conversation), food and better quality beverages.
- **Families:** Introduction of children into couple relationships often requires adjustment to the frequency of going out, amount of money and time spent, and the type of business patronized. City centers are usually not where families live or socialize. One young mother observed "I see many strollers, but very few bicycles."
- **Jingles:** Business travelers on an expense account or empty nesters with more time and money to spend on activities they could not afford while raising children.

Emerging Patterns

- Movement to urban areas
- Revitalizing main street
- Growth in demand for ethnic and specialty foods
- Growth in demand for cafes and lounge environments
- Boomers drink less but better
- Increase in under-21 abstainers
- Zero tolerance for youth & drivers drinking
- Developing sense of community

Trend 2: Hospitality Zones

The terms "mixed-use district" or "multi-use district" traditionally describe the blend of residential, commercial and retail development within a particular location. A *hospitality zone*, meanwhile, is an area of mixed or multiple uses that is distinguished by a high concentration of dining and entertainment businesses, such as restaurants, pubs, taverns, cafes and nightclubs. A hospitality zone often has an active street life and may serve as a center for community fairs, festivals and events.

This convergence of places to socialize is described as a hospitality "zone" rather than a "district" in an attempt to categorize a sub-section of a single district or an area that may overlap legal boundaries for multiple districts. Further, hospitality zones have varying intensities and impacts based upon their hours of operation, their types of daytime and nighttime uses and their patronage by different demographic groups. These factors often contribute to the development of a Split-Use Economy within a hospitality zone.

Trend 3: Split-use Economy

Hospitality zones often operate an 18/7 or 24/7 split-use economy, whose primary uses and populations change dramatically before and after 10 p.m. During daytime and early evening hours, hospitality zones typically serve all age groups, especially older adults, while 18-30 year olds comprise the majority of the late-night market. This shift can be attributed to the demographic trend of Bookend Generations.

Depending on a hospitality zone's concentration and variety of venues, there may be equal or more activity after 10 p.m. than before. Some businesses, licensed as restaurants or dining establishments, may even stay open later to accommodate increased demand for late-night venues and to maximize profits. However, many cities fail to anticipate or recognize the volume of late-night activity in their hospitality zones. Further, many cities fail to acknowledge the hospitality zones' social and economic contributions.

As a result, there is a growing need for services, such as policing, public transportation, trash pick-up and crowd management, to be sustained during unconventional business hours in order to address safety and quality of life impacts. Without proper planning, management, and policing of hospitality zones with split-use economies, these impacts may contribute to perceptions of risk and drive complaints from local stakeholders.

Trend 4: District Life Cycles

Like artists, avant-garde entrepreneurs opening dining and entertainment venues often seek affordable real estate in isolated districts of a city. As word spreads and more people patronize the establishments, other businesses open and begin to generate traffic that spurs development of retail, residential, or professional services.

The pattern of district evolution is often in four stages. Emerging districts have the unique places and attract risk takers, those who feel safe in unsafe areas and who seek new, exciting and different places to meet, dine and socialize. Over time, the district enters the Developing stage, with more stable businesses opening, residential development, retail stores, offices, professional and service businesses. The Mature stage has increasing real estate values, driving out some of the local independents, which are replaced by regional or national chains. If the evolution of the district is not

managed properly, competition grows, or public safety or quality of life deteriorates, the district enters the Declining stage.

Each stage requires different strategies and tactics. Adjusting city services such as police, waste management, parking security, and public transportation can facilitate or stabilize the changes in each stage. Providing assistance to new businesses earlier in the process can prevent the loss of start-up capital due to delays in permits and licenses. Organization of business improvement districts and instituting clean and safe programs can prevent some of the decline.

Trend 5: Displacement

In with the new often means out with the old or existing. As neighborhoods and districts change through revitalization, gentrification, development of stadiums, convention centers or other large footprint properties, long-standing "authentic" businesses and residents may be displaced.

In addition, as hospitality zones emerge near these projects, the frequency of events, impacts on parking (for employees and patrons of other events), and maintaining a mix of businesses are all factors to consider.

More importantly, helping existing businesses adapt to the changes through outreach, education, access to financial and in-kind resources, product mix and marketing can assure some of the local character remains.

Trend 6: Concierge Government

As cities evolve, agencies need to keep pace with technology and the ability of businesses to access information in an easy-to-understand format. Dining and entertainment businesses have exceptional responsibilities and often deal with dozens of local, county, state and federal agencies.

Concierge government asks “How can we assist you to succeed?” rather than saying “You can’t do that” or “Figure it out yourself.” Centralizing permitting and licensing functions, creating online application processes with access to simplified summaries of rules and regulations, periodic seminars on the process of opening a business, with representatives from key agencies available to answer questions, qualified staff to serve as a liaison when conflicts arise are all of what is needed for a concierge government system.

Building Alliances: The HRP

As *Planning, Managing and Policing Hospitality Zones, a Practical Guide* will demonstrate, sociability is central to the fabric of community life. But the creation and management of hospitality zones involves and impacts four primary stakeholder groups – hospitality, safety, development and community.

- Hospitality: Hospitality is the art and science of creating space to socialize. The hospitality stakeholder perspective includes businesses, suppliers, associations and educators involved in accommodation, dining, entertainment and events.
- Safety: Agencies and organizations responsible for monitoring and enforcing rules and regulations protecting public safety while assuring a balance in quality of life for visitors and residents. They include police and fire departments, health (food safety) organizations, emergency services, traffic and highway safety organizations, and code compliance agencies.
- Development: Agencies and organizations involved in planning and developing the vision and infrastructure for meeting community needs and in particular, dining and entertainment districts, including business improvement districts, chambers of commerce, planning and economic development departments, commercial brokers, licensing and permitting agencies, developers, historic commissions, transportation service, public works and waste management.
- Community: Organizations and individuals representing residents and community, including neighborhood organizations, colleges and universities, as well as retail businesses impacted by dining and entertainment, community coalitions addressing underage drinking and drunk driving, homelessness, and other issues.

Forming alliances among and between these four stakeholder groups assures the most effective and efficient use of resources to implement the "six core elements" of the hospitality zones described in upcoming chapters. The Responsible Hospitality Institute (RHI) has coined a term for these alliances – Hospitality Resource Panel or Hospitality Resource Partnership (HRP) – to create the framework that encourages collaboration among individuals and groups to address issues and solve problems.

A Hospitality Resource Panel/Partnership (HRP) is a non-membership alliance of business owners and associations, government and safety personnel, and community and neighborhood coalition representatives working together to develop safe communities and healthy businesses through the promotion of responsible hospitality principles and practices.

Based upon RHI's experience, the HRP can serve as a resource to:

New and existing hospitality business owners by:

- offering information on permitting, licensure and regulation;
- suggesting alternative practices for high risk businesses;
- providing training to enhance the professional skills and image of those working in the hospitality industry; and
- connecting owners with representatives from regulatory and code compliance agencies in a non-adversarial environment.

Government and safety personnel by:

- helping to coordinate the efforts of various agencies in order to avoid duplication and to support information-sharing;
- facilitating the role of government as a resource and partner in business development; and
- creating a mechanism for proactive interactions with businesses to address new or existing business practices.

Downtown development representatives by:

- providing a channel to disseminate and receive information related to planning and development of hospitality businesses;
- building partnerships with business owners and government to explore untapped resources and strategies; and
- offering additional perspectives on the development and revitalization of neighborhoods and districts.

Community representatives by:

- giving residents the opportunity to meet with government officials and business owners to share their concerns and needs in a neutral setting;
- engaging residents in the planning process for hospitality businesses and districts in their community; and
- informing residents about relevant projects and strategies being undertaken to address issues such as noise, trash, pedestrian safety, etc.

HRP: A Process Not A Project

Partnership, priorities and process are defined by those involved, the nature of the community, the stage of evolution of the district, extent of organization among the business sector in an association or other alliance, commitment from city leadership, availability of an effective HRP coordinator and other factors.

A decision to implement an HRP requires time and acceptance that the relationships, building of trust, gaining commitment and establishing collaborative partnerships evolves slowly. It may often involve a cycle of introduction, review and approval for continued participation from some form of supervisory body such as city manager, department director or organization board of directors.

The most significant outcome from the HRP, regardless of how it is staffed, structured or organized seems to be giving permission for individuals to work together, to form alliances and to collaborate. In this sense, the HRP becomes the lightening rod for past conflicts, and disarms the threat.

An HRP generally involves an ongoing series of meetings attended by a group of participants who are committed to involvement in a process. An HRP is not a project. The distinction is subtle but important. A project usually has a beginning and end with clearly defined objectives. A process is "a natural phenomenon marked by gradual changes that lead toward a particular result" and is usually on-going.

The outcomes of an HRP are both strategic and tactical. The strategic components of the HRP process can help with the visioning and planning aspects of a successful dining and entertainment district, while the tactical outcomes can serve to organize existing resources, prioritize and carry out action steps, and aid in conflict resolution.

The HRP: The 5 C's

The HRP process is relatively new with various levels of evolution in different communities. Those that seem to work the best follow five operating principles, referred to as the five C's.

- Communication: Often, while a city may have the resources necessary to effectively plan, manage and police dining and entertainment districts, many key stakeholder groups have limited or no interaction, and thus, are unaware of the resources that exist. This may be due to competing interests, past negative experiences, personality conflicts among leadership, or just lack of opportunity or incentive for collaboration. So the first step is to assess the level of communication among the key stakeholder groups, identify gaps, and create the forums to close the gaps.
- Cooperation: Relationship and trust-building are the key outcomes of the HRP process. During the early stages of development, as the various groups begin to interact and gain understanding and insights, there is a greater willingness to set aside past differences and conflicts and agree to "cooperate" on discovery of potential areas of agreement.
- Consensus: A successful HRP has both "intra" communication among key stakeholders as well as "inter" communication. As participants become more open and candid, trust is established, and developing an action plan based upon consensus can be achieved.
- Commitment: Leadership will rise to the top from key stakeholder groups, and commitment to complete the action plan made, with pledge of time, resources or other tools. Organizations will begin to filter through their staff to identify the most appropriate individuals to serve in different roles and more recognition is given to the HRP for positive outcomes.
- Collaboration: Partnerships form, alliances emerge and many collaborative activities evolve, often outside the framework of the HRP. Eventually, many of the gaps are filled and strategies become institutionalized into various organizations, changing the role of the HRP. As central point of contact, the HRP facilitates a periodic check-in point to monitor emerging issues and evaluate needs for response.

The Responsible Hospitality Institute (RHI) can assist your city or district establish a Hospitality Resource Panel/Partnership or similar process. Our principle role is to facilitate the convening of key stakeholders, reviewing the process, and organizing resources among the stakeholders to be more focused on a common vision.

First, RHI can conduct a Hospitality Zone Assessment and organize a Leadership Summit to recruit and engage the community in the HRP process.

Second, RHI events and Webinars provide unique forums for networking among key stakeholders and exchange of strategies and tactics.

Finally, RHI provides an in-depth training and coaching program for the HRP coordinator.

For additional information about the HRP visit www.RHIweb.org/hrp and view the sections.

THE FUTURE OF MUSIC AND ENTERTAINMENT

"The new emphasis in retail, as in downtowns, is experience marketing. Dining and entertainment is significant to driving local economies, even as the economy stalls, and there is increasing competition among districts for consumer spending."
David Feehan, International Downtown Association – July 25, 2001

Individuals or organizations most likely to find this section useful include: Economic development agencies; government and community entities involved in policy and planning of arts, music and entertainment; theater, club and other venue owners and managers; musicians and entertainers; convention and tourism bureaus; music writers and reviewers; promoters and agents

Special Thanks

The information contained in this section was derived from numerous resources. Special thanks are due, however, to the following persons and organizations that provided source information and/or editorial review.

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- Jocelyn Kane, Deputy Director of the San Francisco Entertainment Commission.
- James Keblas, Director of the Seattle Mayor's Office of Music and Film.

Special consideration is also given to the cities of Seattle, Washington; Austin, Texas; and Nashville, Tennessee; whose assessments of the economic and social impact of their music industries have provided valuable insight and data for this guide.

Introduction

This chapter will discuss various approaches and promising practices to enhance opportunities for the growth and development of a music and entertainment economy while balancing community concerns. The following subjects are covered:

- Music and Entertainment Commissions: Recognizing the need for coordinated support and management of the music and entertainment industry, cities are forming commissions to centralize the permitting and licensing process, provide conflict mediation services and to collaborate with city departments for regulatory inspections.
- Economic Impact Assessments: Cities throughout the nation are starting to conduct assessments of their music and entertainment industries in order to quantify economic and employment contributions as well as examine the relationship between music and entertainment vibrancy and overall cultural and economic vitality. By establishing music and entertainment as a legitimate and viable economic engine, these studies help to shape a positive perception of the industry while providing evidence of the need for appropriate allocation of city resources and public safety services.
- Challenges: The lack of industry organization and the failure to recognize its cultural and economic value may result in inadequate allocation of city resources and services, which may lead to poor management of public safety concerns and contribute to negative perceptions of the industry. Further, city leaders, while attempting to protect incoming and existing residents' quality of life, may inadvertently stifle the growth of a viable economy appropriate to their region.
- Promising Practices: Cities have implemented various strategies and promising practices as a way of promoting and professionalizing, as well as assisting and subsidizing the music industry, including the individuals involved who may face financial hardship.

Overview

Music is a fundamental attribute of human culture that has served an integral role in religion, education and entertainment throughout the world. Every known culture, geographical region and generation has developed its own distinctive musical style. A source of hope and joy, music is the lubricant that fosters sociability in times of both

prosperity and adversity. The music of one's generation will always be associated with life's most defining social moments – from a first kiss to a first wedding dance. An individual's sense of self is predicated on the music that reflects his or her life.

The advent of technology such as the internet, portable stereos, compact disc players and MP3 players is shaping new trends and expanding the role of music in society. From the retail stores where people buy their clothes and food, to the places where they socialize – on streets, in restaurants, bars and clubs – people are constantly surrounded by music. In the modern age, music not only marks the significant events in an individual's life, but it has also become an essential part of identity, intertwined with daily life. It is no wonder that portable music players are now the hottest and most actively sought commodities among the young adult generation. It is this emerging demographic, which has grown up with unlimited access to mainstream and independent artists from various cultures and in a number of different languages, which actively seeks diverse late-night music and entertainment options. As future generations of youth enter childhood and adolescence with iPod™ earplugs in their ears, it is unquestionable that the demand for live music and music venues will both increase and start at an earlier age.

Cities are in a unique position to fulfill and benefit from this growing public demand for high quality live music and entertainment. However, while many cities recognize classical music performances as a source of cultural enrichment, they may not acknowledge the social benefit and economic contribution of other types of music and entertainment. Unlike the typically older, more affluent demographic that attends the opera or symphony, establishments that feature less "elite" music styles, such as rock 'n' roll, dance and hip-hop are typically patronized by individuals who are either young of age or of spirit. The latter type of venue is often perceived as a "nuisance" due to its association with negative impacts on public safety and quality of life.

As a result, there is a growing need to dispel misconceptions and help more state and city governments recognize the many incentives and positive contributions of a diverse music industry. Late-night music and entertainment venues can not only drive the cultural vibrancy of a city, but also serve as a marketing tool to entice tourists and indirectly attract other types of businesses. Furthermore, these venues are often instrumental to the revitalization of a hospitality zone through their economic and employment contributions. World-renowned cities such as Austin, Texas and Memphis, Tennessee have thrived as cultural centers of the nation due to their active support for a broad range of music and entertainment venues.

How Cities Can Support Music and Entertainment

Local city and state governments have the power to either interfere with or nurture their late-night venues. Cities that have begun to recognize the social and economic benefits of music and entertainment have started to develop formal governmental entities that proactively support, administer and regulate their local music industry. Throughout the nation, cities such as San Francisco, California and Austin, Texas have created entertainment commissions and music commissions, respectively. Meanwhile, other cities, such as Seattle, Washington, have expanded their Mayor's Offices of Film and Music beyond a traditional focus on classical music performances to include a broad spectrum of late-night music and entertainment. States such as Texas have even developed an innovative statewide "music office" to promote pro-music initiatives and to recognize the contribution of the industry on a state level.

Music and Entertainment Commissions

The following example of a city-based commission is based upon the structure of the San Francisco Entertainment Commission.

Members

To take into account a wide number of interest groups and stakeholders within a hospitality zone, commission members should include representation from the following entities:

- Music and entertainment groups or associations
- Neighborhood groups, associations or residents
- Public health department
- Urban planning community

- Law enforcement

Benefits

An official support network for local music and entertainment can have the following benefits:

- Encourages the development of the late-night music and entertainment industry as an economic engine and source of cultural vibrancy.
- Fosters improved communication and cooperation among musicians, venues, residents and the city.
- Efficient coordination of regulatory, licensing and permitting procedures.
- Eliminates potential conflict of interest that may result when a single entity (e.g. the police department) is responsible for issuing and enforcing licenses and permits.
- Enhanced promotional opportunities for musicians, venues, performances and culturally-themed events.
- Assistance in locating funding sources for local, independent non-profit organizations and other groups that support musical interests.
- Commission website can serve as a central resource and clearinghouse of information for regulations and upcoming events.

Roles and Responsibilities

Administration of Permits and Licenses

- Provide assistance in the application process.
- Issue permits related to music and entertainment, including but not limited to:
    a. Outdoor amplified sound permits.
    b. Late-night/After hours permits (dependent upon a city's definition of "late-night" hours, which may range anywhere from 10:00pm-2:00am or 2:00am-6:00am).
    c. Fixed place/Place of Entertainment permits (for licensed venues to offer live or recorded music).
    d. One-time event permits (for alternative venue spaces and public facilities e.g. aquarium, warehouse).
- Authority to issue, renew or condition licenses and permits upon determination that a proposed venue or privilege will not significantly impact nearby residents and businesses.
- Authority to suspend, deny, or revoke permits based on non-compliance with Good Neighbor policies or significant negative impacts on nearby residents and businesses.

Harm Reduction

- Promote policies that reduce health and safety risks such as hearing loss, heat exhaustion and the consumption of alcohol.

Conflict Mediation

- Develop a "Good Neighbor Agreement" to establish clearly defined standards and expectations for late-night establishments in order to maintain a high quality of life for nearby residents and businesses. (See Quality of Life section for more information.)
- Mediate conflicts and disputes between the operators of establishments in question and those affected by them.

Coordination with City Departments

- Coordinate inspections (e.g. police and public health departments) necessary for the application process.
- Coordinate tests and inspections conducted by sound technicians to measure noise levels and help determine and/or offer suggestions for compliance with local noise ordinances.
- Plan for additional city services and resources (e.g. police, fire, traffic control, restroom) to be allocated for major events and "spontaneous gatherings" such as Halloween and New Year's Eve "for which there is no recognized organizer, promoter or sponsor, or where identified organizers, promoters or sponsors cannot, in the opinion of the commission, provide adequate planning and coordination for the size, geographic distribution or nature of the event" (San Francisco Entertainment Commission, Section 90.4. (h)).

Economic Impact Assessments

Many enlightened cities have begun to recognize the social, cultural and economic contributions of their music and entertainment industries. However, since a city's cultural vitality cannot be quantified in numbers or figures, an economic impact assessment can be used to measure the direct fiscal and employment impacts of the industry and can also examine corresponding social and cultural benefits as well as indirect economic impacts.

This type of assessment can have a powerful influence in helping to professionalize and legitimize the industry as a viable economic force. With the consistently negative media portrayal of the late-night industry in particular, an impact assessment can help shape a new vision of the role of music and entertainment in a city as a vital part of a hospitality zone's community.

Comprehensive studies have been conducted in cities with renowned music scenes such as Seattle, WA; Austin, TX and Nashville, TN, while the states of Texas and Georgia have also developed statewide assessments of the impact of arts and culture, with emphasis on music, on their states' economies.

How is the Data Collected?

Interviews and surveys conducted with the following individuals, groups and organizations can help cities gain a wide breadth of insight into the contributions and impacts of music and entertainment:

- Musicians
- Promoters for clubs and concerts
- Venue operators and owners
- Technology firms
- Chamber of Commerce
- Convention and Visitors Bureau
- Local music commission or other music-dedicated governmental body
- Non-profit social service providers
- Other cities with a thriving music and entertainment industry

Other Information Sources

Reviewing the following government reports can confirm survey responses and fill in the gaps that they may fail to fulfill.

- State Department of Revenue reports of industry-specific gross business income.
- Economic Census Reports with industry-specific estimates of sales, receipts, revenues, shipments and payroll.
- U.S. Census Bureau's economic reports.

What Type Of Data Is Collected?

Direct Contributions of the Industry

To determine the main ways that music and entertainment directly contribute to a city's economy, the following information can be collected:

- Total music-generated tax revenues, gross sales and labor income.
- Employment figures to determine number of jobs created by the music industry and the number of categories for industry-related businesses.
- Number of live venues within a city and their annual payroll and gross income.
- The impact of music-related tourism on city revenues through sales taxes, hotel accommodations, retail and other services.

Employment Categories

The economic impact assessment conducted in Austin, TX, titled *The Role of Music in the Austin Economy* (2001), determined that the following 10 major groups of music-related businesses were the primary contributors to music

and entertainment-related employment. Similar categorizations were made in other city assessments.

- Record Production, Distribution & Sales: production, distribution, record labels, retail stores, marketing.
- Recording Services: engineers, mastering, recording & rehearsal studios, media manufacturers.
- Education: public and private instruction and instructional materials, music archives.
- Industry Services: accounting, management, creative studios, financial, legal, insurance, merchandising, publishing, publicity, on-line services.
- Music Videos: soundstages, video distribution, production, postproduction and duplication.
- Media: print, radio and television firms, free-lance journalists, consultants, journals and newsletters.
- Musical Instruments & Equipment: manufacturing, sale, rental, repair, wholesale/distribution, sheet music suppliers.
- Commercial Music: advertising, arrangement, film/industrial scoring, jingles, soundtracks.
- Tour Services: booking, event management, lighting, security, sound systems, ticketing, transportation.
- Venues: auditoriums, arenas, clubs, dancehalls, concert halls, performing arts centers, stadiums, amphitheaters, fairgrounds.

Sample Results

The following comparative analysis based on economic impact assessments conducted in Austin, TX; Seattle, WA and Nashville, TN was reported in the economic impact study conducted by Nashville, titled *The Economic Impact of the Music Industry in the Nashville-Davidson-Murfreesboro Metropolitan Statistical Area* (2006).

	Austin, TX	Seattle, WA	Nashville, TN
Date of Assessment	2001	2004	2006
Direct Annual Economic Impact	$616 million	$1.3 billion	$3.96 billion
Gross Sales	$969 million	$2.2 billion	$6.38 billion
Total Jobs Created	11,200	10,700	19,437
Tax Revenue	$11.2 million	$45.8 million	$75 million

Indirect Contributions and Trends

Music and entertainment also make several indirect contributions by enriching a city's overall cultural vitality and creating its perception as a "destination." Although many of these contributions are not quantifiable, their impact can be seen by other means, such as city trends and patterns.

- Tourism: Cities with a vibrant music scene often attract destination travelers who come for specific music-related events, festivals and concerts. Business visitors may also seek out late-night music and entertainment options after engaging in their own personal or work activities during the day. Whether music and entertainment represent the primary or secondary purpose of an individual's stay, outside visitors contribute to the local economy by patronizing local restaurants, retail stores and hotels.
- Marketing Tool for Attracting Other Types of Businesses: The arts have assumed an important role in planning for future economic development in non-music or entertainment related businesses and corporations. As new and expanding companies seek to attract and retain a long-term labor force as well as establish in an area with a large customer base, more consideration is being placed on locations with high cultural vitality. Businesses may also choose cities with vibrant hospitality zones to host their conferences and conventions in order to appeal to participants.
- Interdependence of Cultural Vitality and Local Business Economy: Companies that depend more on the availability of a stable, knowledgeable labor force than geographical location may prefer to establish in destination areas that are likely to attract employees due to the variety of music and entertainment options. As a result, there may be a large concentration of highly lucrative companies, such as technology firms,

"coincidentally" based in areas with vibrant hospitality zones. Subsequently, the hindrance of creativity through local music may negatively impact the desirability of an area to other businesses due to the perception that the cultural environment will not likely foster innovation amongst employees.

- Demand for Late-night Music and Entertainment: By documenting venue occupancy capacities and the hours that generate the highest revenues, an economic assessment may reflect the high demand for a late-night music industry, which corresponds with split-use economy trends within high-intensity hospitality zones.

How Can Cities Use this Information?

The assessment of the overall economic value of the music and entertainment industry represents an enormous feat of accomplishment. These studies can have widespread impacts on the portrayal of the music industry and help to develop city or statewide systems of support. The following are ways that the information reported in economic impact assessments can be used to instigate change:

- Present to elected officials and agencies responsible for city and statewide policies and regulations.
- An assessment of the music industry's large economic contributions can serve as an incentive to cities to create music and entertainment commissions or dedicate other government entities to the management of the music industry to help balance cultural vitality while addressing safety concerns and quality of life impacts.
- Use the assessment's findings on the high revenue generated from late-night activity as evidence of the need for appropriate allocation of city resources for late-night public services and enforcement staffing, in addition to more alternative transportation options for late-night patrons.
- Present findings to convention and visitors bureaus and tourism agencies to market the music industry's contribution to cultural vitality.
- Create new legal classifications of music and entertainment that are dissociated from policing codes and "nuisance" ordinances.
- Use occupancy studies and information collected on patron demographics to examine the need for mixed-age venues.
- Continue to conduct economic impact assessments on a regular basis to measure growth of the industry, compare with previous studies and identify future patterns and trends.

CHALLENGES

Failure to Recognize the Industry's Cultural and Economic Value

Music and entertainment are vital elements of a city's cultural vitality, which can indirectly enrich the local economy by attracting tourists and serving as an incentive for non-music related businesses to establish in and relocate to that area. Further, a thriving music industry is capable of creating thousands of jobs and generating millions of dollars in tax revenue and overall economic impact, yet many cities are not aware of or do not formally recognize these economic contributions.

As a result, cities may fail to respond to the cumulative occupancy potential of a hospitality zone's late-night market and the subsequent need for increased allocation of city resources and municipal services. The lack of a systemized approach for internal management and external policing may lead to public safety concerns and quality of life complaints, casting a dark light on the industry as a whole.

Negative Perceptions of the Industry

- Quality of Life Impacts: Some late-night venues, including those that provide entertainment, are associated with issues such as noise, trash, litter and public indecency, which can negatively impact the quality of life of local residents. (See Quality of Life section for recommendations on how venues and residents can peacefully coexist.)
- Legal Classifications of Music and Entertainment: The classification of the music industry in municipal codes and city ordinances may contribute to negative perceptions of the industry. Some cities may place music and entertainment codes under "nuisance" activities, while others may choose to classify entertainment under policing

ordinances. These types of categorizations reveal a preconception that the industry is certain to cause inconvenience or vexation and an anticipation of the need for police presence to handle negative impacts.

- Promoters: Unlicensed promoters may utilize irresponsible or unsafe business practices to promote events held at licensed venues. Promoters may not have the same level of connection to the community that venues operate in and also may not be familiar with local rules and regulations. Further, the fly-by-night nature of some external promoter makes it difficult to hold them accountable for over occupancy violations and inappropriate safety procedures that may have led to incidents of violence. Blame is therefore attributed to the business that hired them. (See Safety, Service and Security section for guidelines on how to manage promoters.)
- Music, Race and Violence: Reports of violence associated with hip-hop and rap clubs or themed-nights have been highly publicized by the media, fueling the belief that these types of venues are predestined for violent outbreaks. Many misconstrue that hip-hop fans are as potentially violent as the most controversial of hip-hop artists, typically African American, who have achieved notoriety for their glorification of violence, misogyny and street life. Even as socially conscious hip-hop artists gain recognition and popularity, misperceptions remain strong. Studies have conclusively shown, however, that internal safety and management policies are the primary determinants of violence and aggression among patrons, rather than music type or patron demographics. (See Safety, Service and Security section for more information.)

Lack of Coordinated Industry Support and Management

The negative perceptions that surround the music industry are often more commonly known and publicized than their social and economic value. Cities may be under pressure from residents who feel their quality of life needs are not being effectively addressed, while various public safety departments and law enforcement may perceive the industry as uncooperative or unable to comply with their policies. Musicians and venues, meanwhile, may lack a unified voice or an advocate to defend their value and express their need for clearer guidelines and regulations.

Without an organized authority to manage and support the music industry while mediating concerns and complaints through collaboration with stakeholders, community and safety concerns often take precedence over maintaining cultural vitality. City leaders may feel that they have no other choice but to resort to extreme measures to eliminate the perceived causes of negative impacts.

City Policies that Hinder the Industry

Some city leaders may believe that support or endorsement of the industry, and in particular, late-night venues, may be construed as condoning morally delinquent and anti-social behavior. They may therefore make various attempts to curb potential impacts by creating restrictions that hinder the growth and development of the industry or the content and activities within venues. The following policies are examples of ways that cities hinder the music industry.

- Enact legislation that prevents new late-night music and entertainment venues from opening. All potential impacts, beneficial and detrimental, would therefore be avoided.
- Ban dancing or dance clubs. This policy may be based on the notion that if individuals are not permitted to dance provocatively or at all, they may be less inclined to engage in sexual or other deviant activities, also possibly leading to an avoidance of sexual competition and thus aggression among males.
- Require start times as early as 11:00 a.m. for hip-hop and rap concerts, prompted by the perception that violence may be inevitable at hip-hop venues.
- Ban hip-hop and rap clubs or themed-nights altogether. This imposition upon freedom of speech and expression necessitates that a distinction be made as to whether hip-hop listeners and the music style itself are inherently violent or if any patron demographic could potentially engage in violent or aggressive acts if not managed properly within an establishment. (See Safety, Security and Service section for more information.)

Financial Challenges in the Music Industry

Not only are individuals involved in the music industry faced with negative perceptions, policy barriers and the concerns and complaints of other hospitality zone stakeholders, but they may also experience industry-related financial hardship. Many struggle to pay for basic necessities such as food, housing and health care due to the difficulty in making a living

and succeeding in such a highly competitive industry. This may be especially true in cities with an overabundance of local musical talent and a high concentration of venues, such as Austin, Texas – the "live music capital of the world" – where supply may exceed local demand.

Meanwhile, venue operators may be forced to keep cover, food and beverage charges to a minimum despite high rent prices and utility costs in order to compete with other venues. As a result, a typical event may yield low or lost profits for musicians, who may make less money on their performance than the high costs they pay for rehearsal space and equipment.

It is highly evident that the industry needs recognition as a vital member of a city's community in order to receive the support it needs, which also necessitates a new systemized approach to management and mediation to address impacts and concerns.

Promising Practices

Economic impact assessments provide the quantifiable evidence to help cities recognize the social, cultural and economic contributions of the music industry, while music and entertainment commissions provide cities with the organizational and administrative tools for managing the industry. The collaborative opportunities provided by a commission or other advocate organizations can help foster innovative approaches to promote and financially support the music industry. The following are promising practices with this aim:

Promote and Professionalize the Music Industry

- Proactively promote the industry's tourist appeal and career opportunities on a local, national and international level.
- Facilitate access to regional job opportunities.
- Create business education and training programs to help individuals succeed in the music industry.
- Improve K-12 music education in schools.

Assist and Subsidize the Music Industry

- Develop a housing initiative program (e.g. Austin Musicians Housing Initiative) to help provide affordable housing to the music community.
- Establish a loan program specifically for individuals that are part of the local music industry. [Austin, TX]
- Create discounts on utility bills of club venues.
- Reform tax structure for small businesses with tax incentives for the music industry.
- Create local funding resources for musical talent and venues.

APPENDIX

Economic Impact Assessment: Venue Survey

YOUR BUSINESS

1. Our business was opened in _____
2. The occupancy capacity of our business is: _____
3. Our business license is (check all that apply);
   a. ❑ Type 41 ❑ Type 42 ❑ Type 47 ❑ Type 48 ❑Entertainment permit
4. Our business sales:
   a. Total of all sales at this location ____ % Before 6 p.m.
   b. Total of all sales at this location ____ % Between 6 and 10 p.m.
   c. Total of all sales at this location ____ % After 10 p.m.

   (Check that total of A, B and C = 100%)

YOUR CONTRIBUTION

5. During the past 12 months our business payroll has averaged:
   a. ____ Full time employees ____ Part time employees
   b. We expect to ❑add OR ❑reduce the number of employees by _% next year
6. Our business sales' annual average during the past three years:
   a. ❑$0-$250,000 ❑$250,001-$500,000 ❑$500,001-$1,000,000+
   b. We expect sales to ❑ increase OR ❑decrease by ____% next year
7. Our annual charitable contributions are $_____ (cash and in-kind)

YOUR CUSTOMERS

8. Our customers are:

   _____ % Local

   _____ % Regional

   _____ % Convention and Tourists
9. On average our business serves _____ customers every month

YOUR FUTURE

10. What is the biggest obstacle to developing revenue and profitability:

Thank you for taking the time to fill out the survey. Please be assured that your survey answers will be kept confidential. You will receive a copy of this report.

San Francisco Case Study: The Birth of an Entertainment Commission

The Problem: In the late 1990s, mixed-use development trends and the public desire for authentic places to socialize drove increased demand for late-night music and entertainment venues. However, new and existing venue owners were faced with a confusing and burdensome permit process that sometimes hindered their success.

At that time, nightclubs could be required to hold three different and expensive permits: a Cabaret Permit required in order to remain open past 2:00am, a Dance-hall Permit to allow dancing, and a Place of Entertainment Permit that allowed clubs to offer live or recorded music. Even members of the Golden Gate Restaurant Association were required to go through the same extensive process as nightclubs in order to feature a jazz combo once or twice a year.

Meanwhile, the police department was the only authority that could both issue and enforce permits, creating a conflict of interest. Not only were officers overburdened with running and enforcing a flawed system, they additionally struggled to manage the crowds the permits drew. The department's response was to increase enforcement and add permit conditions that forbade clubs from playing certain music. Further, no new permits were being issued at locations that had closed down.

Public outcry maintained that these restrictions were a form of music profiling that represented "a war on the creative class." Also, the prohibition against certain music types and tighter restrictions on venues led to a string of illegal events and performances, exacerbating the situation.

Background: In 1999, San Francisco Police Department's Southern District claimed increased crime and drug use in the SOMA (South of Market) District were directly related to one nightclub and that the department was spending too much time and money responding to incidents. When the police department initiated suspension of the club's permit, the San Francisco Civil Grand Jury disagreed with the police department's assessment. They recognized that the police were understaffed to manage the 8,000-10,000 people that frequented SOMA's nightclubs on the weekend, but they could not place blame on clubs.

They ruled, "Recent police actions to suspend or revoke club permits are in part based upon incidents that are not fairly attributable to club management . . . The Civil Grand Jury recommends a reconsideration of the permit process to ensure equal treatment of applicants and permit holders."

Goal: Create an alternative entity, with the authority to issue and process permits, that strives to balance the benefits of a vibrant late-night entertainment industry with the needs of residents and businesses in the vicinity of entertainment venues.

The Process: The same year as the Grand Jury ruling, a Late Night Coalition of musicians, artists, club owners, promoters, activists, DJ's and community members galvanized to protect, preserve and promote San Francisco's late-night culture. Registered as a Political Action Committee, the organization was built on two principles: The recognition that their economic sector provided an integral part of the cultural fabric of San Francisco and that it made significant contributions to its economy and artistic diversity.

The Coalition made it its mission "to encourage understanding and awareness of the regulations and issues surrounding after-hours entertainment in San Francisco, and to provide a voice for the rights and the passions of this diverse community." The Late Night Coalition, along with then-Supervisor Mark Leno (now a California State Assemblyman), advocated for the formation of an Entertainment Commission that would take charge of the permit system.

Challenges: Over the course of the permit process investigation recommended by the Civil Grand Jury, tourism nationwide took a sharp decline after terrorist attacks on the World Trade Center. San Francisco's economy was among the hardest hit, necessitating dependence on local markets for small businesses to stay afloat. During this time, permit conditions stayed in place, leading to concern that clubs would lose customers to other Bay Area cities that did not have the same music bans as San Francisco.

Meanwhile, controversy stirred as to whether the police should transfer permit responsibility to an entertainment commission. Surprisingly, the police were supportive of this decision, as long as they continued to have input. Debate continued, however, as arguments against the creation of a commission centered around its makeup. Some argued that civil service employees should staff a commission, rather than political appointees. Further, others questioned the ability of hospitality industry members to impartially make regulatory decisions that would affect their industry. In the midst of economic recession and ongoing debate, The Late Night Coalition's proposition to establish an entertainment commission was passed.

Results and Benefits: Established in 2003, the Entertainment Commission now acts as a system of coordinated planning and permitting for cultural, entertainment, athletic and similar events and establishments. The Commission's seven members, four appointed by the mayor and three appointed by the supervisor board, accept, review, and conduct hearings for and gather information regarding entertainment-related permit applications. In addition, the Commission mediates disputes between entertainment operators, organizers and affected peoples and also plans and coordinates the provision of City services for major events for which there is no recognized organizer, promoter, or sponsor.

THE MULTI-USE SIDEWALK AS A VENUE FOR HOSPITALITY

Individuals or organizations most likely to find this section useful include city and downtown developers, downtown business directors, event planners, hospitality associations, arts councils and advocates, social service agencies, code and law enforcement, and community activists.

Special Thanks

The information contained in this section was derived from numerous resources. Special thanks are due, however, to the following persons and organizations that provided source information and/or editorial review.

- Cynthia Philo, Director of Philadelphia's Old City District
- Ron Redmond, Director of Burlington's Church Street Marketplace
- *Aggressive Panhandling Legislation and the Constitution: Evisceration of Fundamental Rights – Or Valid Restrictions upon Offensive Conduct?* by D. C. Delmonico.
- *The Death and Life of Great American Cities* by Jane Jacobs.
- *Problem-Oriented Guides for Police Series: Panhandling* by Michael S. Scott.

Introduction

This chapter will discuss various approaches and promising practices to enhance sidewalk vibrancy while mitigating impacts. The following subjects are covered:

- Outdoor Dining: Outdoor cafes are growing in popularity as a way to dine and socialize in an outdoor environment, especially due to the recent increase in smoking bans across the country. Considerations need to be made to comply with Americans with Disabilities Act (ADA) regulations in relation to pedestrian clearance in the public right-of-way, access to public services and facilities, display signs and the use of sidewalk barriers. Alcohol beverage service impacts must also be anticipated.
- Street Entertainment: Street performances provide hospitality zones with a unique and dynamic form of entertainment. Effective procedures for licensing and auditioning street entertainers as well as the creation of location and time restrictions can help alleviate crowd management and noise impacts.
- Vendors & Kiosks: Street vendors offer a unique alternative to traditional dining establishments, but can generate more challenges with sanitation, delivery and trash removal. The creation of a vendor advisory body to serve as a liaison between the vending industry and other stakeholders can help facilitate the dissemination of rules and regulations to vendors and also establish uniform guidelines on vending operations.
- Panhandling: The persistent presence of panhandlers in a hospitality zone typically corresponds to a high level of street vibrancy and pedestrian traffic flow. Aggressive panhandling can be addressed through time, place and manner restrictions in local regulations and ordinances, in addition to public education campaigns that publicize long-term approaches to help panhandlers, rather than occasional monetary contributions.

Overview

The growing popularity and demand for walkable communities, which encourage physical fitness and social interaction while minimizing traffic and automobile usage, have begun to change norms for city planning. In particular, the traditional design and function of the downtown is being reconceived to reflect the values of the walkable community.

According to *Creating Walkable Communities: A Guide for Local Governments* (1998), the key features of a walkable community include:

- Convenient access to popular destinations through efficient design of streets, walkways and sidewalks.
- Pedestrian safety and protection from automobile and bicycle traffic.
- Aesthetically pleasing surroundings, including clean and well-maintained streetscapes designed at a human-scale.

- A variety of lively and sociable activities on sidewalks.
- Opportunity to work, live, play and socialize in the same area.

Like the clusters of development in urban sprawl cities, downtowns were once considered to be a group of isolated, independent businesses. However, the demand for communities and downtowns that promote social interaction and walkability has placed new emphasis on the importance of the interconnectedness of destinations. The creation of more pedestrian-friendly sidewalks has facilitated the evolution of the downtown into a cohesive collective and popular hospitality destination. Yet as more downtowns widen their sidewalks, the traditional role of the sidewalk is also expanding from a mere pathway for pedestrians to a new and vibrant venue that serves a variety of users and social and cultural functions.

In *The Death and Life of Great American Cities* (1993), Jane Jacobs refers to street and sidewalks as the "*most vital organs*" of a city, and further, attributes a city's lively character and safety to an active street life:

> *The greater and more plentiful the range of all legitimate interests… that city streets and their enterprises can satisfy, the better for the streets and for the safety and civilization of the city…This is something everyone already knows: A well-used city street is apt to be a safe street. A deserted city street is apt to be unsafe.*

The sidewalk of modern times, the 'multi-use sidewalk,' has achieved its own particular kind of vibrancy by offering unique opportunities for dining, entertainment, shopping, and socializing. However, the emergence of the sidewalk as a hospitality venue presents new planning, managing, and policing challenges relating specifically to outdoor dining, street entertainers, vendors and panhandlers.

Factors Affecting Development of a Multi-use Sidewalk

- Size of Sidewalk: The types of activities that can be performed on a downtown sidewalk may be limited by the width of the sidewalk. This matter should be discussed with the local municipality to determine the necessary width requirements for street entertainment, vendors and outdoor dining encroachments.
- Weather: Street life is also limited by regional weather. Factors such as heat, humidity, rain, snow, etc. may discourage pedestrians from participating in sidewalk activities, much less going outside.

Outdoor Dining

Overview

A number of factors are driving increased demand for outdoor dining. Vibrant street activities and well-maintained, aesthetically pleasing streetscapes have created a more appealing outdoor environment that connects the community. Meanwhile, the growing frequency of smoking bans has forced hospitality establishments such as bars and restaurants to create alternative places where patrons can smoke. These include outdoor patios, sidewalk cafes and rooftop cafes (rooftop cafes are not addressed in this chapter).

Definitions

- Outdoor Café/Sidewalk Café: For the purposes of this guide, the terms "outdoor café" and "sidewalk café" will be used interchangeably and defined as an area adjacent to a street-level dining establishment selling food and drink that is open to the elements except for temporary or permanent awnings, canopies and/or umbrellas. The area is located on, but separated from, the pedestrian right-of-way by temporary or permanent low walls, fences, or railings. An outdoor café can exist on private or public property or both. Laws pertaining to each may differ in local communities.
- Awning: A roof-like structure attached to a building, often made of canvas or plastic, which serves as a shelter.
- Canopy: A protective roof-like covering, often made of canvas, mounted on a frame over a walkway or door.

Impacts on Hospitality Zones

- Sidewalk encroachments, such as A-frame signs, can obstruct pedestrian and vehicular traffic flow and/or block public access to crosswalks, transit stops, facilities for the disabled (e.g. wheelchair ramps) and entrances to adjacent establishments.
- Outdoor dining areas can generate more noise than indoor establishments due to patrons talking outside as well as outdoor musical performances.
- Smoking bans: Outdoor seating accommodations for smokers transfer impacts, including noise, smoke and cigarette litter, from inside to outside an establishment. (See Quality of Life section for more information.)
- Regulation of alcohol consumption and minors' access increases in difficulty in an outdoor setting.

Application Process

Licensees should maintain sidewalk cafes in accordance with all city, state and federal laws. Applications should be reviewed by the following departments: public works, building, planning, fire, police, finance, health, inspections, etc.

A permit application can include the following:

- Site plan that includes building elevation, setbacks, proper clearance around entrances and exits to buildings and proper amount of sidewalk clearance.
- Layout and number of tables, chairs, refuse containers and other furniture and their position in relation to entrances, exits and the sidewalk.
- Location of all sidewalk obstructions (e.g. parking meters, telephone or news stands, trees, poles) and transit stops within an applicable distance of the property line and its abutting sidewalk.
- Scale drawing of proposed use of space with curb and property lines indicating applicant-owned and city-owned property.
- Description of all fixtures to be used and whether they will be removed when the café is closed.
- Proof of insurance.
- Days and hours of operation for the outdoor dining area.
- Whether alcoholic beverages will be served.
- Whether live or mechanically reproduced music will be played.

Americans with Disabilities Act (ADA)

The Americans with Disabilities Act (ADA) is a civil rights law that prohibits discrimination of individuals with disabilities in access to public accommodations and facilities, among other things. Facilities that encroach upon the public right-of-way, such as outdoor cafes, must accommodate ADA regulations in order to be approved for use. Outdoor dining plans should take into account pedestrian clearance, right-of-way encroachments, access to public services, placement and design of environmental features and signage.

Regulations, Practices and Tactics

Planning

- Locate all kitchen and bar service equipment used to service the outdoor dining area inside the primary restaurant to avoid impacts such as cooking odors and smoke. [Naples, Florida]
- Require liability insurance for property damage and bodily injury. Establishments that provide alcohol beverage service may also need to obtain liquor liability insurance.
- Determine hours of operation based on the location of the outdoor dining area.
- Cities may choose to shorten hours in residential districts to reduce conflicts with residents, but extend hours in nonresidential districts.
- If possible, position outdoor dining areas away from a residential zoning district.

Pedestrian Clearance in the Public Right-of-Way

- It is preferable for outdoor dining areas to be located adjacent to the building façade and restricted to the sidewalk or public right-of-way directly in front of the establishment.

- Maintain a minimum of 5-feet or 50 percent of the sidewalk width, whichever is greater, free of all obstructions to allow adequate pedestrian movement. [Naples, Florida]
- Cities that have a high volume of pedestrian traffic may require wider pedestrian right-of-ways.

Access to Public Services and Facilities

- No part of the outdoor café, including tables and chairs, should be placed within proximity to transit stops (bus stops, taxi stands), curbs, fire hydrants, fire exits, building entries, or crosswalks at a distance determined by individual cities.

Signs and Displays

Hospitality establishments use signage for various advertising purposes, including the display of business hours, restaurant menus, daily specials, as well as sales and special services. However, the use of A-frame signs (or sandwich boards) in the public right-of-way impedes pedestrian flow and can transform streets into an obstacle course for the disabled community. Various strategies that regulate the location and design of signs can help alleviate this issue.

- Limit the placement of signs to the area directly in front of the business's storefront.
- Multiple businesses that share the same building entrance can use one sign, rather than several individual signs.
- All displays should be safe and stable to limit the risk of overturning due to wind or other factors.
- Signs should be removed after business hours and during potentially hazardous weather conditions.
- A minimum of 5 feet of clear space should be provided between the sign/display and any other encroachments on the sidewalk.
- The bottom of signs should touch the ground and have a separate strip with a contrasting gradient for detection by the visually impaired.
- Signs should have no sharp edges or corners or contain any breakable materials.

Barriers

The installation of barriers such as railings, low walls, fencing, and/or planters that surround the perimeter of the cafe can help separate the outdoor seating area from the public right-of-way and act as a buffer between outdoor dining patrons and sidewalk pedestrians. However, some cities prohibit their use due to their potential hazard to disabled persons and obstruction of the public right-of-way, services and facilities. There are several tactics for creating barriers that are ADA-approved and provide less-intrusive encroachments upon the right-of-way.

- Remove sidewalk barriers and furniture after business hours, except approved barriers and those that are not easily removed.
- Attach a solid material to the bottom of a chain-link or plastic fence to guide blind pedestrians and to prevent walking canes from getting caught in the fencing. [Santa Rosa, CA]

Music

Cities often make a distinction between amplified and non-amplified music regulations. Some cities require cafes to obtain a permit to play amplified music and/or to feature live entertainment. Others only allow non-amplified music, especially in residential districts.

Lighting

Lighting should only illuminate the outdoor seating area and not be glaring to pedestrians and local residents. [Santa Cruz, CA]

Weather

In order for outdoor cafes to operate during winter conditions and provide maximum comfort and protection from the elements for their patrons, they must provide some form of covering or enclosure (e.g. awning, canopy) in addition to heaters for warmth. Cities that ban the use of these items greatly limit an outdoor café's operational season. Other considerations include the following:

- In the event of foul weather including winds, all food, tables, chairs, umbrellas, railings, planters, and trash or other debris shall be secured, removed, or stored within the restaurant to prevent a public safety risk. [Jacksonville, FL]
- Allow outdoor cafes to terminate their operation on a seasonal basis without the outdoor dining permit being terminated, with the condition that all tables, chairs and accessories be stored inside. [Naples, Florida]

Patio Heaters

Portable patio heating units extend the time that outdoor cafes can be utilized and enhance the comfort of café patrons during cool weather. Some cities do not allow the use of patio heaters powered by propane, electricity, natural gas, or some other fuel source. For those that do, the following considerations should be taken:

- Materials and components should be waterproof.
- Heaters should be inspected by a representative of an energy provider.
- Heaters should attach a locking device to the heating unit and be equipped with a shut-off valve.
- Use heaters in locations that will not obstruct patrons or pedestrians.
- The increased energy output may lead some cities to charge more for outdoor cafes that use patio heaters than those that do not.

Smoking Ban

Smoking bans are a large contributor to the growth of outdoor seating and outdoor cafes as alternative places to smoke. However, smoking bans raise new issues and impacts that must be anticipated and planned for in order to accommodate all patrons:

- Coverings and enclosures such as awnings, canopies, and low walls can serve beneficial functions for the operation of an outdoor café, however they complicate the definition of an outdoor café as a non-enclosed space (an enclosed space is considered a room with four walls and a ceiling). As a result, many cities have banned their use in outdoor seating areas, leaving smokers with no sheltered location to smoke in the wintertime.
- If cities choose to extend smoking bans to outdoor cafes, smokers may loiter around the establishment, which may disturb nearby residents, non-smoking patrons and block building entrances and exits.

(See Quality of Life section for more information on smoking ban impacts.)

Alcohol Beverage Service

Alcohol beverage service in outdoor cafes presents new challenges for the regulation of alcohol consumption. When creating an outdoor dining area, cities should anticipate issues such as the removal of alcoholic beverages from the dining area, underage access to alcohol, and the potential for passing of drinks to people on the street. Cities have implemented a wide variety of strategies to manage alcohol beverage service in an outdoor café environment.

- Limit hours of operation for serving alcohol in the outdoor dining area.
- Use non-disposable beverage containers to serve alcoholic beverages.
- Post signs to prohibit patrons from removing beverages from the outdoor dining area.
- Require food service to remain available during hours of operation of the outdoor dining area.
- Clear empty or unfinished beverage containers from the dining tables as soon as possible.
- Do not allow a portable bar to be located in the outdoor dining area. Limit alcohol beverage service to a waiter or waitress for table service only. [Los Angeles, CA]
- Regularly observe the exterior of the outdoor dining area to ensure that no loitering occurs.

Conditional Use Permits

The difficulty in changing state alcohol laws may be an obstacle for cities that wish to create outdoor dining areas with alcohol beverage service. An alternative to changing state laws is to apply for a conditional use permit. (See Community Policing section for more information.)

Sidewalk Cleanliness and Trash Pick-Up

- Maintain the outdoor dining area in a clean and safe condition.
- Remove trash and litter daily, but do not use public trash containers. [Naples, FL]
- Promptly clean any and all food and beverage spills. Immediately pick up all trash and debris within and around the outdoor dining area and do not allow it to collect, litter or blow into the public right-of-way.

An Outdoor Dining Area is Not Ideal if/when pedestrian traffic increases to the point in which the minimum 5-foot pedestrian clearance cannot be maintained due to the outdoor dining area's sidewalk encroachment. [Fort Lauderdale, FL]

VENDORS & KIOSKS

Overview

Vendors and kiosks provide a unique variety of goods, services, food and drink, which contributes to the diversity of a hospitality zone. They promote street vitality and economic opportunities for entrepreneurs by offering viable alternatives to traditional retail stores and restaurants.

Types of vendors

- Free-standing kiosks
- Mobile vending carts
- Newspaper vending machines
- Personal services vendors
- Sidewalk sales vendors

Definitions

- Street Vendor: a.k.a. "vendor," "peddler," "hawker," "itinerant merchant" or "transient vendor."
- Street Vending: To engage in the sale of food, services, or merchandise for profit within the public right-of-way from portable stands or tables, pushcarts or vending carts.

Impacts on Hospitality Zones and Issues to Consider

- Sidewalk vendors' and food kiosks' exemption from taxes and rent can be considered unfair competition with retail stores and restaurants that must pay both to provide their products and services.
- Food kiosks can present health, sanitation, delivery and trash removal challenges.
- Display signs may not comply with ADA regulations and can block pathways.

Vendor Advisory Body

The creation of an advisory body, committee or review board can facilitate communication and foster cooperation between the vending industry, the city, and other stakeholder groups. The following model is based on Burlington, VT's License Committee and Atlanta, GA's Vending Review Board.

Suggested Members

- Food vendor(s)
- Merchandise vendor(s)
- Non-vendor merchant(s)
- City official(s)
- Citizen(s)
- Representative(s) from a business association
- Representative(s) from a planning advisory board

Duties

- Setting fees

- Creating and revising rules and regulations and/or a licensing system
- Helping vendors understand and comply with rules and regulations
- Offering advice to first-time vendors on cart construction
- Reviewing and determining approval of vendor applications
- Designating locations to vend and hours of operation
- Determining types of merchandise, food and beverage products that may be sold

Cart Construction and Design Regulations

To ensure good craftsmanship and uniformity of design of vending carts, regulations should address the following:

- Size: Maximum height, length, width.
- Lighting: Types of lighting that can be used and restrictions on decorative bulbs and fixtures.
- Aesthetics: Guidelines on the color scheme, shape, and size of vending facilities so that they complement their surroundings and each other.
- Materials: Specifications on materials of acceptable quality and materials prohibited for public safety.
- Mobility: Stationary vs. Free-wheeling.

Conduct of Vendors

Prohibitions against aggressive solicitation, sound amplification and excessive noise should apply to vendors.

Guidelines for Location Restrictions

- Vendors should be located where they will not obstruct pedestrian traffic flow, except for a minimal amount of time to load/unload and set-up.
- Establish a minimum distance requirement between vendors and other vendors, street intersections, pedestrian crosswalks and building entrances and exits.

Trash Removal and Clean-Up

Many cities hold vendors responsible for maintaining the cleanliness of the area surrounding their vending facility.

- Vendors are often prohibited from using public trash receptacles, so they are therefore required to provide and maintain their own trash receptacles or to take their trash, litter and waste with them at the end of each day. [Philadelphia, PA]

Recommendations

- Liability insurance with coverage for bodily injury and property damage is recommended.
- Cities may choose to require vendors to vend a particular number of days per month and to notify the city when they will be absent for an extended period of time.
- Require certification of food vendors by the local county and/or state health department.
- Vendors should display licenses and health certificates at all times.

STREET ENTERTAINMENT

Overview

Street performances are a unique and lively form of entertainment that can enhance the vibrancy of a hospitality zone. People of all ages enjoy the dynamic and interactive nature of street entertainment. Many cities have become famous tourist destinations for their support and celebration of local street entertainers. Meanwhile, international busking festivals showcase the world's most talented performers and recognize street performance as a cherished mixture of theater and art.

Among the ideal locations for street performances are the sidewalks of hospitality zones. However, their heavy pedestrian traffic and close proximity to office buildings, businesses, and residential areas often lead to concerns about

quality of life and public safety. In order to encourage the positive contribution of street performers while addressing their impacts on hospitality zones, it is necessary to establish rules and regulations for street entertainment.

Definitions

- Street Entertainment/Street Performance/Busking: The practice of performing or entertaining in public areas for remuneration.
- Perform/Busk: Includes but is not limited to the following activities:
    - Acting
    - Reciting
    - Singing
    - Pantomime
    - Clowning
    - Ballooning
    - Juggling
    - Magic
    - Comedy acts
    - Dancing
    - Playing musical instruments, radios or other machines or devices for the producing or reproducing of sound
- Performer/Entertainer/Busker: An individual who, either alone or as part of a group solicits, encourages, or accepts contributions of money or property in exchange for a performance in a public area.
- Public Area: Includes, but is not limited to, any public sidewalk, alley, parkway, and public ground located in any nonresidential dwelling district, as designated by the city zoning ordinance.

Impacts on Hospitality Zones and Issues to Consider

- Since street entertainers tend to perform in high volume pedestrian areas, concerns regarding sidewalk obstructions, congestion of pedestrian traffic flow, crowd control, and public safety are heightened.
- If street entertainers attract but do not regulate large crowds, they may obstruct safe passage through sidewalks and/or block the entrances to commercial or residential buildings.
- Entertainers who perform with dangerous objects or hazardous materials (e.g. knives, fire, chain saws) can pose a public safety risk.
- Local residents and businesses may complain about the excessive noise of a performance.
- Street performers may have two impacts in relation to panhandlers. Panhandlers may either decide to leave when buskers arrive, because they feel that they cannot compete against an individual who provides entertainment in exchange for donations. Or, street performers may attract panhandlers, who wish to intercept donations from a performer's captivated audience. They may even harass the busker and/or their audience, forcing the busker to bribe the beggar to leave.
- "Loud, repetitive and lengthy performances by buskers with limited or questionable talent" who remain in the same location for several hours "can be a source of annoyance and distraction to those who live and work nearby." [Vancouver, BC, CANADA]
- The content and language used during a performance may be inappropriate for a public audience, which may lead to complaints regarding public decency and the use of profanity.

Auditions

Holding auditions to determine eligibility for the purchase of a street entertainment license can be beneficial for larger cities with an abundance of street performers. Such cities may wish to limit the number of street entertainers who perform in their hospitality zones in order to prevent overcrowding and the corresponding public safety risks.

Furthermore, if cities wish to vary the types of acts performed in order to avoid repetition, they may wish to establish a maximum number of entertainers from each class of entertainment. Requiring all performers to audition for a license ensures that only the best and most talented performers from each entertainment category are allowed to perform.

On the other hand, many smaller cities choose to abstain from requiring auditions for their street performers. Holding auditions can be a time-consuming process and may not be necessary if only a few street entertainers perform in a hospitality zone.

Selection is based upon:

- Type of entertainment to be performed and instrument to be played.
- Performance background (training and/or performing experience).
- General musical repertoire (rock, jazz, classical, country, folk, international) or entertainment repertoire (acting, pantomime, juggling, magic, ballooning, dancing and reciting).
- Professional references if requested.

Application Process

A license application should request the following information:

- Name
- Address
- Telephone number
- Recent photograph of each individual showing the head and shoulders in a clear and distinguishable manner
- Type of performance (listing any and all types of instruments to be used)
- Preferred locations and times for performing (unless the city designates locations for performers)

Upon issuing a license, performers should receive a printed copy of the street entertainment ordinance and any other pertinent information regarding regulations and prohibitions.

Licenses

The following licensing system is based upon the Church Street Marketplace model in Burlington, VT.

ADVANTAGES:	DISADVANTAGES:
Licenses legitimize street performers and distinguish them from panhandlers, scam artists, and other individuals whose activities may constitute a public nuisance.	
Better regulation of street performances, with clear guidelines on restricted and prohibited activities, ensure the public safety and quality of life of a hospitality zone's residents and businesses.	The establishment of performance guidelines, such as prohibitions against dangerous objects and sound amplification, may limit performers' creativity and freedom of choice.
The designation of specific locations and times for performances can reduce conflicts between performers and business or residential stakeholders who live and/or work in the community where they perform.	Locations and times that are the least disruptive for residents and businesses may have fewer pedestrians, and thus, less potential spectators of performances.
The sale of licenses and liability insurance to performers contributes to the local economy and ensures high quality performances.	The cost of licenses and liability insurance may be too high for some performers, restricting street entertainment to only those who can afford it.

Types of Licenses

Individual License	For one street entertainer.
Group License	If two or more street entertainers are performing as a group, one license may be issued that lists each member of the group.
Annual License	An annual license may be issued to an individual or group if 1) at least 5 daily/weekend licenses have been previously obtained; and 2) no valid complaints have been filed during the five separate performing dates.

Display of License

Not all cities establish a licensing system for their street performers, yet those that do often require performers to clearly display their licenses during a performance. If a performer refuses to display their license upon request, it will be assumed that the person has no license and the police may ask the person to cease performing. Some cities may consider routine inspections of their street performers unnecessary and time-consuming, however, and some city police may only inspect a license if a complaint has been issued.

Performance Locations

In order to properly manage a vibrant street entertainment scene that addresses public safety and quality of life concerns within a hospitality zone, cities must establish restrictions on performance locations as well as rules and regulations for performers in relation to each other and other sidewalk amenities.

Cities can either assign specific performance locations to street entertainers as part of the licensing process, or allow performers to choose their own performance spots within designated locations. Regardless of who chooses the location of a performance, several criteria for an ideal location should be considered.

Guidelines for Location Restrictions

- Performance locations must provide sufficient area to accommodate any group of persons observing the performer.
- Performances must not hinder or prevent movement or free passage of any person upon public property or to or from private property.
- In order to perform in front of private property or a storefront, cities may consider requiring performers to obtain the written permission of the owner or manager of the property or store.
- Restrict performers to certain locations during programmed events, activities, fairs or festivals to avoid overcrowding and congestion of pedestrian traffic flow.
- Establish a maximum number of street entertainment acts (a group is usually considered one entertainment act) that may perform at any time in a hospitality zone.
- Establish a maximum number of street entertainment acts per block.
- Establish a minimum distance requirement between performers or groups of performers. This distance usually ranges from 50 feet to 150 feet, depending on the length of the sidewalk and the maximum number of acts allowed per hospitality zone.
- Establish a minimum distance requirement between performers and building facades, vendor carts and sidewalk cafes.

Tactics for Crowd Management

Role of the Street Performer

Street performers share in the responsibility for maintaining clear pathways for pedestrians. One tactic is to require performers to request every 10 minutes that the pedestrian right-of-way remain clear if a crowd begins to form and obstruct free passage. If the crowd does not comply, the performer may be required to move to a new location. [Burlington, VT]

Role of the Police

Police officers may disperse the portion of the crowd that is blocking the passage of the public. If the obstruction persists so that the crowd has become a public safety risk, the police should direct the performer to relocate to a less congested area. [Burlington, VT]

Performance Times

Cities often create different time schedules for street performances on different days of the week and sometimes even different locations within a city. Daily performance times range from 7:00a.m. until midnight, but cities should seek the input of local businesses and residents to determine appropriate times for performances. In order to prevent street performers from becoming a public nuisance, several restrictions should be considered.

Guidelines for Time Restrictions

- Establish a maximum performance time per day
- Require performers to move to a different block (at least five storefronts or 150 feet, whichever is farther, from previous location) after performing for a one hour segment [Burlington, VT]
- Restrict performers to certain times during programmed events, activities, fairs or festivals

Noise Levels

The noise generated from street performances can negatively impact the quality of life of local residents and serve as an unwelcome distraction for those who work nearby. As a result, many cities prohibit devices or equipment that amplify sound, in addition to drumming and percussion instruments. Some cities may seek to compromise with street performers by establishing conditional allowances of such devices.

(See Quality of Life section for more suggestions on how to mitigate noise impacts.)

Potentially Dangerous Performances

Cities can either prohibit the use of sharp or dangerous objects and hazardous materials (e.g. knives, fire, chain saws, etc.) in street performances or require such 'higher risk' performers to provide liability coverage for bodily injury and property damage.

Underage Performers

Street performances by minors require particular considerations in relation to curfews and parental consent.

Sample regulations on minors

- Permit applications should be accompanied by a written consent form signed by the parent or guardian of any minor assuming full responsibility for the minor's performance and agreeing to not hold the city responsible for any liability arising from a minor's performance.
- Minors should be permitted to perform only after school hours while school is in session or during permitted times when school is not in session.

Sale of Products

Cities have created various types of restrictions for the sale of products related to street entertainment. In many cities, licensed street entertainers are entitled to sell recordings of their performances in the form of records, cassettes,

videotapes, compact disks, etc. during the time of their performance. Meanwhile, cities may also require street performers to obtain an entertainment vending license in order to sell said products. Vending licenses can serve to distinguish street entertainers from panhandlers, who both may receive financial contributions.

Panhandlers vs. Street Entertainers

Although panhandling and street entertainment share several common features, their significant differences illustrate the need to establish a clear legal distinction between the two activities. Panhandlers and street entertainers often occupy the same locations, such as the sidewalks of hospitality zones, due to the opportunity to encounter a large flow of pedestrians. Both accept monetary contributions and can sometimes be considered a nuisance in hospitality zones.

However, while panhandling has only the potential for negative impacts on a hospitality zone, street entertainment can make a positive contribution to a community's vitality and cultural diversity. While panhandlers solicit donations without providing any goods or services in return, street entertainers encourage donations in exchange for the enjoyment of a performance.

Furthermore, the regulation of panhandling is intended to discourage the activity, while busking regulations aim to support performers while reducing conflicts and concerns from neighboring businesses and residents. In fact, the establishment of a permit or licensing system for street performers not only "legitimize[s] their craft and their presence on the street" but also serves as an effective tool for distinguishing an official street performer from a panhandler due to the display of their street entertainment license. [Vancouver, BC, CANADA]

<u>How to distinguish street entertainers from panhandlers in street entertainment regulations</u>

When drafting street entertainment rules and regulations, it is important to make a clear distinction between a street performer and a panhandler so that performers are not classified or penalized as panhandlers, unless their performance is deemed to be motivated by financial rather than entertainment purposes.

When discussing the acceptance of contributions or donations by street performers, it is common to include the following statements and restrictions:

- Licensed street entertainers are encouraged to perform for donations, but be polite or funny about it. Tipping must be voluntary. Aggressive panhandling or solicitation is prohibited.
- A licensed street entertainer who performs and accepts contributions is considered not guilty of aggressive begging or of peace disturbance unless it is determined by a police officer that such a performance is not in the spirit of entertainment bur rather calculated to provoke a breach of the peace.

PANHANDLING

Overview

Panhandlers are attracted to vibrant hospitality zones where there is an abundance of sidewalk activity and pedestrians. Although their activities are constitutionally protected by the first amendment, they can present a risk to public safety through aggressive and intimidating behavior. There are many strategies for the regulation of panhandling, begging, and solicitation. Two common approaches involve the enactment of local legislation to create specific restrictions on aggressive panhandling and the promotion of awareness campaigns to educate the public about panhandling.

Definitions

- Panhandler: a.k.a. "beggars," "vagrants," "vagabonds," "mendicants," and "cadgers."
- Panhandling: The Canadian Medical Association defines panhandling as the act of "soliciting donations of money, [food, alcohol, drugs, and other items] of value for personal use without providing any goods or services in return."
- Passive Panhandling: The passive panhandler may solicit verbally or non-verbally with a cup, an extended hand, or a sign asking for financial assistance. When the solicitation does not involve aggressive behavior or intimidation, passive panhandling is considered a constitutionally protected activity.

- Aggressive Panhandling: Aggressive panhandling, on the other hand, involves the use of threatening language or physical force to demand money. This type of panhandling can be subject to arrest and prosecution.

Impacts on Hospitality Zones

Panhandling is one undesirable aspect of a dynamic sidewalk. Among the negative impacts that this activity can have on hospitality zones are the following:

- Panhandlers who are physically unkempt or appear inebriated, mentally unstable, or unpredictable may detract from the perception of safety and cleanliness in a hospitality zone. This may in turn negatively impact tourism.
- Panhandlers may attract other undesirable people to hospitality zones, such as drug peddlers and hustlers.
- Aggressive panhandlers may intimidate pedestrians so that they feel unsafe in areas with panhandlers.
- Individuals may avoid particular locations where they are likely to be panhandled, which may discourage potential customers from patronizing businesses.
- Panhandling can contribute to a loss of enjoyment of public place.
- Panhandlers may solicit patrons of outdoor cafes or dining establishments with outdoor seating for food, contributing to diminished enjoyment of food and drink.

Promising Practices

Legislation

Since passive panhandling is classified as a constitutionally protected activity, legislation that establishes a blanket ban on panhandling rarely survives legal challenge. A much more effective approach to panhandling legislation is to draft reasonable restrictions on the time, place, and manner of solicitation.

- Time: Panhandlers that solicit in the early morning and late at night are more likely to intimidate passerby. It is therefore reasonable to prohibit panhandling after sunset and before sunrise.
- Place: Panhandlers often congregate in specific locations where they are most likely to encounter and intimidate others. Cities should determine minimum distance requirements for the following locations:
    - At an entrance or exit to a building.
    - At an entrance or exit to a financial institution.
    - At an Automatic Teller Machine.
    - At outdoor machines or devices that disburse or accept money, such as cash disbursal machines, outdoor vending machines and outdoor money changing machines.
    - On public transportation vehicles.
    - At public transportation stations, stops, and entrances/exits.
    - On private or residential property.
    - At any valid vendor location.
    - At a pay telephone or public information booth.
    - At an outdoor restaurant seating area or food service kiosk.
- Manner: Manner restrictions on panhandling distinguish between the conduct of passive and aggressive panhandlers. Among the common manner prohibitions are the following:
    - Confronting someone in a way that would cause a reasonable person to fear bodily harm.
    - Touching someone without his or her consent.
    - Continuing to panhandle or follow someone after he or she has refused to give money.
    - Blocking or interfering with the safe passage of a person or vehicle.
    - Using obscene or abusive language or gestures toward someone while attempting to panhandle him or her.
    - Using intimidation to receive money.
    - Soliciting while under the influence of alcohol or any illegal narcotic or controlled substance.

- Soliciting in a group of two or more persons.
- Speaking in an unreasonably loud volume.

General Tips for Drafting Panhandling Regulations

There are many cases of cities whose panhandling legislation has been overturned due to unconstitutionality. We offer the following recommendations:

- Focus on particular types of conduct and behavior that can be classified as aggressive or intimidating.
- Be content-neutral. The content of speech alone cannot be considered a violation of panhandling legislation. However, obscene or threatening language are forms of speech that are not protected under the First Amendment.
- Legislation must be clearly drafted so that a panhandler of average intelligence would be able to understand what particular type of conduct is prohibited as well as when and where they cannot panhandle.
- Do not use terminology that can be considered vague or ambiguous due to more than one interpretation. For example, several different verbs are commonly used to describe aggressive conduct, yet a mere choice of words could overturn legislation:
    a. "Accost" has two meanings: (1) "to approach and speak to often in a challenging or aggressive way" or (2) "to approach, especially with a greeting, question, or remark." Since one interpretation of "accost" could include passive panhandling, a prohibition against panhandlers who "accost" others would not be likely to survive legal challenge.
    b. "Intimidate" has only one meaning: "to make timid or fearful; especially to compel or deter by threats, … to force into or deter from some action by inducing fear." The word "intimidate" is thus preferable for aggressive panhandling prohibitions due to its lack of ambiguity.
- Explicitly state how panhandling legislation is intended to serve a significant government interest. Valid governmental interests include:
    a. Protection of citizens from physical threats or injury and from damage to property.
    b. Prevention of harassment and intimidation of members of the public.
    c. Protection of citizens from undue annoyance.
    d. Prevention of violent crime.
    e. Traffic control and public safety.
    f. Orderly movement of traffic and pedestrians.
    g. Provision and maintenance of a safe, aesthetically attractive environment in areas designed to attract tourist revenue.
- Include a disclaimer that regulations on panhandling are not intended to limit individuals from exercising their constitutional right to solicit funds, picket, protest or engage in other constitutionally protected activities.

Public Education Campaigns

The intent of a public education response is to regulate panhandling through informal social control. Theoretically, panhandling would stop if this activity were not socially accepted or supported through financial donations. The most effective campaigns clarify misconceptions surrounding panhandling and inform the public of alternative ways to help the disadvantaged.

<u>Issues to Address:</u>

- Only a minority of panhandlers are homeless.
- The most common motivations for panhandling include a disinterest in or the inability to maintain regular employment due to substance abuse problems or mental illness.
- Panhandlers often spend the money they receive on alcohol and drugs instead of purchasing goods and services that could improve their condition.
- Small donations of money do not provide long-term assistance to panhandlers and do not address their underlying motives for panhandling.
    a. Create slogans like "Giving change doesn't create change." [Philadelphia, PA]
- Social services are available to meet panhandlers' food, clothing, shelter, health care, and employment needs.

Alternatives to Giving Money to Panhandlers:

- In coalition with public education campaigns, promote alternatives that are more beneficial than giving money directly to panhandlers.
- Encourage people to donate their money to charitable organizations and social services that can provide long-term assistance to panhandlers rather than supporting destructive addictions
- Establish special parking meters throughout the city to collect donations and spare change which can be distributed to social services and charitable organizations

Environmental Strategies

Several features of a hospitality zone's physical environment may promote street vitality, yet also attract panhandlers. Some cities decide to remove such public facilities as water fountains, restrooms and benches in order to discourage panhandling, yet this decision should be made with discretion.

SAFETY, SECURITY AND SERVICE

Individuals or organizations most likely to find this section useful include: hospitality businesses, regulatory and enforcement agencies monitoring businesses, customers evaluating businesses, trainers and educators and others providing products and services to hospitality businesses.

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Introduction

While other sections of the Guide focus on the external environment of a hospitality zone, this section will present information on the internal operations of a dining and entertainment establishment. The purpose is to provide a framework for understanding the intersection of factors that combine to create "safe and vibrant places to socialize."

This section will cover five primary areas:

- Risk Management and Policy Development: Understanding the primary factors of risk is the first step in developing policies and procedures.
- Service: Hospitality is service, and there are levels of service that can influence both the perception of quality and safety. This section will present the five levels of service and the five "hospitality moments of truth."
- Security – Safety: What may appear as a common theme really has two distinct outcomes relating to hospitality. Defining each and developing strategies on staff development and a comprehensive security plan will be covered in this section.
- Community Relations: Interacting with the community, maintaining relations with government and getting involved with peers through an association or alliance are the final areas to be presented in this section.

Developing Policies, Training and Community Relations

"Businesses need to reach out to the community (including attending neighborhood board meetings). In nightclubs, security needs to be professional and thorough. I recommend creating an interactive relationship with police, so they don't only see you when a crisis occurs."
Jack Cooke, New York Liquor Dealers Association

People are increasingly becoming concerned about safety and security. When creating an environment for public gatherings, understanding the "five elements" of hospitality service and how management policies, practices and staff training can influence perceptions is an important first step to creating places to socialize.

The terms "safety" and "security" are often used interchangeably due to their inter-dependent meaning: to be safe is to be secure, and vice versa. These concepts are united by their aim to provide protection from hurt, injury, danger and loss. However, they are guided by different principles in achieving this goal.

The provision of safety in a hospitality establishment necessitates the prevention of potential risks and hazards through precautionary tactics. Safety measures often address environmental stimuli that may encourage excessive consumption

of alcoholic beverages, contribute to violent or aggressive behavior in patrons, or interfere with an economically viable business.

In contrast, security tactics can be characterized as more reactionary than precautionary in nature. The primary role of security staff within an establishment is usually to survey the crowd's conduct and to confront intoxicated and/or aggressive patrons. As a result, security staff is more likely to deal with the consequences of intoxication and aggressive behavior than the enforcement of safety procedures that may have prevented this behavior, and thus, rely upon the judgment and ability of the service staff.

Service is the next element toward a safe and vibrant environment. There are five "hospitality moments of truth" for each person interacting with the customer. The person at the door, the bartender or the service staff roaming through the establishment must all interact with the customers, implement the policies and procedures of the establishment, and assure the safety of the guest, the sales to support the economic viability of the business, and the security to protect the guest from harm inside the establishment as well as when they leave.

On-going training of service, security and management staff are crucial to the effective implementation of policies and procedures. Selecting the proper training requires an understanding of risk, the level of training required, appropriateness of the curriculum to the needs of the business, qualifications of the instructors and the integrity of the agency or organization providing the training.

Finally, how a business interacts with peers through a formal alliance or association, and the ability to work through conflicts with residents and government agencies characterize the last element in a comprehensive risk management program.

Risk Assessment and Policy Development

Whenever people gather, consume food and drink alcoholic beverages there is a risk to individuals, the business and the community. Managing risk is a complex task that requires a continual cycle of planning and implementation.

Generally, people or businesses act in a way that is irresponsible for one of three reasons: They don't know; they know but don't know how; or they know how, but don't care.

Good management requires an understanding of this basic principle and works to create the environment to support all three. The recommended course of action would be to educate those that don't know, train those that know but don't know how, and discipline or terminate those who know how but don't care.

Liability Risk

Hospitality businesses have many more regulatory and enforcement agencies to comply with, are subject to more oversight and inspections, and face greater risk of liability than the average non-hospitality related establishment. Of all the factors in hospitality operations, few create the greatest exposure to risk than the sales and service of beer, wine and spirits. These "licensed beverages" have been regulated for centuries to manage risk for the following business behaviors:

- Serving an underage person
- Serving an intoxicated person
- Mishandling an intoxicated or disruptive person

While there are many initiatives to increase compliance with each of these behaviors, some of the most effective tactics fall under training, policy development and implementation.

Policies Create the Ideal

Policies are a basic business tool that defines boundaries for expected behavior in order to achieve the ideal. The first step in developing policies is to conduct a risk assessment. The assessment can focus on five specific core areas:

- Mission: How clearly is the mission of the business defined and communicated?
- Economic: How well does the business meet its goals for revenue and expense management? Target market?

- **Maintenance:** How effectively does the business manage its appearance, interior and exterior, cleanliness, furniture and overall impression of control?
- **Staff:** How well does staff perform their duties? How consistently?
- **Community:** How integrated is the business in the community? How well does management interact with government agencies, community organizations, businesses and business organizations? Is the business in compliance with rules and regulations?

Level of Risk

The next step in the process of policy development and implementation is evaluating the level of risk of the business.

- **Low risk:** This category represents those businesses licensed to sell alcoholic beverages for consumption on-premise, including bars, restaurants, clubs and taverns. A low risk business is one which serves alcoholic beverages as a secondary source of revenue, depending primarily on food sales. Businesses in this category would have some or all of the following characteristics: serving only lunch, not having a separate lounge area, limited seating of less than one hundred, owner available during most or all hours of operation, caters to an older clientele or families, makes alcoholic beverages available only with food, early closing hours, no entertainment and/or an obvious commitment to responsible beverage service policies.
- **Medium risk:** A medium risk business depends more on the sale of alcoholic beverages but still maintains a higher percentage of food sales. There is generally a separate lounge area, entertainment is often provided, and seating exceeds one hundred. Clientele may vary throughout the week, and at times, can be composed of a majority of those under the age of twenty-four. There is a moderate rate of turnover among service staff, particularly among beverage servers. Risk may vary by time of day or day of the week, but staff is relatively skilled and handle most situations well.
- **High risk:** A high risk business has beverage sales that exceed food sales, caters to a young or heavy drinking clientele, is generally accessible by automobile, usually by traveling on highways or interstates, and usually does not have direct owner involvement in management. There is a high turnover of management and service staff that is usually young and inexperienced, and compensation is low compared to other businesses in the community. The business is dependent upon high volume, generally during a few select times such as weekend nights. Otherwise, the business has low volume of sales.

Defining the Ideal

This simple flow chart is applicable to many situations.

- **Establish**: First establish the ideal behavior expected of customers, staff and management.
- **Educate**: Organize information in an appropriate format that is accessible to those that need it.
- **Monitor**: Install systems to monitor performance and record accomplishments or challenges.
- **Respond**: Provide incentives, skill training or discipline depending upon performance.
- **Evaluate**: Changes in the environment, economy, staff, demographics, regulations, and any number of other factors could contribute to deviation from the ideal, and the process for achieving the ideal may require adaptation. Establish the new ideal expected behavior and continue the cycle.

Policy statements clearly articulate expectations to staff and generally following a similar pattern:

- **Who:** Who is responsible for the policy?
- **What:** What are they supposed to do?
- **When:** When are they supposed to do it?
- **Where:** Where do they get assistance?
- **How:** How are they compensated?

Using Policies to Achieve Business Goals

Carefully crafted policies can not only protect the business, its employees and patrons but set goals and expectations for behaviors and outcomes. For hospitality establishments, policy development generally focuses on the Five Ingredients of Hospitality. These five elements – the setting, the food, the beverages, the staff and the community – collectively create the ``hospitality experience." With each comes a higher degree of responsibility for public health and safety than in other businesses. The attached chart shows the relationship among the five elements of hospitality with related goals, policies and results.

ESTABLISH ⇨ EDUCATE ⇨ MONITOR ⇨ RESPOND ⇨ EVALUATE THE IDEAL	The Setting	The Food	The Beverages	The Staff	The Community
GOAL	To create a safe and comfortable space for sociability	To increase the number of customers and revenue by providing a variety of wholesome food choices	To increase revenue by selling moderate amounts to many instead of a lot to a few	To provide consistent high-quality service by well-trained management and staff	To be an active member of the community through involvement in associations and support of local organizations
POLICIES	❑ Promotions ❑ Parking ❑ Accessibility ❑ Crowd control ❑ Dress code ❑ Communication ❑ Maintenance ❑ Emergencies	❑ Menu ❑ Hours ❑ Sanitation ❑ Nutrition ❑ Resource management	❑ Promotions ❑ Customer education ❑ Serving practices ❑ Alternatives: ❑ Youth access ❑ Intoxication ❑ Transportation	❑ Policies ❑ Training ❑ Incentives ❑ Youth employment ❑ Harassment	❑ Association membership ❑ Host meetings of community groups and civic organizations ❑ Support special events and festivals

RESULTS	❑ Larger market ❑ Decrease in damage ❑ Decreased staff turnover ❑ Less conflict ❑ Increased customer satisfaction ❑ Reduced waste and mistakes ❑ Pleasant and safe environment	❑ A wider customer base ❑ More sales during off-peak hours ❑ Reduced risk of intoxication ❑ Increased revenue and profit ❑ Increased server tip income	❑ Higher profit margins ❑ More control over problem drinkers ❑ A wider customer base ❑ Increased revenue and profit ❑ Reduced liability ❑ Better mix of clientele	❑ More customer satisfaction ❑ Increased word-of-mouth promotion ❑ Reduced turnover	❑ Better public relations ❑ Alternative revenue streams ❑ Access to new information and technology ❑ Keep on top of trends and opportunities from community development

SERVICE

Fast-paced lives and easy access to fast-service restaurants have jaded public attitudes about what to expect when dining in a more formal setting. Price, convenience and speed of delivery are what consumers often seek, with quality service an added bonus.

Food and beverage products can be purchased from retail stores for a fraction of the price that hospitality businesses charge, although cost is not generally a definitive factor when determining where to dine. Diners have an abundance of eating and drinking establishments to select from. New and novel hot spots are cropping up and crowding an already competitive market. Advertising and promotions can initially bring people in, but the quality of service is what brings them back.

Service in the hospitality industry goes far beyond delivering provisions to a table. Service is the all-embracing episode that guests experience from the moment they walk in the door to the moment they depart. Guests take the experience home with them and share it with others.

Five Hospitality Levels of Service			
LEVEL	**ATTITUDE**	**BEHAVIOR**	**PERCEPTION**
IDEAL	Involved	Consistent	I am valuable
RESPONSIBLE	Concerned	Guides	They care
GOOD	Interested	Anticipates	I am important
MINIMAL	Unaware	Responds	They can take me or leave me
BAD	Antagonistic	Reacts	They don't care about me

While many programs attempt to train service staff in responsibility, if they lack the basic training and skills in providing good service, they will have greater difficulty in effective intervention when it becomes necessary.

The chart located above demonstrates that "responsible" service is on a continuum toward "ideal" service where the server conveys to the customer caring for their satisfaction and concern enough for their safety to guide their behavior.

Whether in a full service dining establishment or a fast-paced nightclub, there are five moments of truth toward establishing a relationship with the customer, gathering information about their intent and level of risk, and providing service appropriate to their needs.

The Five Moments of Truth

A “moment of truth” defines the point of contact between the host and the guest that determines the guest’s perception about the quality of service. The collective moments create the overall impression of the hospitality experience. Every industry has its own moments of truth. For airlines, the reservations, the check-in, the flight attendant and the baggage handling all provide such moments.

Hospitality businesses have five critical moments: Greeting, Order-taking, Service, Monitoring and Departure. For many people, it is the Greeting and Departure moments that shape expectations and leave the lasting impression. Yet in server training, it is these two moments that are most often overlooked. As more and more businesses move toward technology, most training focuses on taking the order, entering it into the register and delivering it as quickly as possible to the table. While these are important to the customer or guest, when they are ignored upon entering and have little or no contact with their server before leaving, the overall impression is not as “ideal” as it could be.

The chart on the next page shows each moment and the key “milestones” to enhance service.

FIVE HOSPITALITY MOMENTS OF TRUTH			
GREETING	APPEARANCE (LENS) Listen Eye contact Neat Smile	ASSESSMENT Age – legal to order alcohol? Impairment – intoxicated? Accommodation – for people with disabilities	
ORDER-TAKING	PRODUCT Availability Preparation Ingredients Food-beverage pairing	PERSON Intent Pace Needs	PROMOTION Selling is helping Descriptive language Active listening Provide choice Affirm decision
SERVICE	COMMUNICATION Listening Understanding Caring Responding Showing respect Being honest Being prepared	PACING Anticipate needs Beverage Service Food Service	
MONITORING	OBSERVE Needs Behavior Impairment	RESPOND/INTERVENE Conflict resolution Win-win problem solving	ORDER-TAKING Return to order-taking
DEPARTURE	PROMPTNESS Gratitude Payment Appreciation	SATISFACTION Needs met Safety	

SECURITY

> *Former bouncer Patrick John Brownslow sat in the prisoner's box and swallowed hard as a judge sentenced him to 30 months in a penitentiary... Across the courtroom … the victim, Gary Tordoff, sat in the wheelchair he is unable to rise from… The jury was told the incident began when Brownslow, then a 23-year-old nursing student…and another bouncer tried to stop Tordoff from leaving the bar with a beer in his hand. In the struggle, Tordoff's head was banged against a wall about four times and he was tossed out of the door where his head apparently hit the sidewalk. (London Free Press, June 17, 1995)*

Violence and aggression in licensed establishments can be attributed to many interrelated factors, including the interaction between alcohol and a variety of social and environmental factors. Patron characteristics, such as age, sex and personality traits also play an important role in determining individual propensity for violent and aggressive acts. Men between the ages of 18 and 30 are most at risk of becoming an aggressor or victim of violence due to their tendency to drink to the point of intoxication and engage in competitive activities, such as pool/billiards, drinking games and attracting the opposite sex.

Incidents of aggression and violence can also be attributed to:

- "Macho" attitudes

- Sexual overtures
- Jealousy
- Bar staff that lack skills to manage problem behavior and prevent conflicts from escalating
- Aggressive individuals who are attracted to bar security jobs
- Inconsistency in policy enforcement e.g. waiting in line when there is obvious space available

Need for Security

Security and safety staff in licensed beverage establishments are increasingly being required to demonstrate higher standards and better training in management of crowds and behavior. Additionally, more cities are requiring detailed security plans that may include the use of technology for communication, conditional use permits, entertainment permits, extended hours permits or mixed age permits.

Certain types of establishments fall into risk categories that require more control over crowds and patron behavior. These can be defined by licensing laws (nightclubs, cabarets) or by patterns of operations.

The following are common indicators for businesses most often associated with increased risk of violence and assaults, and thus, a need for better security and safety plans:

- Type and location of establishment and the broader social context: Large capacity, late-night hours of operation, neighborhood with high crime rate.
- Characteristics of patrons: Higher proportion of males to females, patrons between the ages of 18 and 25, inclined to heavier drinking.
- Physical environment: Crowding, smokiness, noise level, lighting, cleanliness and general upkeep of the premise.
- Social environment: High level of patron intoxication, permissive behavioral expectations, sexual competition and activity, drug use and dealing.
- Activities: Pool/billiards, dancing, entertainment.
- Staff variables: Staff to patron ratio, drinking by staff, aggressiveness of staff, ability of staff to manage problem situations.
- Serving practices and closing time: Serving intoxicated patrons, serving a large number of drinks just prior to closing, lack of availability of transportation.

Generally, security and safety staff have four primary responsibilities:

- Age Identification: Depending upon state and local regulations, the task of staff is to assure people are of age to either consume alcoholic beverages or be allowed inside a licensed beverage premise. When law requires a person to be 21, then the task is managed at the door. If mixed age venues are allowed, the task is to monitor and prevent underage people from being provided an alcoholic beverage by friends or by a server.
- Crowd Control: Monitoring number of people entering and leaving to maintain legal occupancy, control flow of movement, especially through aisles and around restrooms, and assess potential conflicts or danger.
- Conflict Resolution: Coordinate communication with other staff to conduct direct and efficient interventions to reduce potential assaults and violence.
- Safety: Maintain order and safety, including assisting impaired individuals arrange alternative transportation.

Role of Alcohol

Although alcohol intoxication is not causally related to aggression and violence there is a correlation between increasing alcohol intoxication and severity of aggression and violence. The behavioral factors that indicate impairment include:

- Self-Focus: An impaired person is generally more self-centered and emotional.
- Problem Solving: The person is less capable of problem solving and becomes more frustrated.

- Risk Taking: More impulsive and less concerned about consequences.

One of the responsibilities of security and safety staff is to have the ability to identify the signs of intoxication and assess patrons' stages of intoxication.

Signs of Intoxication	Stages of intoxication
♦ Stumbling: May weave, misstep, or stumble. Put hands out at sides for support or balance. May even trip or fall, but less obvious signs are more common. ♦ Misjudging: As coordination declines, people misjudge distances or depths. May set a drink down hard on the table thinking that the table is lower than it is. Miss ashtrays, miss steps on a stairway, miss the toilet when urinating. ♦ Slurred speech: As alcohol relaxes muscles it relaxes the mouth muscles, making it hard to talk. People start to slur their speech. This is a very good sign that someone is impaired. ♦ Sloppy: Hair gets messed up, clothes may be wrinkled, may have shirt-tail out, fly undone, collar messed up, or one sleeve up and one down, glasses may be sliding down nose. ♦ Hostile: Show signs of being angry, or easy to anger - shouting, touchy, pushing, cursing. ♦ Raunchy: May use excessive profanity and make sexual comments (talking "dirty"). ♦ Fumbling: Spill drinks or food, shaky hands, writing is very shaky, has trouble getting cigarettes out of package or lit, drop things.	♦ Self-control, inhibitions: Alcohol is a central nervous system depressant, and one of the primary reasons why many people enjoy its effects is the loss of inhibitions and increase in self-confidence in social settings. ♦ Judgment: As blood alcohol level rises, judgment declines and people become more outgoing. ♦ Reason, caution, intelligence, memory: This is the point when people repeat the same stories, make inappropriate comments, forget where they leave drinks, etc. May contribute to inability to respond to conflict and contribute to aggression. ♦ Senses: As a person's hearing is impaired, they begin to speak louder and ask people to repeat. Eye movement and focus is impaired. ♦ Coordination: Impaired ability to coordinate eye hand movement, spilling drinks, dropping change. ♦ Balance - Aggression: Person begins to stagger, hold onto chairs, and depending upon person and environment may become increasingly agitated and aggressive. ♦ Vital centers: Continued increase in blood alcohol level can lead to unconsciousness and eventually, loss of vital functions, coma and death.

Environment

When patrons enter an establishment, they receive many messages about appropriate behavior. Lighting, entertainment, decor, the behavior of other guests, appearance and attitude of employees, cleanliness, restrooms, and many other factors give the person an immediate impression of what is the proper way for them to act.

Just like the moments of truth for the server, the same applies to the security staff at the door and the overall appearance of the entrance and internal environment. Various features in the physical environment of an establishment can cause patrons physical discomfort or arouse frustration and irritation, often leading them to drink more to alleviate these feelings. However, increased alcohol intake further reduces their tolerance and hinders their ability to respond appropriately to their environment, making them more prone to aggression.

When the establishment's staff is disorganized, fails to pay attention to cleanliness and maintenance, and ignores behavior such as profanity, intoxication, drug dealing, rowdiness or sexually permissive behavior, patrons get the impression that violence or aggression will be tolerated as well.

Security Procedures
Adapted from
Alcohol *and licensed premises: Best practices in policing*
A monograph for police and policy makers

Factor	Result	Tactics
Permissive Behavioral Expectations	Individuals feel less accountable for their actions when it is culturally acceptable to attribute blame to the alcohol itself rather than to themselves directly.	Convey acceptable drinking behavior and patron responsibilities through posters, beer mats and coasters. Provide quality alternative non-alcoholic beverages to make it easier to switch and train staff in proactive selling to high risk individuals.
Poor Quality Entertainment	Patrons who are bored are likely to drink more alcohol, increasing their potential for aggressive behavior.	Feature quality entertainment in establishments.
Crowding	Crowding reduces tolerance, increases anxiety and chance of accidental contact, factors which can start fights. A sense of anonymity and lack of accountability lead to reduced likelihood for intervention in potentially violent situations. Additionally, noise from crowds and increased pressure on staff to quickly serve drinks hinders staff ability to determine if a patron is intoxicated and/or capable of committing aggressive acts.	Clearly display and adhere to maximum capacity limits. Create and comply with minimum staff to patron ratios for bar, management and security staff. Remove or limit physical barriers (e.g. seats, tables) in high traffic flow areas to prevent congestion. Install CCTV surveillance cameras to monitor crowds and identify perpetrators in criminal investigations. Clearly identify entrances, exits and public transportation points for patrons.
Lighting	Low lighting facilitates lack of detection of deviant activities and loitering individuals. Further, it may lead to an increased sense of anonymity and lack of accountability. However, bright lighting may irritate patrons.	Provide level of lighting bright enough to provide visibility of all areas and patrons. Ensure visibility near amenities such as restrooms.
Ventilation	Smoke and temperature may cause physical discomfort to patrons.	Control temperature inside establishment to prevent excessive heat or cold. Ventilate room or use air purifiers to remove smoke. Restrict smoking to well ventilated areas or outdoors.
Lack of Access to and Cleanliness of Amenities	Insufficient and unclean restrooms may increase irritability among patrons.	Regularly clean and monitor restrooms. Some establishments use attendants to elevate service and monitor activities. Remove obstacles that impede access to restrooms.
Furniture and Seating	Furniture may obstruct traffic flow and/or visibility of staff and could be used as weapons.	Locate lounge-type areas for patrons to relax away from high traffic areas. Remove seating and furniture from walkways, dance areas, around bars, and in other high traffic areas.
Drink Containers	Glass containers, cans and bottles may be used as weapons.	Use break-resistant materials for containers, such as tempered/toughened glass or foam cups.

AGE IDENTIFICATION AND MIXED AGE VENUES

"Students have many interests other than drinking. Cheap drink promotions can lead to high-risk drinking and discourage business mixes. When creating a commercial district, take a broader view of entertainment needs, many of which do not involve alcohol."
Richard Yoast, American Medical Association, Office of Alcohol & Other Drug Abuse - July 25, 2001

Teenagers and young adults are the highest risk group for drunk-driving crashes..

Many teenagers place high value on the privilege of driving and the independence it affords them. However, social pressures and the need to feel accepted and "cool" in the eyes of their peers may lead them to engage in risky behavior such as driving while under the influence of alcohol. Statistics show that the majority of fatally injured teenage passengers were in fact riding in cars driven by their peers — peers who too often drove recklessly at speeds far too great for road conditions.

But more than any other factor, inexperience at both drinking and driving accounts for teenagers' greater crash risk. Teenage drivers have a greater probability than older drivers to be involved in crashes at all BAC levels. Teenagers with low and moderate BACs, compared to their older counterparts, are much more likely to be involved in an alcohol-related crash.

The laws against serving underage people are severe, and they are being enforced more strictly. Servers can be found criminally liable for serving an underage person, fined, and in some cases, sentenced to jail. In addition, the establishment's license to serve alcoholic beverages can be suspended or revoked.

It is important that servers check the identification of everyone suspected to be under age 21. A good policy is to check the identification of everyone who appears under the age of 25 or 30.

Signs of Immaturity – Characteristics of a Minor

Learn to identify appearance or behaviors which would indicate that a person is underage. These might include the following:

1. Style of dress or excessive make-up on young women or beards on young men.
2. Nervousness. A hesitancy to come to the bar or door. Also, looking for someone they know or appearing to be a regular.
3. Eye contact. Avoiding eye contact, looking down, easily distracted.
4. Overly friendly and cooperative.
5. Defensive and arrogant.
6. Coming in groups. The underage person may leave to go to the restroom or stay away from the group until drinks have been ordered.
7. Time of day. Usually, underage people learn the schedule and come before the doorperson comes on duty, during a change in shifts, or during a busy period.
8. Physical characteristics: ***face***: acne, peach fuzz, baby face; ***eyes:*** no wrinkles; ***hands:*** girlish nails, young-looking nail polish; ***body type:*** under-developed, skinny, plumpish; ***voice***: effort made to talk deep, nervous stuttering.
9. Type of drink ordered: sweet drinks: Sloe Gin Fizz, Piña Colada, White Russian, Strawberry Daiquiri, etc.
10. Method of ordering: "What do you have?" "I'll have the same." "What do you suggest?" Asks price, orders non-alcoholic beverage first.

The right to refuse service

A server has the right and responsibility to refuse to sell or serve alcoholic beverages to any person who is unable to produce adequate written evidence that he or she is over the age of 21 years. In most states, servers cannot allow consumption of alcoholic beverages by a person under the age of twenty-one even if the beverage was purchased by an adult (though there are some state exceptions if the adult is a parent). The only defense to a criminal charge is if the server demanded, was shown and acted in reliance upon what the server believed to be a bona fide evidence of age. The following are general standards applied to determine the validity of identification:

1. It must be a government issued document with a photograph and physical description of the person, including date of birth.
2. It must be valid, not expired.
3. It must identify the person presenting it.
4. It must not be altered in any way.

In many states, persons under the age of twenty-one face criminal penalties for purchasing, possessing and consuming alcoholic beverages. They are also subject to criminal penalties for use or possession of false identification. Penalties can include fines, jail sentence and/or loss of driver's license. Or, if they do not have a driver's license, they may lose the opportunity to obtain one.

Meanwhile, the staff that served underage patrons and the licensed establishment in which the underage drinking occurred can also face penalties and criminal charges.

Mixed-age Venues

The risk of prosecution for underage drinking in a licensed establishment may discourage many bar and club owners from establishing 18+ venues or hosting 18 and over nights. Potential underage access to alcohol is an especially large concern in establishments with lax policies on checking ID's or insufficient security to ensure that drinks are not passed to under 21 year olds by older adults. Further, legislation that holds venues responsible for any underage drinking that occurs on their premises have made the presence of minors in a late-night venue a serious risk and liability to a venue's license.

However, prohibiting underage admission into late-night venues greatly reduces a potentially large market of individuals seeking and willing to pay for music and entertainment. Further, excluding young Millennials from places where they can publicly socialize with older members of their generation forces them to organize their own private parties where alcohol-use is usually not supervised or regulated.

Age Verification Technologies: Why are they needed?

The need for age verification devices in licensed establishments is a reflection of the growing demand of the underage demographic for places to socialize and experience music and entertainment. Whether an establishment chooses to create a mixed-age environment on a regular basis, for special occasions, or restrict patronage to individuals 21 and over, various technological resources are available to assist in age verification.

Many late-night venue owners may be resistant to spending additional financial resources on age verification due to the belief that their security staff can adequately verify age without the use of technology. However, the increase in availability and sophistication of fake IDs suggests otherwise. Fake IDs can now be created to appear so authentic that they are not easily detected by the naked eye, requiring the use of a device specially designed to detect fraudulent magnetic stripe or barcode information.

Two reliable resources that can be a great asset to establishments are ID scanners and wristbands.

- ID Scanners: One of the most commonly used age verification technologies is an ID Scanner, which checks the authenticity of an ID by reading either the ID's magnetic stripe or barcode, depending on the identification model. It then displays the patron's age and date of birth on an LCD screen. The benefit of an ID scanner is that they are generally compact, portable and easy-to-use devices.

  Scanners, however, are not without risk. They should be used as an additional tool, not an end-all solution. Safety staff need to verify that the ID they have scanned matches the person who handed it to them. Also, to be used in a mixed-age environment, the venue would have to provide their own form of marker that would enable them to distinguish between under and over 21 patrons, such as a stamp, pen mark, or colored wristband.
- Wristbands: Wristbands are one strategy for identifying individuals legal to consume alcoholic beverages on the premise. Generally, once a person's identification is checked, they are given a wristband, usually placed on the wrist of their dominant hand (usually the right hand to make it easier to see when people raise their drinks

to their mouths). The risk of wristbands is the transfer from one person to another, but there are inherent factors to prevent this, especially the type of wristband used.

More sophisticated technologies include Precision Dynamics Corporation's electronic age and ID verification system, AgeBand. Like an ID Scanner, this system also scans the bar code and magnetic stripe of an ID, and then utilizes software from states' departments of motor vehicles in order to detect fraudulent identification. The machine then prints out a wristband with the patron's name, age, as well as "Age 21 Verified" for easy recognition of under and over 21 year olds. The AgeBand system uses a larger, slightly less mobile cart on wheels that houses a computer screen, ID Scanner and a wristband printer.

The AgeBand system seems to be more conducive to the mixed-age entertainment venue, since it not only scans a patron's ID, but also provides the means for distinguishing between the ages of patrons so it would be possible for them to interact in the same environment.

How Technology Can Be Used Proactively To Enhance Overall Internal Security

The benefits of ID-scanning technology are not necessarily limited to the authentication or invalidation of a patron's age.

- Technological devices can store data on previous offenders or problematic patrons so that they will be either refused entrance or monitored by internal security.
- Late-night venues can share their lists of banned patrons with other venues in the same hospitality zone to force the patron to stop frequenting the area.
- Can facilitate improved cooperation with the police, since stored information can assist law enforcement in criminal investigations.
- Select cities and states can use demographic data on their patrons, such as age and sex, for marketing analyses.

Disclaimer

Unfortunately, variations in state policies for identification cards can make these kinds of devices ineffective in certain areas. Many age verifying technologies authenticate an ID by verifying its magnetic stripe and/or bar code; however, not all states require these components on their drivers' licenses and ID cards. Regardless, they are still effective in almost all states and provinces in both the U.S. and Canada.

Also, some states ban ID scanners that store personal information due to privacy rights issues. Or, conditions may be in place that the information can only be stored overnight.

Other Strategies

- Environmental Strategies: Some establishments utilize different types of glasses for non-alcoholic beverages to enhance efficiency of identifying underage patrons in mixed-age environments.
- Badges in Bars: A program similar to the Cops in Shops Program available from the Century Council is Badges in Bars, where undercover police work at the door checking identification and make an arrest when a person presents a false ID. This serves as a deterrent to underage people attempting to enter illegally.
- Civil Liability: Legislation in Alaska allows the establishment to bring a civil action against an underage person or the parents of the person for $1,000 when the underage person attempts to enter the establishment or obtain alcoholic beverages illegally.
- Decoy Sting: Use of undercover police officers or representatives who are underage to attempt to purchase alcoholic beverages, and citing the clerk or server for a violation.
- Voluntary Compliance Check: Businesses join together to contract with a service that sends individuals of legal age yet who appear underage to monitor the ID checking of staff. A reward is issued to employees following the procedures correctly; a notice is provided to the employee and the manager when procedures are not followed. Information about compliance by all participating establishments is provided to the police and regulatory agencies on a regular basis.

- Video Surveillance: Some establishments have installed video surveillance cameras to monitor the interior of the establishment. When an individual is evicted or denied entrance, a photo of the individual can be circulated to all the establishments in the area.
- Communication Systems: Wireless communication among all staff with hot button connections to police and neighboring establishments can improve communication and early intervention with problem patrons.

Security Staff Development

Beyond training, the selection process for security staff capable of handling underage drinking situations is equally important. Some believe hiring for bulk, physical impression and presence is ideal, whereas others consider communication skills, ability to improvise and create reasonable alternatives, and skills in establishing trust and authority as more appropriate qualities.

Utilizing role-playing interview techniques, establishments may screen candidates for their ability to demonstrate the following problem solving techniques:

- Does not show anxiety, fear, or anger
- Does not get into a shouting match
- Directive, but not authoritarian
- Aware of possible aggression
- Avoids touching
- Demonstrates concern
- Offers a Choice
- Eviction procedures
- Recording information

Once hired, the person should complete a training program appropriate for the establishment (see training section).

Developing a Security Plan

Integrating all of the elements of policy, service, security and training into a detailed security plan can meet the requirements of the police, licensing or regulatory body as part of a conditional use permit to allow extended hours or authorize the establishment of entertainment or mixed age venues.

Security plans generally require server training, security/safety staff training, security cameras, ID scanners, security staff to occupancy ratios (usually 1 to 50, sometimes more depending upon crowd and entertainment), signage, parking and exterior supervision, management of lines, closing procedures, and deployment of staff to manage crowds and facilitate transportation.

The following guidelines were developed to assure any business seeking to provide live or amplified entertainment will be better prepared to obtain the necessary permits and be in compliance with appropriate regulations. Some licensing authorities may impose additional responsibilities, depending upon the location and type of business.

The following guidelines are directed to business owners, managers and staff, however, they do not replace those stakeholders responsible to know and understand rules and regulations governing their business and municipality.

Community Relations

- Establish positive relationships with residential and retail businesses surrounding your establishment and periodically consult with them about any emerging or outstanding issue relating to disturbances, noise, property damage, litter, or any other event that might lead to complaints or calls for service.
- Consider holding periodic “block parties” and invite neighbors to meet with you and your staff, take a tour of your establishment and review some of the policies and practices you use to manage security and reduce risk.
- When providing live or amplified entertainment be sure to obtain all the necessary permits and approvals, especially if it will occur outdoors.

- Keep all windows and doors closed during periods of live or amplified entertainment.
- When building or renovating, consult with an engineer to install appropriate sound suppression insulation and identify the location of speakers to increase quality of sound and reduce transmission through the building structure to outside.
- Obtain a sound meter and measure decibel levels to be in conformity with Zoning Ordinance.
- Recognize that disturbances inside an establishment cannot simply be moved to the street. Incidents resulting from poor internal management policies may result in risks to your business and business license.
- Monitor the area around the establishment, including public sidewalks, alleys next to or behind the building and parking areas after closing to break-up crowds. Intervene when conversations and noise may interfere with neighbors and remove any litter or trash created by your customers. Create a policy that clearly identifies the responsibility of security and safety staff to patrol the perimeter and deploy during closing time to assist with pedestrian flow and management.
- Maintain appropriate trash receptacles and storage areas. Monitor trash removal and pest control in and around trash areas.
- Participate in meetings of your local Business Improvement District, trade association or community group to stay informed and be represented as a responsible member of your industry and community.

Security

Develop a detailed plan and consult with police, fire and other appropriate agencies to assure it meets their needs. Such a plan can include, but is not limited to:

- Staffing: Assure an appropriate number of trained security staff to meet the needs of the crowd size, age of customers, type of entertainment and length of entertainment.
- Training: Arrange for a third party security seminar or work with various departments to have regular meetings with agency representatives to review and discuss procedures.
- Crowd Management: Maintain a system for monitoring crowd size to adhere to occupancy limits. When lines form, direct them in such a way to not interfere with pedestrian traffic or create disturbances to neighbors.
- Incident Response: Document a hierarchy of procedures when an incident occurs that may create a risk to the safety of customers or surrounding community, including when to call police and emergency services, what to do until they arrive and procedures for working with them when they are on the scene.
- Uniforms: Establish clear policies on uniforms and dress code for employees so they can be easily identified by customers and by police in the event they have to be called to break up a disturbance.
- Incident Log: Establish procedures for recording all relevant incidents in and around your establishment and procedures taken to manage them. Increasingly, establishments are relying upon video recording for this purpose.
- Incident Review: When there is a major incident have an immediate meeting with all staff involved, and if necessary, invite police to debrief and review what was done correctly and what could be done to improve. Document the results of the meeting in the incident log.
- Lighting: Assure proper lighting at the entrance and in the area surrounding the establishment to provide easy observation of any and all activity. Consult with Police Department, Building Division and the Planning Division for approval.
- Communication: Participate in the walkie-talkie program to improve communication among establishments in the city to share information about customers creating a disturbance or who have been refused entry into an establishment.
- Access: Invite periodic walk-through by police and never deny access by any government agency representing an enforcement or regulatory agency.
- Restraint: Maintain strict policies on use of force in restraint and train security staff in the proper management of fights or physical assaults to reduce potential harm.

Responsible Beverage Service

- Reducing intoxication and underage drinking are the most important strategies for maintaining a legal and profitable business. Develop a detailed responsible beverage service plan to include but not be limited to:
    a. Training: Enroll all staff in a responsible beverage service training program. Maintain records of training in personnel files.
    b. Age Identification: Maintain strict policies on checking identification and provide on-going monitoring and supervision of staff.
    c. Technology: Utilize electronic license scanning systems and/or photographic documentation for age verification.
- Intoxication: Reduce the risk of intoxication by limiting the use of drink specials or promotions, use standard measures for drinks, maintain a limit on the number of drinks a person can consume and intervene with anyone whose behavior is inappropriate, regardless of whether or not they are intoxicated.
- Transportation: Establish procedures for arranging alternative transportation and work with a local taxi company to establish a designated location during closing time that people can go to for a cab. Work with neighboring establishments to provide security to manage lines and cab access.
- Alternative Beverages: Develop a selection of quality alternative beverages such as bottled teas, coffees and juice drinks for the designated driver or for people wanting to switch during the evening.
- Food Service: Whenever possible, make food available and train all food preparation staff in SafeServ or another food safety program.
- Off-premise: Do not allow any alcoholic beverages to be taken off premise except already opened bottles of wine that are properly sealed (in states where it is allowed).
- Staff Drinking: Maintain strict policies prohibiting staff and management from consuming any alcoholic beverages during hours of employment.

Promoters

As more licensed beverage businesses allow outside promoters access to plan promotional events and to expand their operations, concerns arise that these promoters and the events they wish to conduct are not legal and may have a negative impact on the business. Special consideration needs to be used to ensure a positive and safe outcome.

The following are recommended guidelines developed by the Food and Beverage Association of San Diego County.

Know the Promoter

- Obtain promoter's (or person representing the promoter's) legal name(s) and business name(s).
- Inquiries into insurance requirements should include insurance rating, levels of coverage and type of insurance.
- Check licensing requirements (e.g. the City of San Diego requires all promoters to be licensed by SDPD Licensing Division).
- References (names, phone numbers and addresses of past and current customers).
- Research any past or current violations experienced as a result of the promoter involving but not limited to the ABC, Police and/or Fire Dept.
- Discuss appropriate security deposit in the event of damage to the business.
- Discuss revenue collection and disbursement.
- Educate the promoter regarding the particular requirements of the venue (conditional licensing, CUP, entertainment permits, Fire Dept. requirements, including occupancy load and ABC license conditions).
- Make the promoter aware they are liable to the operator should there be any damages and/or clean up as a result of the promotion, including Attorney's fees. Further, inform them that reasonable safeguards are the responsibility of the promoter.

Know the Event

- What is the theme and purpose of your event?

- What type of entertainment or performance will be done and will it enhance your concept?
- What are the demographics of the audience?
- What will the sound levels be? Will sound and/or vibration bleed through your building?
- Are rehearsals required and when?
- Do you need to provide meals for the talent?
- Do entertainers need custom lighting and sound or do they provide it themselves?
- Are their any special stage requirements?
- Beginning and ending times?
- Estimated number attending?
- Will pyrotechnics be used, including but not limited to fireworks, tricks and candles? If so, the promoter is required to obtain a Special Permit from the Fire Dept.
- In the event of a cancellation, what are the terms and conditions?

Plan Security

- If the promoter will be responsible for security, be VERY specific and detailed about every aspect of what is required to prevent liability.
- Most businesses prefer to use their own security, which tends to be the most ideal practice.
- In either case, security must be trained to know the business's policies & procedures. Security must receive training for managing patrons without injuring them.

The following are general best practices, policies & procedures for security in a beverage alcohol licensed business:

- Maintain a clean and safe establishment. A slip and fall can be just as damaging as a fight. Also, an environment with broken glass and water on the floor is a much more dangerous environment when a fight occurs.
- All policies & procedures must be enforced strictly, equally and fairly. Policies enforced in a haphazard manner may cause confrontations with customers.
- Quick action must be taken to control and stop fights or violent customers. Every effort must be made to talk through the problem with the customer.
- If a patron is accidentally injured, immediate protection must be given to the patron. If management determines a member of security staff intentionally injured the patron then they should be immediately terminated, and must bear the full weight of the civil and criminal system on his or her own.
- An approved incident report form must be completed and submitted to management as soon as it is possible by security and all other employees involved.

STAFF TRAINING

Selecting the proper training for an establishment is becoming a more difficult process as the number and variety of available programs increase. The first criterion is to obtain information from the appropriate regulatory agencies to utilize a program that meets the requirements or is certified by the appropriate authorities.

Beyond this, selecting or developing the proper curriculum for a licensed establishment requires a determination of risk exposure. The process of risk assessment requires a thorough knowledge of local regulatory and liability laws and an understanding of business principles, especially relating to marketing, personnel and financial management.

Choosing a Training Program

A subjective analysis of establishment risk is the first step in narrowing program selection. Understanding the basic difference between programs is important in matching the proper program with the needs of the establishment. A low risk business may require a general awareness program that focuses on age identification procedures, while a high risk on-premise business would require management training and comprehensive server and safety training. (See Level of Risk in this chapter).

Defining the category of risk and its relationship to the proper training curriculum is still a very subjective process. During the past few years, many of these programs have been developed and are marketed to licensed businesses throughout the country. While they all have many similar characteristics, they also vary widely in focus and emphasis.

Intervention and Prevention Programs

Programs can be divided into three major categories: awareness, server training and management training. The major differences between the programs are goals, length and method of instruction.

Program goals are divided into two: intervention or prevention. Intervention programs are directed to teaching participants information about recognizing signs of intoxication and how to refuse service. They may or may not address the issue of age identification and regulatory or liability laws.

Prevention programs involve more instruction on techniques for promoting responsible drinking decisions, include specific information about alcohol and blood alcohol content and teach servers about their social and legal responsibilities. The emphasis is on preventing or avoiding the necessity of intervention, although techniques for intervention are taught.

- Awareness Programs: These programs are short, generally less than three hours in length. They usually involve video instruction and can be presented by the establishment's management, making them more convenient and cost effective. In addition, it is easier and less expensive to present the program to new employees, without hiring an outside trainer or waiting for a community program to be scheduled. Because of their brevity, there is limited group discussion or role-play. They present basic information and, by using video demonstration, show key techniques for intervention. The servers are usually not taught to intervene directly, but rather are encouraged to get their manager or supervisor to handle the problem guest.
- Server Training Program: These programs are the next level and are generally three to six hours in length. In addition to covering each of the basic information topics in more detail, the programs typically allow more time for group discussion and role-play. Depending upon the focus — prevention or intervention — some time is spent on promotion of food, alternative beverages and alternative transportation. Another distinguishing characteristic between programs is how legal information is presented. Some "packaged" programs rely upon the instructor to investigate local regulatory and liability laws, while others include this information in the training package. Because of the complexity of some of these laws, the lack of adequate guidance given to an unskilled instructor could result in confusing or inaccurate information being presented to the participants.
- Security-Safety Training Program: While training for bartenders and servers has evolved over the past twenty-five years, with many states and local jurisdictions requiring training, the focus on training security staff is fairly recent with few standards identified. What is emerging is recognition of the important role security and safety staff plays in protecting public safety and reducing liability of the establishment.
- Management Training Program: A management program should cover all elements of the server and security-safety training course, but also include information on risk assessment and policy development. Since the skills of the manager should exceed those of the server, teaching communication and conflict resolution skills are extremely important. The program should include information on how to select the proper server training program, how to supervise staff and enforce policies and how to maintain records of training and interventions. Managers also need to be convinced that responsible beverage service will not interfere with the business's ability to earn a profit.

Elements of Curriculum

Regardless of the level of training among participants, there are some common tracks, though amount of time or detail varies from program to program. The core curriculum elements are:

- Legal: An overview of the administrative, civil and criminal liabilities of businesses and individuals serving alcoholic beverages. Among the more common areas discussed are:
  - On/off-premise consumption

- Retail hours of sale
- Consumption during restricted hours
- Serving an obviously intoxicated person
- Sales to minors, including service and allowing service
- The right to refuse service
- Minors in premises
- Minors serving alcohol
- Selling contaminated or refilled spirits
- Substitution of brands
- Driving while intoxicated

- Alcohol: The essential information about alcohol, metabolism, blood alcohol content, signs of intoxication, interaction with drugs and relation to body weight, food and gender.
- Age Identification: Reason for minimum age, signs of immaturity, procedures for checking identification and strategies for refusing service.
- Intervention: Strategies for intervention with a person who is intoxicated, approaching intoxication, or whose behavior is disruptive.
- Prevention: Strategies for reducing risk, such as promotion of food, alternative non-alcoholic beverages, promoting sociability and activities, and public service messages and awareness of duties of server to manage the environment and safety of all guests.

Security and safety staff can benefit from participating in training covering these topics, but require additional training on the following:

- Background Check: Criminal check to assure person has not been convicted of a felony.
- Use of Force and Conflict Resolution: Legal responsibilities and liabilities when using force. Ways to disarm volatile situations through communication, active listening and win-win problem solving techniques. Rights to detain an individual for illegal activities (use of false identification, intoxication, assault and battery, weapons, etc.)
- Club Drugs and Illegal Drugs: Recognizing club and illegal drugs and behaviors associated with their use or sale, as well as procedures for intervention and contacting law enforcement.
- Discrimination and Access Control: Rights and responsibilities to prevent entrance of individuals to the establishment while not invoking discrimination based upon racial, ethnic or gender profiling.
- Sexual Harassment and Assault: Monitoring and intervention when a person is being harassed or in an unsafe situation and assuring safety and appropriate transportation.
- Disaster and Crisis Management: Understanding role in the event of a disaster, whether natural (earthquake, fire) or criminal (bomb threat) and procedures for contacting authorities and evacuating patrons from the establishment.
- Technology and Communication: Use of ID scanners, security cameras, cell phone photography and wireless communication to communicate with staff and law enforcement.
- Transportation Alternatives: Recognizing signs of intoxication and assuring safe transportation for drivers and pedestrians.
- Emergency Procedures: Understanding when and how to contact police and other emergency services, what to do if there is an injury or medical condition, protecting individuals from harm until help arrives, what information to have prepared to give to emergency services and follow-up documentation of the incident.

Program Qualifications

A responsible service, security and safety program covers diverse and complex information, including hospitality practices, administrative, criminal and civil liability laws, alcohol and physiology, age identification, public health and safety, communication, conflict resolution and ways to intervene with people who are intoxicated. An instructor has to have the knowledge and skills to convey this information and develop the competence of participants, who may have varying levels of education and motivation. Examining an instructor's education and an agency's experience and focus are some ways to determine qualification to conduct the training.

Instructors

At a minimum, the person should have some experience in a hospitality business, preferably in a supervisory or managerial position, have formal education or training in the physiology and medical aspects of alcohol, and be a qualified adult educator, capable of conducting group discussion and role-plays.

In judging the qualifications of an instructor, it is important to consider that this individual may someday have to appear before a jury to defend his or her qualifications as a training instructor.

Depending upon the type of program provided — Awareness, Server or Manager — the instructor should have the appropriate education and experience to conduct the training. Unlike other types of vocational training, which are usually offered through accredited learning institutions such as vocational schools, community colleges, or university adult education courses, and where instructor qualifications are defined by state law or school policy, responsible beverage service training can be offered by just about any person or organization.

With an awareness program, usually presented in a short time period using video instruction, the extent of education and experience in the above defined areas does not have to be as comprehensive. The goal of the training is to raise awareness, not impart specific skills.

An instructor offering server or manager training needs more in-depth education and experience, if for no other reason than to establish credibility with the participants. Some "packaged" programs require very little of instructors other than the completion of a one or two day instructor training program. An instructor with no hospitality work experience or limited knowledge of regulatory and liability laws will have a difficult time motivating participants in server training programs. The second structure for offering RBS training is a state certified program offered by an independent contractor. The third is presented by an individual consultant. The fourth is provided in-house.

Agency

The final factor to examine in evaluating a responsible beverage service program is agency qualifications. The criteria to judge the agency are its structure, record keeping practices, accreditation and administration of quality control. There are currently four structures for offering RBS programs. The first is to offer the program through an accredited learning institution such as a vocational school or community college. Participants register as they would for other courses. Participation is documented on school transcripts and instructors must demonstrate minimum qualifications in order to teach. The schools are usually licensed by the state and must demonstrate fiscal stability and integrity in advertising.

Creating a Support System

Food and Beverage (Licensee) Association

A trade organization comprised of restaurants, bars, nightclubs and their suppliers can centralize services, resources and representation. Though many states have restaurant associations with affiliated city chapters, they may not be focused on the needs or operations of late-night dining and entertainment businesses, which inherently have a higher level of risk. With a local orientation and a late-night venue focus, such an association can be a resource for determining how to open or expand a food and beverage business, how to help employees comply with regulatory licensing and how to get back on track when at risk.

Reasons to Form a Licensee Association

- To change climate from one of unhealthy competition/business practices to collaboration and compliance.
- Food and beverage businesses are becoming more regulated and struggle to stay ahead of new regulations and tax information.
- A trade association creates professional benchmarks and raises professionalism.
- Improve communication amongst licensees who may be isolated from each other.
- Unified voice to approach policy makers/press/community with licensee causes and concerns.

Benefits to Forming a Food and Beverage (Licensee) Association

Benefits for City: Ongoing relationship with regulatory agencies and clearer communication, providing the opportunity for review of and input into proposed implementation of new regulatory practices.

Selling points to City

- Improves communication - Recognized organization in industry that serves as a contact point or liaison between industry and regulatory.
- Efficiency – doesn't waste city's time or department resources money going to businesses individually.
- Consensus - Can take issues to whole of hospitality sector in order to resolve issues and distill many opinions into consensus.

Benefits for suppliers – forum to create better environment for their customers (hospitality businesses) to be more successful.

Benefits for businesses:

Mediation/Advocacy

- Mediation assistance with different governmental regulating agencies

Centralized and onsite discounted training

- Responsible Beverage Service
- Food Handler's Card
- Manager's Certification
- Sexual Harassment Training

Insurance

- Group rates for dental and health insurance
- Discount on worker's compensation insurance

Human Resource Information

- Employee Handbooks – policy development

Compliance

- Newsletter with regulatory updates and compliance reminders
- Free federal and state required posting signs
- Checklists for ABC, Fire Department, Health Department
- Checklists for working with promoters

Business Services

- Credit Card Processing and Point of Sale Systems
- Payroll and Bookkeeping Services
- Financial Services – SBA finance and equipment leasing
- Discount on music licensing for BMI, ASCAP and SESAC

COMMUNITY POLICING IN HOSPITALITY ZONES

Individuals or organizations most likely to find this section useful include:

Police, enforcement and regulatory agencies, security trainers and owners/staff from licensed beverage establishments, community and neighborhood organizations.

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Introduction

This chapter will focus on the challenges and strategies specific to the role of regulatory and safety agencies, and management of the overall process of entertainment policing or community policing in hospitality zones. The reader will learn about issues, challenges, tactics and promising practices in the following subject areas:

- Entertainment Policing: What is it and how does it complement community policing and crime prevention strategies? Is it a special unit, like traffic or vice, or an overtime shift like a special event?
- Off-Duty Officers: What are appropriate practices and recommendations for use of off-duty officers in hospitality zones either hired directly by the establishments or through third party services?
- Officer Profile: Are there specific talents and techniques used by officers working in hospitality zones?
- Conditional Use Permits: Established through local ordinance, this permit requires late-night entertainment businesses to train service, safety and security staff, provide minimum staff/occupancy ratios, limit music type and environmental design to reduce violence potential, prohibit drink specials and promotions, incorporate sound suppression design, and deploy staff to manage crowds at closing.
- Impaired Driving: Reducing impaired driving can be addressed through closing time strategies as well as by utilizing data to determine contributing factors and at-risk businesses.
- Closing Time: What are strategies for disbursement when there is a common closing time and hundreds or thousands of patrons leave establishments at the same time and congregate on sidewalks and in parking lots?

A NEW BRAND OF POLICING

Overview

The Past

As crowds formed on Friday, Saturday and sometimes Thursday nights in "hospitality zones," police responded by deploying more officers, a tactic more appropriate to the management of a demonstration or civil disorder situation than a hospitality event. Because the hours of demand were outside traditional policing shift hours, the detail was usually considered overtime. Sometimes curfews were established to ban underage people from the area or off-duty officers were hired directly by bars and nightclubs to enhance police presence. Many times officers with the least experience

were often assigned to the shifts, with limited skill and practice in conflict resolution, especially with people who may be intoxicated and/or violent.

The Present

Over the past two decades policing has evolved its service to respond to the changing world we live in. The 1990's formalized a process of policing called "community policing," which calls on policing agencies to balance their roles as enforcers with that of community collaborator and facilitator, to fight crime by means of problem solving through collaborative relationships with citizens and other community and government agencies. This required a paradigm shift from a "we vs. them" attitude to a perspective that recognized community members as having an active role as co-producers of public safety and quality of life.

This decade is currently experiencing new developments in policing as well. As cities capitalize on dining and entertainment economies, the advent of hospitality zones has fed a new push to create a special division of enforcement and safety agencies that is commonly referred to as "entertainment policing" or Community Policing in Hospitality Zones. The driving force behind this response is the unique demands of hospitality zones that command a special focus on traffic and pedestrian safety, closing time crowds, underage drinking and intoxication and residents' quality of life.

Thursdays through Saturdays are high intensity periods that place greater demands on public safety and enforcement staffing and operations as they are currently defined. Many cities are confronted with emerging split-use districts, with as much or more activity after 10 p.m. as before. Yet budgets for increased police staffing are challenged, creating a greater need for agencies and the hospitality zone community to unite, share resources and work more directly, including assisting licensed venues with maximizing their safety staff.

The Future

This new brand of "event" requires a new approach to policing and a new brand of officer. Community Policing in Hospitality Zones is a new coordinated approach being implemented to prevent and reduce crime, accidents and conflicts as evening and late-night activity increases in concentrated areas. It requires customer service minded officers who can lead collaborative partnerships among police, enforcement agencies, businesses, community organizations and residents. The purpose is to reduce risk to public safety and impacts on quality of life through traditional law enforcement, prevention, problem-solving and community engagement. This new specialty of policing expands traditional roles and definitions and takes community policing to new heights.

Goals of Community Policing within Hospitality Zones

- Visible uniform presence in hospitality zone.
- Consistent/fair enforcement of city, state and federal law.
- Effective relations with all relevant stakeholders.
- Develop and build new partnerships.
- Effective utilization of all resources afforded within the community.
- Facilitate an atmosphere conducive with maintaining downtown vitality.
- Maintaining a livable quality of life for residents.

Impacts/Issues

Community policing officers assigned to hospitality zones are called upon to provide service to patrons, businesses and residents. Much of what police are asked to respond to are not bona-fide police problems. Some activities, issues and problems that commonly arise within and in proximity to hospitality zones are:

- Increased foot traffic spilling into streets.
- Increased vehicular traffic and cruising, causing gridlock, noise, blocked throughways or driveways.
- Noise complaints from cars, motorcycles, voices and music emanating from licensed venues.
- Drug activity: sales and use.
- Underage drinking.
- Illegally parked cars.
- Intoxication.

- Driving under the influence.
- Fights and assaults.
- Car burglary.
- Gang activity.
- Vandalism.

Definitions

- Entertainment Policing Unit: Similar to vice, traffic, homicide, etc., this unit is assigned to police a hospitality zone on a regular shift schedule. Rotation of officers is kept to a minimum so as to ensure better relations with businesses and patrons. Because of negative implications and potential to create a we/them attitude between police and licensed establishments, Entertainment Policing is a less desired term that Community Policing in Hospitality Zones.
- Community Policing: Community policing is an organization-wide philosophy and management approach that promotes community, government and police partnerships; proactive problem-solving; and community engagement to address the causes of crime, fear of crime, disorder and quality of life issues.
- Hospitality Zones: Hospitality zones are areas in a city with extended hours of operation and vitality, a high concentration of dining and entertainment businesses, active street life and a center of events and celebrations.
- Split-Use Economy: An emerging phenomenon in cities seeking a 24/7 schedule, a split-use economy is distinguished by clustering of dining and entertainment businesses with two markets of patrons: one before 10:00 p.m. and one after 10:00 p.m.

Staffing: A New Brand of Officer

Hiring the right people to carry out the policing functions demanded in this new subset of community policing is key to successful enforcement and community engagement.

Traditional police recruiting and hiring practices have historically emphasized enforcement capabilities of candidates, however with growing acceptance and use of community policing, hiring personnel are looking for supplemental characteristics and job-related behaviors focused on service. A balance of both an orientation to service and to what many see as the adventure aspect of the job are required to reach the ideal: officers who are capable of enforcement and good police work carried out with human caring for the community.

Hospitality zones place particular demands on the safety personnel assigned to them. They draw a wide range of people from a variety of backgrounds. When patrons leave licensed venues all at once at closing time, such officers may find themselves working to manage a mélange of entertainment and lifestyle cultures, including hip hop, rock 'n' roll, gay/lesbian, country-western or bikers. Officers demonstrating tolerance for the many cultures of dining and entertainment districts, the ability to interact with intoxicated persons and high competence in communication and conflict resolution skills are desirable.

Officer Qualifications

Some recommended behaviors, personal characteristics and competencies needed to perform community policing in hospitality zones include:

- Customer Service Orientation: Service oriented behaviors include: Interest in people, observation skills, willingness to confront problems, communication skills, judgment under pressure, interpersonal sensitivity, desire for self improvement and the ability to work effectively with angry and dissatisfied persons.
- Desired Behaviors: Focus groups of community members, hiring personnel and police administration have identified the following behaviors as desirable in the community policing officer: Tolerates frustration and

stress, avoids procrastination, strong work habits and communication skills, avoids risk taking behaviors including substance abuse, willingness to admit shortcomings and makes level-headed decisions.

- Appropriate Characteristics: Research has shown the following characteristics to be well suited to community policing: Honesty, patience, trust, tolerance, compassion, flexible, self-confidence, capacity for teamwork, adaptable, conscientious, persuasive and assertive.
- Innovative Problem Solver: Review of research conducted on community policing suggest that this style of policing may require more cognitively complex skill sets in recruits. Central to problem solving ability is critical thinking skills.
- High Degree of Understanding/Tolerance: Hospitality zones, in particular, require a high degree of willingness to understand and tolerate different cultures and backgrounds, as well as challenging scenarios and behaviors.

Off-duty Officers

Use of off-duty officers is a controversial policy. Many cities forbid the practice while others embrace it. On the one hand, off-duty officers provide a screening process and a visible presence that works to deter and ban admittance of intoxicated and under-aged persons. On the other hand, when they are hired directly by the establishments there is great potential for real or perceived conflict of interest. Successful engagement of off-duty officers requires active supervision and training to avoid enforcement of house rules over police administration rules.

Among the strategies for management of off-duty officers are the following:

- Business Assessment: Businesses in a district operating late-night venues are assessed a fee to pay for extra police details during the peak hours.
- Third Party Contractor: A Business Improvement District (BID) or other third party can coordinate the service by determining the number of police officers required and arranging with the police department for the officers. Payment is made by the establishment to the BID, who them makes the payment to the police department.
- Direct Contract: The establishment contracts with the city police department directly and the officer is paid by the city.
- Private Company: A private company employs the officers and then contracts with the establishment.
- Indirect Contract: The business pays the officer directly outside of the city.

For Consideration

- Supervision: When officers are working outside of a normal shift the question of supervision and accountability is raised. Although an inherent policy is that when an officer is in uniform and in public view, they are still representing the city even though the establishment is paying for the service. In some cases, the officers my not be as inclined to intervene outside of the perimeter of the establishment when there are incidents. This generates negative impressions by the public or residents in the area.
- Workers Compensation: As the level of direct involvement and payment shifts from the city directly to the officer, who is responsible in the event of an injury? More importantly if the officer takes an action against a patron of the establishment who is injured, to what extent is the city liable versus the establishment?
- Unions: Efforts to change the system of off-duty officers can be met with resistance from unions or representatives of the officers who might argue the extra work supplements the officers' salaries, and denying this opportunity requires additional compensation by the city for the officers.
- Interior Supervision: Some departments prohibit the officers from entering the establishments where they are detailed, even though the presence of the officer may be a deterrent to the behaviors that could cause conflicts when the patrons leave.

Dedicated Shift

As the hospitality zone evolves and amount of activity increases, some departments provide additional officers on an overtime shift schedule. Over time, the activity can become regular most of the year, and the cost to the city for overtime can become a burden, often leading to demands on the businesses to pay for the service.

While there are pros and cons to the establishments paying for the service, either directly through an assessment or indirectly through hiring police details, the equity of charging the businesses is often challenged.

An emerging trend is the amount of activity in and around parking lots and parking garages. In high intensity zones, a flat evening rate is charged, and staff leaves when the lots become full. These location can then be where underage people drink, people drink before entering the establishments or linger after the establishments close, littering and causing disturbances with residents. Yet with this increased risk, the parking lots are not required to contribute to the additional security and officer compensation as are the establishments.

An alternate approach is to establish a dedicated "hospitality zone shift" with a core group of officers and supervisors that regularly work the detail, and thus encourages the establishment of working partnerships amongst the community and police. A shift and detail dedicated to the hours of the hospitality zone facilitates understanding and cooperation, thereby contributing to a uniformity of action by stakeholders with a long-term interest in and commitment to the success of the endeavor.

Conducting an economic impact assessment of the business activity during the period, documenting the comparable taxes, fees and jobs generated, can be useful information to justify the additional expense.

Training

Officers assigned to hospitality zones benefit from special training and orientation to hospitality venues, needs of tourists, working with youth and experience with social services for assisting the homeless these districts sometimes tend to attract. Development strategies for these officers include training above competency levels and including task specific skill training such as bike patrolling techniques and tactics, and regulations and procedures needed to perform alcohol enforcement.

Creating a "Code Team" with representatives from key enforcement and regulatory agencies can provide a mechanism for exchanging information and inspection procedures, as well as updates on new codes and regulations. Central to this team would be those representing police, fire, health (food safety and sanitation), alcohol regulatory, building/zoning, and city attorney/prosecutor. As new members of the team join, holding a cross training seminar would help the new person as well as refresh current members. This cross training could include:

- Alcohol Regulations and Procedures: This area is one of the most important and complex, especially when local codes such as conditional use permits or overlays are imposed over the regulations defined by the state. The primary areas would include sales and service to underage persons, underage persons on the premise, sales and service to an intoxicated person, hours of operation, promotions, proper licenses and permits on display, manager on duty, training of service and/or security.
- Fire Code and Occupancy: Methods for monitoring occupancy, procedures on reviewing exits, signs, emergency procedures.
- Food Safety and Sanitation: Essential standards for food service, cleanliness and maintenance, trash storage and removal, containers and placement of containers for trash, maintenance of areas surrounding the establishment.
- Sidewalks, Parking and Parking Security: Responsibilities for maintaining sidewalks and parking areas, outdoor seating barriers, signage, and other issues that might impact pedestrian flow, such as management of lines and closing time crowds.
- Traffic and Pedestrian Safety: Information on current regulations on impaired driving, use of targeted enforcement and pedestrian cross walk compliance.

- Problem Solving: Education on community policing principles includes training in the SARA model, Community Oriented Policing's signature problem solving model. SARA is an acronym for Scanning, Analysis, Response and Assessment.
- Task Specific Skills: Training curricula should match tasks required of hospitality zone officers. Bike teams that patrol hospitality zones create a presence that supplements the perception of safety. Further, since many hospitality zones are located in historic areas with narrow streets and alleyways, bike teams are an asset due to their mobility to respond quickly and maneuver in tight areas. Training in techniques, including the use of bikes as an instrument to facilitate late-night crowd dispersement, maximizes resources.

Tactics

- Sufficient city services, including police, occupancy enforcement and noise abatement team are budgeted and scheduled for after 10 pm.
- A shift dedicated to the hospitality zone with assignment of officers as part of a late-night shift can be more cost effective than overtime.
- Police and other agencies are informed as to the true occupancy numbers of licensed establishments so that an appropriate number of police meets the needs of potential crowd size.
- A comprehensive set of entertainment policing tactical plans are in place for different types of events, including game weekends, New Year's Eve, etc.
- Utilize beat officers who are more oriented to a "hospitality zone" and who can establish regular relationships with hospitality business staff.
- Provide consistency in officer scheduling on Friday and Saturday nights to support relationship building and better communication and trust between enforcement and businesses.
- Overlap shifts to avoid gaps in policing coverage.
- For special events, cost of police detail, emergency services, fire and other city services are paid for through an event permit.
- Many community partners are willing to provide office space for the headquarters of the hospitality zone policing detail.

Promising Practices

- Non-police oriented customer service trainings such as Dale Carnegie's can be utilized for training community policing officers on the finer points of customer service. [Baltimore, MD]
- Housing the community policing detail headquarters within the area it covers fosters community support and involvement. [Philadelphia, PA]
- For officers involved in any aspect of alcohol enforcement, the state can help orient local safety officers by means of training course on the role of regulatory officials and the liquor commission. [Illinois]

COLLABORATION

Overview

Community policing in hospitality zones is a working partnership among police and enforcement agencies, businesses, and community organizations and residents, each with something to offer and something to take. Collaboration is at the heart of community policing. Though usually defined in traditional community policing environments as a dynamic between law enforcement and the community, collaboration can come in many forms. A variety of partnerships can be developed to respond to issues and problems particular to dining and entertainment and mixed use developments that locate residents and commercial operations in close proximity.

Community Policing is Not Just for Police

In hospitality zones, collaboration can be effective:

- amongst agencies via sharing information and resources to identify hot spots, address at-risk businesses and gaps in systems;

- amongst businesses to improve communication amongst safety staff and for responsible businesses to mentor at-risk businesses;
- amongst enforcement, businesses and residents to formulate strategies to prevent and reduce impacts to quality of life;
- and between regulatory and businesses to fortify safety presence, address trends and pre-empt impacts to public safety.

Interagency Collaborative

An emerging strategy is the Early Assistance Team, a collaborative approach to problem solving that utilizes more direct intervention with at-risk dining, entertainment or event businesses before more severe regulatory and administration action is required. Similar to a Community Oriented Policing Advisory Panel, the EAT is an on-going resource.

The group, comprised of representatives from police, fire, health, city attorney, alcohol regulatory and other code enforcement agencies, meets monthly to monitor calls for service, resident complaints, inspection violations and other indicators. The team works to detect patterns in businesses or in hospitality zones.

Those businesses identified as being "at risk" are notified and invited to join in formulating an action plan to reform the practices contributing to the risk. A mentoring component utilizes a network of hospitality associations/mentors, Business Improvement District (BID) and residential organizations to join the Early Assistance Team process and conduct more peer-to-peer interventions. The Early Assistance Team monitors the at-risk business' progress. Failure to improve will then lead to the traditional enforcement and administrative process.

Data Collection

Calls for Service Data

Tracking calls for service within the hospitality zone can illuminate hotspots and trends. Calls that source from or refer to licensed establishments can provide indications of at-risk businesses or ones requiring more focused intervention. However, reports are only as good as the form and officers' training. Calls for service in hospitality zones sometimes require information for which traditional report forms don't provide space for reporting. Seattle Police Department pioneered a supplemental page to prompt officers to obtain more usable and useful data from incidents within hospitality zones. (See appendix for form and case study.)

Other oddities particular to older parts of the city may wreak havoc as well. For instance, one city found after many years and much angst their surface parking lots did not have addresses. Calls to report fights and underage drinking in the lot were attributed to the closest address, which happened to be a nightclub. Many phone calls, letters and testimony at hearings cleared up what straight data analysis could not, however at the expense of business and taxpayers' time and money.

Last Drink Data Collection

Intoxication and over-service in licensed beverage establishments are contributing factors to impaired driving and pedestrian injuries and fatalities, assaults, property damage and disturbances. While the majority of patrons visiting restaurants, bars, pubs, taverns, cabarets and clubs responsibly enjoy beer, wine and spirits drinks, some over consume and become a risk to themselves and others.

An increasing number of businesses are participating in programs to train their service and security staff, and join in community efforts to create more safe and vibrant places for people to socialize. At the same time, others may choose to engage in promotions and practices that may increase risk.

One tool being used by communities is the Last Drink Program, utilizing self-reports of people arrested for an alcohol-related offense. Individuals are asked where they had their "last drink." This information is tabulated and used to identify patterns among establishments that may be overly represented in the reports.

The data can then be used to conduct more focused and strategic interventions with businesses to inform them of the increased risk, and direct them to appropriate resources to correct the practices that might be contributing to the risk.

How is Last Drink Data Collected?

There are various methods for collecting the data

- Police Reports: Police arrest reports for any incident involving an alcohol-related offense can be a primary source of information, especially for driving under the influence (DUI) arrests.
- Driving Schools: Intake forms for individuals attending a driving school after an arrest for DUI can be used, including more detailed information about the situation prior to the arrest.
- Detox Centers: Some cities utilize detox centers for protective custody of anyone cited for public intoxication and DUI, and can include more information than what can be obtained by the police report (see appendix for sample form).

What Type of Information is Collected?

There are various types of data collected, depending upon source and resources. The following is presented in order of the most common data collected:

- Place of Last Drink: When a person is arrested or detained for an alcohol related offense they are asked "Where were you last served an alcoholic beverage?" The name of the establishment is recorded on the report form and then matched to a directory of licensed beverage businesses. In some cases, a code for the establishment is entered into a breath-test machine and information download for more specific analysis.
- Blood Alcohol Concentration (BAC): If there is a breath-test the level of BAC is recorded.
- Date: Keeping a log of date and time by establishment named can be useful in identifying patterns, and in some cases, useful information for management to determine if there is a risk with a certain staff person, promotion, or other activities in the community. Some surveys ask the length of time at the last establishment, and sometimes, number and type of drinks consumed.
- Other Establishments: List of other establishments where the person was served prior to the last location.

How is Information Used?

Since the information is based upon an individual report, there is always the possibility the person may not be truthful, may name the establishment that refused service, may name the most popular establishment, or protect their regular establishment. As a result, the information is not reliable for any legal or regulatory administrative charges. However, by monitoring patterns, individual establishments may be named more frequently and can be identified for more specific investigation and intervention.

Quarterly summaries can provide useful information on which establishments may be overly represented. The following are common patterns to observe:

- Size: Occupancy of the establishment is important information to monitor. For instance, a small 60 seat establishment named ten times may be of a greater risk than a 500 seat establishment named as often. Obviously, both need to be investigated.
- BAC: If one establishment is named frequently, but the average BAC is between .08% and .12% there may be less risk than those with average BAC's greater than .15%. Some jurisdictions only use the .15% level as an indicator, since the ability of a bartender or server to consistently observe intoxication at lower levels is more difficult.
- Days and Times: Once the program is operational, and businesses come to accept the process, they often seek more specific details. This information can be used to identify internal practices, or perhaps external events that may be a contributing factor. For instance, a stadium where people are drinking prior to coming to the establishment on game days.
- Incident Reports: If the individuals are cited for more than a driving offense, there may be patterns of behavior, perhaps violence or assaults, property damage, or other incidents. Monitoring location of the

incidents may indicate some areas that are more at-risk, and businesses in and around that area may all play a contributing role.

Once the information is collected and analyzed, representatives from an organized group like a Hospitality Resource Panel/Partnership (HRP), Early Assistance Team, or other appropriate organization can meet with the business owner, review the information and make arrangements for a more formal "risk assessment" to determine if there are policies or practices that may be contributing to the problem.

Tactics

- Police, fire, health, city attorney and alcohol regulatory meet regularly to identify hot spots.
- Data systems in various city departments are compatible and data is shared.
- Last drink survey and GPS mapping of incidents exist to identify patterns and trends with businesses.
- Police report forms differentiate calls for service to inside, outside and proximity to the establishment.
- When there is a college campus within or near the hospitality zone, police can exchange data and request that the college provide support in analysis.
- Sometimes, having no agenda provides a way to connect on a deeper level. Once a quarter, a Cuban-born HRP coordinator convened his Early Assistance Team for a black bean lunch where food and socializing were the only agenda items. [Athens, GA]

COMMUNICATION

Overview

Community policing in the context of the hospitality zone is a collaboration of stakeholders with resources to solve and prevent problems. At the core is communication, the means to convey information and the key for building trust and fostering cooperation to support systems and procedures. Communication involves stakeholders educating each other about expectations.

Because hospitality zones are an emerging challenge, assessing relationships with stakeholders and forums for communication are recommended. Improving communication and coordination of existing resources to address current and potential conflicts is a basic first step for those managing hospitality zones with a community policing approach.

Communication with Planning

Planning, police, fire and other agencies are often not included in government planning commission meetings. This is unfortunate because planning, zoning and land use impact police and regulatory forces and how effective they can be in their jobs. Or if they are included in the planning process, they are often invited too far along into the process and asked to rubber stamp a project because so much money has already been expended.

There is a need for partnerships to evolve to greater exclusivity, with hospitality leaders more involved in development plans for the area, and with law enforcement better represented and invited earlier in the planning process.

Communication with Businesses

Business Improvement Districts (BID) or similar organizations play a key role as a liaison between safety agencies and the district's businesses. The BID can sometimes serve as a third party placement service for off-duty officers to hospitality establishments, or they may employ "ambassadors" for operations in the evening hours when risks are greater. Hospitality Associations are efficient facilitators to convey information and to partner in developing communication tools and products. (See Safety, Service and Security section.)

BIDS, Hospitality Associations and those that permit, regulate and enforce licensed businesses can collaborate to create communication tools to convey information to new businesses and to provide a forum for maintaining communication with existing businesses.

New Business Orientation

A program that links owners, managers and hospitality employees new to the area with regulatory, professional development and training information to guide them toward compliance and business success. The first two hours focus on the steps required by each agency to open a business and identify the top ten most common mistakes and how to avoid them. The final hour presents a panel of key regulatory representatives who introduce themselves and define the regulatory obligations of the new owner. This open door forum fosters trust and honest communication between business and government from the start.

A companion *Hospitality Resource Guide* can package information from the community's resource partners in a format that simplifies legal language for budding or expanding food and beverage businesses. Compliance checklists and agency profiles that list most common violations (and how to avoid them) facilitate businesses to self-regulate.

Resource information, profiles of professional and trade associations to promote professionalism, training and education opportunities to expand skills and knowledge, as well as products and services all prepare businesses with the power of knowledge and self-reliance.

Hospitality Roundtables

The Hospitality Roundtable provides business owners, managers and staff with a regular communication channel to get information, discuss issues and develop better relations with government and community representatives. These forums allow owners to air their grievance, ask questions and get clarification on rules for licensed beverage businesses. Regulatory agencies use the roundtables to inform owners of new rules or changes to existing ones and to disseminate information specific to districts. E.g. Notification of street closures for special events or increased sting operations during spring break.

Each Roundtable focuses on a theme and showcases appropriate agencies, associations and community representatives. Dining, entertainment and event businesses can anticipate opportunities, remain in compliance and take a leadership role in creating safe and vibrant places for people to socialize.

Sample Schedule of Topics

January	February	March	April
Health Update	**Café Seating**	**Special Events**	**Valet Service**
Department of Health provides their top ten	What to know to be in compliance	Do you have the right permit?	Train your valet company and maximize access to parking
May	**June**	**July**	**August**
Security Training	**Noise Control**	**Zoning**	**Inspections**
Crowd management and age verification	Street life = Noise Are you in control?	Before you break that wall down…	Fire Safety, Trash control and Code Compliance
September	**October**	**November**	**December**
Social Responsibility	**DBA**	**Taxi Service**	**License Updates**
The customer's always right, but may need some training	Doing business in Chicago	Don't call me – call me a cab	Report on regulations for the new year

Communication with Community

Definitions of community will vary, depending on the composition of the hospitality zone and its place within the district lifecycle continuum. For some, community is a fluctuating population of students or tourists. For re-emerging districts, long-time residents and mom/pop retail may define the community. For the purposes of discussion here, community is the group (non-regulatory and non-hospitality) with a vested interest in and potentially impacted by activities of the hospitality zone.

Thought should be given to how to efficiently disseminate information. Residents may be informed through homeowners' associations and property management and real estate organizations. A particular cohort can usually be accessed through a professional or social association. For instance, if it is desired to have information reach those who organize charitable events to inform them of new laws about serving alcohol at special events, one could contact the philanthropic society.

Public Education

- Driver/Pedestrian Safety: Hospitality zones are destinations, and unless transportations options have extended schedules and are promoted heavily, most patrons will rely on personal automobiles as their transportation of choice. With increased opportunities for impaired driving, safety stakeholders have a role to play in educating consumers about physical limits, community standards and behavioral expectations.
- College Communities: Public relations campaign/campus orientations have the ability to educate college customers on civility and community expectations within and near the hospitality zone.
- Educate the Educators: Communities that have hospitality education programs have a unique opportunity to directly connect with educators. Curriculum is most often developed at the national level and rarely includes local rules and regulations.
- Non-professional Event Planners: Charities, churches, home owners associations and schools are included in regulatory update outreach to educate public on rules of special events.

Tactics

- Regular community meetings should include business owners/managers/staff, early assistance team and residents.
- Public safety agencies assist businesses in developing procedures for contacting police, fire, EMS, etc. and their arrival to manage incidents.
- Administrators of minor decoy stings not only send notices of violations, but congratulate licensed beverage establishments who are in compliance.
- Fire department partners with other safety/enforcement agencies to address over-crowding, occupancy limits and how to report violations.
- Relationship between event planning educators and regulatory exists so curriculum includes current local laws.
- Utilize all forms of communication to network, including phone, fax, e-mail, mailings and face-to-face communication.

Promising Practices

- A Careers in Hospitality Speakers Bureau was developed in San Diego that included police, fire and health officials to assure that local regulations on event planning, hospitality management and beverage service were being taught to the area's future hospitality professionals.
- District Tours - City administration, elected officials and residential group leaders are periodically taken on late-night tours of high intensity hospitality zones, including an observation of closing time or participation in ride-alongs with police.

CROWD MANAGEMENT

Overview

Hospitality zones cluster dining and entertainment businesses, enabling safety management entities to concentrate resources. However, at closing time the capacity of all those venues, sometimes tens of thousands of people, may all be on the street in a half hour's time, adding to pedestrian and vehicular congestions. Diversity of the crowds and subsequent potential for fights poses a challenge for police staff. Furthermore, the intoxicated state of the patrons often results in vandalism, noise complaints and other disturbances. Impaired drivers and pedestrians are also a concern, and need help accessing alternative transportation. The reduced number and general inexperience of police in hospitality

zones makes this a dangerous situation for all parties involved. With so many police departments facing shrinking budgets, efficient use of police resources in concert with community resources is a must to assure public safety in the crunch time of closing hours. (For strategies on alternative transportation for impaired drivers, see also chapter on Late-Night Integrated Transportation)

Definitions

- Deploy: The organization, dispatch and placement of equipment and personnel.
- Disperse: To disband. In the context of hospitality zones, to break up and exit large numbers of people from clubs and bars at closing time.
- Trespassing: Entering another person's property without permission of the owner and causing any damage, no matter how slight can be construed as a civil wrong sufficient to form the basis for a lawsuit against the trespasser.

Planning tools such as permitting and land use or zoning laws can set the stage for effective crowd management as can maximizing local control over state laws. Planning goals for hospitality zones should include: reducing risk and violations while increasing voluntary compliance.

Cities that have hosted large-scale, city-wide events such as Super Bowl, The Olympics or political conventions have benefited from how these organizations collaborate to plan and maximize resources. Even events a step down in size such as marathons or mardi gras present successful models in managing crowds through thorough advance planning and regular communication between law enforcement and licensed establishments.

- Conditional Use Permit (CUP): Zoning gives cities the authority to regulate land uses with unusual operating characteristics that may impact public safety, health or welfare. This process allows a local jurisdiction to place conditions on the location, design and operation of commercial activities, and also offers a mechanism for community input and enforcement of violated conditions. Local municipalities can sometimes place conditions on state alcohol licenses that may assist in planning for crowd management. CUPs can be established through local ordinance requirements for late-night entertainment businesses to train service, safety and security staff, provide minimum staff/occupancy ratios, limit music type and environmental design to reduce violence potential, prohibit drink specials and promotions, incorporate sound suppression design, and deploy staff to manage crowds at closing.
- Entertainment Permit: A process for permitting businesses to provide entertainment. Such a permit might include standards on security, noise suppression, crowd management, server and security training and conflict resolution. Entitlements might include opportunities to allow 18-20 year old customers onto the premise for special entertainment, extended hours for non-alcoholic beverage sales, or opportunities to modify occupancy during entertainment periods (for restaurants converting to entertainment venue). Municipalities may consider amending portions of other ordinances to allow staggered closing hours of clubs in order to alleviate the large crowds gathering on the street and sidewalks at closing.
- Promoter's License: Promoters create opportunity for a lot of good planning to fall through the cracks. Though they are contracted through the licensed venue and their actions are ultimately the responsibility of the licensee, requiring that they be licensed can leverage greater accountability and reduce irresponsible entertainment practices that lead to overcrowding, over-service of alcohol, intoxication and sometimes the attraction of gangs, drug use and minors. (See also Gang Control in this chapter.)

A Systems Approach: Event Focus – Thursday, Friday and Saturday

Lessons learned from managing special events can be applied to weekend activity to collaboratively manage crowds and their impacts. A paradigm shift, again, is required to consider Thursday through Saturday high intensity periods or as "weekly special events." Modeling the ways events require the city to adjust services, security can be enhanced for weekend nights, pedestrian and vehicular traffic flow can be addressed and additional trash receptacles and public facilities could be provided. Such an effort centers on inter-agency collaboration - a work team that mutually plans, executes, assesses and adjusts on an ongoing basis.

- Monitoring:

  Walk-throughs

  Periodic police and other safety agency walk-throughs are a system for monitoring operations, providing education and maintaining relations between enforcement and licensed business operators. To maintain goodwill, licensees can be invited to help develop protocols and provide feedback to assess and improve the system. A process for educating new businesses about inspection procedures, protocols and their rights and responsibilities should be addressed as well. Face-to-face interactions in field environments are effective in reinforcing self compliance.

  Gang Control

  In declined districts or those at the beginning stages of revitalization gangs can not only levy great impacts but, because of their territorial nature, sometimes literally take over venues or areas of the hospitality zone. Though some are attracted by the music and socializing, they also attract and incite combative and violent behavior, bringing weapons and drug sales with them.

  - Social Clubs: Social clubs are emerging as a new gang-related issue. In some larger cities that have ethnic or private social clubs, gangs have pressured owners and taken over weekend nights. Because they are technically private property, they create a gray area within enforcement.
  - Promoters: Some illegitimate promoters have a tendency to draw gangs to the hospitality zone as well. Promoters are often motivated to bring large numbers of people into clubs because most often their bargain with venue owners is structured such that they take the profit from cover charges, while the owner's take is from drink sales.

- Closing Time: Closing time presents a narrow window of time with great potential for risk and harm. A systematic approach that maximizes the contribution of all stakeholders is particularly applicable to this timeframe. To successfully implement this approach demands all the key aspects of community policing: communication, collaboration, trust, resource identification and problem solving.

- Staggered hours – Staggered Exiting: One way to lessen demand on public safety staff at closing is to reduce crowd size that police have to deal with. Staggering closing hours staggers patrons leaving the establishments and the district, enabling public safety to be more effective.

  No alcohol beverages are allowed past the state-mandated serving time and no re-admittance or club hopping is allowed. However, businesses who opt for staying open later may continue to provide entertainment, sell non-alcoholic beverages and/or serve food. Participating businesses apply for a special use permit. Conditions on the permit include a detailed security plan that can include licensed security, internal camera systems, required deployment of security to manage sidewalk activity at closing, etc.

  After Hollywood, CA introduced staggered closing, there was a reduction in calls for service, complaints about noise, and arrests for DWI (driving while intoxicated). The number of police officers required to manage the crowds was also reduced.

- Deploying Internal Safety Staff to Street: At closing time, licensed venues can deploy some of their security outside their doors to monitor crowds, and assist police in managing flow and behaviors of exiting patrons. Presence of additional safety oriented personnel creates greater safety presence that may deter incidents. If an incident does arise, they can act as a buffer between the crowd and police while police deal with the offenders.
- District Ambassadors: In specially assessed districts such as BIDs, Safety Ambassador Teams utilize uniformed, non-police personnel as a reassuring presence to change the perception of safety in the downtown area. Specially trained in conflict resolution and customer service, the Safety Teams partner with local police agencies to provide additional "Eyes and Ears" for the community. Equally important is their role as street ambassadors. As ambassadors, the safety teams are not unlike a hotel concierge offering resources, directions and customer service. This resource is a valuable asset at closing time, providing additional safety presence, directing patrons to taxis and valets and escorting patrons and employees to parking areas during high risk late-night hours.

- Security Cameras: Cameras strategically located at intersections and high impact areas of the hospitality zone are an efficient way to monitor activity in crowds. Cameras pan and have the ability to record. Live feed is dispatched to a remote area where one or more officers can view the camera's monitors during peak crime hours from midnight to 4:00 a.m. Security cameras allow police to intervene before conflicts can escalate. When fights do break out, police can respond faster because dispatchers can direct officers to the exact scene right away.
- Extended Perimeter: Some state liquor laws require licensees to be responsible for monitoring security in areas surrounding the establishments, including public sidewalks, alleys next to or behind buildings and in their parking areas. Extending the perimeter of responsibility provides a nice overlap between public and private safety teams. In states where this is not required there is resistance on the part of licensees to allowing their employees to operate outside the doors and walls of their licensed establishment due to concern that liability insurance wouldn't cover any incidents occurring outside. The latter scenario can encourage the practice of the venues' safety staff removing those patrons involved in altercations to the street.

Tactics

Planning

- City, district and businesses have comprehensive safety plan in place for differing types of event crowds.
- Permitting agencies issue separate permit to provide entertainment with additional safety requirements.

Creating Safety Presence

- Parking police cruisers within the hospitality zones creates additional presence.
- Bike patrol is designed to provide a supplemental presence to those officers already assigned to the hospitality zone.
- Stakeholders such as bouncers, cab drivers, parking lot and valet staff to provide an extra set of eyes and ears.
- Police and other safety agencies conduct periodic walk-throughs of licensed establishments.

Closing Time Flow

- Deploy officers strategically rather than bunching in one location.
- A visible police presence in the hospitality zone from approximately 23:00 hours to closing can affect alcohol-related activity at closing.
- Foot beats are trained to monitor crowd activity and recognize signs to intervene in confrontations before they escalate into physical violence.
- Police ensure that taxicabs comply with pick up/drop off regulations.

Traffic/Pedestrian Safety

- Foot beat patrols deter and reduce jaywalking and walking against traffic signals.
- Ambassadors and bouncers direct pedestrians to designated area for acquiring taxis and alternative rides.
- Regulatory agencies enforce occupancy limits.

Special Events

- City ensures coordination between event security and police.
- Interdisciplinary Event Enforcement and Planning Team communicate regularly and efficiently.
- Annual regulatory update is provided to event planners by Interdisciplinary Enforcement and Planning Team.
- Event planners are required to meet with Interdisciplinary Event Team for pre-event coordination and post event evaluation.

Promising Practices

- Universal Trespass Policy: Police and licensed businesses can partner to identify and ban irresponsible or troublesome patrons or persons. To implement a Universal Trespass, a group of licensed businesses enter into an agreement stating that a customer who is kicked out of one venue can be arrested by entering another

venue because of technical trespassing. Participating businesses agree that when a disruptive person is given a notice of trespass by one business, then the notice will be effective for all of the participating businesses. If the person remains or returns to the premises he/she is cited for trespassing. The issuing business may rescind the original notice; however, the notice will be rescinded for all the participating businesses. Any business can rescind a particular notice for a particular person. [Burlington, VT]

- Gang Injunction: In an area of Hollywood, CA pegged for redevelopment into a late-night entertainment district, gangs had virtually taken over with drug trade and extortion of business owners. The city sued them with numerous conditions, which caused the entire gang to leave the area. [Hollywood, CA]
- Social Club License: The designation of social clubs as private has been a hardship on enforcement to access the known illegal practices to be going on inside. Requiring social clubs to have licenses afforded Chicago Police Department with a way in. [Chicago, Il]
- Anti Cruising Ordinance: An ordinance banning drivers from passing the same point downtown three times in an hour has resulted in cutting down traffic gridlock and pedestrian risk. It additionally served to free up officers dealing with traffic management and allowed them to attend to other duties. [Athens, GA]

APPENDIX

Sample Report Form for Calls for Service in Hospitality Zones

POLICE RESPONSE

- ❑ On-Viewed by Officers
- ❑ 911 calls received regarding event
- ❑ # of responding officers _____ and supervisors _____

  Total time for Primary Unit _____ [] check if Multi-Officer unit (#)_____ MIR _____

  Time for secondary units _____ _____ _____ _____ _____ _____ _____
- ❑ Officer Assaulted / Injured
- ❑ Off-Duty ____ or OT Emphasis _____ Unit

DISTURBANCE INFO

- ❑ # of participants _____
- ❑ Crowd Size _____
- ❑ Crowd Demeanor
- ❑ Alcohol Violations (list)
- ❑

LOCATION INFO

- ❑ Radio Station Promotion _____
- ❑ Private Promoter _____
- ❑ Occurred within _____ feet of Mobile Vendor
- ❑ Additional Bars / Businesses Involved:

Hospitality Zone A Bars
- ❑ ABC Tavern
- ❑ Acme Nightclub
- ❑ John Doe's Bar and Grill
- ❑ Other - _____
- ❑ Other - _____

Hospitality Zone B Bars
- ❑ 123 Room
- ❑ Jane Doe's Dancerama
- ❑ Smith and Jones Caberet
- ❑ Other - _____
- ❑ Other - _____

Place of Last Drink and Point of Access Survey

Form from Lincoln, Nebraska and use in Detox intake

1. Do you live in _____? ❑ Yes ❑ No
2. What is your age? _____(years)
3. What is your gender? ❑ Male ❑ Female
4. What is your ethnic background? ❑ African American ❑ Native American ❑ Anglo/Caucasian ❑ Asian ❑ Latino/Hispanic ❑ Other
5. Day/Night of the week? ❑ Monday ❑ Tuesday ❑ Wednesday ❑ Thursday ❑ Friday ❑ Saturday ❑ Sunday
6. Time of day/night?

   ❑ 12:01 am – 4:00 am ❑ 4:01 am – 8:00 am ❑ 8:01 am – Noon ❑ 12:01pm – 4:00 pm ❑ 4:01 pm – 8:00 pm ❑ 8:01 pm – Midnight
7. Is this the first time that you have been admitted to _____ ? ❑ Yes ❑ No
8. Is your admission the result of: ❑ DUI ❑ DWI ❑ Vandalism ❑ Disturbance ❑ Trespassing ❑ Public Intoxication

   ❑ Other _____
9. What was the individual's BAC upon admission? _____
10. Which of the following signs of intoxication did you observe? (You may check more than one box)

❑ STUMBLING (May weave, miss steps, or stumble. Put hands out at sides for support or balance. May even trip or fall, but less obvious signs are more common.)	❑ SLURRED SPEECH (As alcohol relaxes muscles it relaxes the mouth muscles, making it hard to talk. People start to slur their speech. This is a very good sign that someone is impaired. Hearing is also impaired, and the person may speak more loudly or more slowly.)
❑ MISJUDGING (As coordination declines, people misjudge distances or depths. Decreased alertness, unable to make or maintain eye contact. May miss chair, may miss the toilet when urinating.)	❑ APPEARANCE (Hair is messed up, clothes may be wrinkled, may have shirt tail out, fly undone, collar messed up, or one sleeve up and one down, glasses may be sliding down nose. There is a strong odor of alcohol. Eyes are red and glassy.)
❑ HOSTILE (Show signs of being angry, or easy to anger, shouting, very touchy, pushing, cursing.)	❑ RAUNCHY (Use profanity more than usual. More open about saying sexual things.)
❑ FUMBLING (Spill drinks or food, shaky hands, writing is very shaky, drops things.)	

11. How long have you been drinking? ❑ Less than 1 hour ❑ 1 – 2 hours ❑ 2 – 4 hours ❑4 hours or more
12. Which alcoholic beverage did you consume most often today/tonight? ❑ Beer ❑ Spirits ❑ Wine ❑ Other
13. Have you been drinking alone or was someone else with you? ❑ Alone ❑ With one other person ❑ With more than one person
14. In which one of the following settings were you last drinking? ❑ Bar ❑ Restaurant ❑ Own home ❑ In your car

    ❑ Parking Lot, Street, or Sidewalk ❑ Someone else's home
15. How many different places were you drinking in today/tonight? (See number 14) ❑ 1 place ❑ 2 places ❑ 3 places ❑ 4 or more places
16. If you were last drinking in a bar or restaurant, what is its name?

    ❑ Can't remember/Don't know

Seattle Case Study: Using Data in Hospitality Zones

Retired Police Chief, William E. Cooper, considers himself a “why” man. Why? “Ask yourself five times, ‘Why is (your internal or external law enforcement problem) happening?’” Cooper assures “you’ll uncover the real issue and generate legitimate long term solutions.”

Former leader of a Seattle suburban police force, Cooper, like many other police chiefs, found himself beseeching city leaders more than once for budget increases and more staffing. It wasn’t too many years in a row before he knew he had to try another approach. And so, drawing on his MBA background he looked for a business methodology to apply to policing. A lot of forces were using CompStat to identify problems using data, but they didn’t get to Bill Cooper’s infamous “why.” Then he found Six Sigma.

Originally developed to improve process efficiency for the Motorola Corporation in the 1980’s and popularized by Allied Signal Inc. and General Electric in the 1990s, Six Sigma offered Cooper a way to root out flawed processes that drained the force’s time and money.

In his new book, *Leading Beyond Tradition* (3-Star Publications), Cooper speaks of Six Sigma as “a root cause analysis methodology designed to identify the few actual causes of problems, improve them and maintain the improvement.” The term "Six Sigma" relates to the number of mathematical defects in any given process, approximately 3.4 defects for every million opportunities. Six Sigma practitioners focus on systematically identifying and eliminating the defects so they can get as close to "zero defects" as possible. Most American businesses currently operate at 3 and 4 sigma level, that’s 90-93% good, 7-10% flawed. While virtually impossible to reach Six Sigma, Cooper believes law enforcement can do better. “I would venture to say that most police forces are operating at 2-3 sigma level.”

How do you apply a production line process to policing? “Everything we do in policing is a process,” Cooper says, “Hiring, report writing, responding to calls for service, data, virtually everything is a process in one way or another. If you look internally and apply deeper and more statistical analysis of data to crime or internal operations and attack just a few defects, the outcomes are massive.”

Cooper taught himself the Six Sigma process by reading a staggering amount of publications before actually completing the training and becoming certified in the methodology. The methodology is highly graphical and the math is complex. But there are training courses and software add on packages that do all the math and charting for you. Realizing the challenge of implementation, Cooper committed to making the application easier for other police forces.

Enter Assistant Chief of Police, Linda Pierce, of the Seattle Police Department. She and Cooper met when Seattle area forces teamed to respond to the WTO protests in Seattle. When Pierce completed the West Point Leadership Program in 2003, part of her training committed her to finding leadership mentors outside the PD. She thought of her neighbor, Bill Cooper, and the two have teamed on a couple of projects since.

In 2004, Pierce was Captain of the West Precinct, which included the many vibrant entertainment venues in historic Pioneer Square in downtown Seattle. In recent years, lofts have converted to high-priced condos and, with their proximity to live entertainment clubs, the area has experienced more noise complaints. There were also pervasive problems which were often attributed to the bars: street brawls with large numbers of participants, crowds spilling out onto sidewalk, over-service of alcohol, security throwing problems out onto the street and overcrowding, to name a few.

Pierce saw an opportunity with Six Sigma to stop attacking the symptoms. But she needed the support of the mayor and city council. “Presenting quantifiable data that Six Sigma offers rather than anecdotal information was very helpful in garnering that backing,” she stated.

Cooper and Pierce poured over the data and when they got to the calls for service discovered their first defect. They could generate data for only 112 calls for service over a six week period in 20+ bars in Pioneer Square when they knew so very many more incidents had occurred. “We learned that a big source of our problems was that we could not adequately quantify the problems due to our poor data collection.” As a result, they developed a new, very specific report for all club disturbances.

The team forged ahead and, after applying Six Sigma's signature tool: Define, Measure, Analyze, Improve, Control, they discovered two key outcomes. First, out of the 27 bars in the area, 5 were causing 90% of police activity. Secondly, while the problems occurred in and around Pioneer Square's bars, many of the root causes were found elsewhere.

Three key causes of the problems were the city's permitting process, overcrowding inside the bars, crowds spilling out onto the street and over-service of alcohol. The study noted the Fire Department was not typically available after 5:00p.m. to enforce overcrowding issues. Few, if any, sanctions were tied to the permit process, and there was only one liquor control officer budgeted for the area.

Now, other agencies have been made aware of their role in solving the problem and City leaders have hard numbers on the cost of inefficiency and can make attacking the root causes a priority.

Six Sigma helped illustrate the scope of the problem (e.g. on Friday and Saturday nights 4-5 shootings or stabbings occurred in or around Club A. Having data demonstrating that fights with up to 100 participants occurred more than once when Promoter A was involved, regardless of the particular clubs they promoted, also helped Pierce prepare for and time deployments differently.

As for the problem clubs, Pierce can use the information gathered about the 5 and have data at-the-ready to back up her case. Seattle liked the methodology so much they applied it to another entertainment district. This time, when they approach this district's problem clubs they are bringing in a multi-disciplinary team that will, in effect, conduct an intervention that communicates a united, holistic approach to enforcement and education.

With growing populations, denser mixed-use development and a market responding with more places to socialize, calls for service are sure to increase, though there is no such assurance for police budgets. Cooper believes there has to be an evolution in policing. The paradigm shift required for something like Six Sigma is huge. "Law Enforcement has not changed policing philosophy in decades. But it's time we begin to look at scale and scope and think beyond tradition."

LATE-NIGHT INTEGRATED TRANSPORTATION

"Pedestrian safety needs to be considered in planning entertainment and dining districts. The majority of pedestrian deaths occur on weekend nights."
Maria Vegega – National Highway Traffic Safety Administration - July 25, 2001

Individuals or organizations most likely to find this section useful include:

City, district and transportation/transit planners and managers, policy makers, police, pedestrian and traffic safety agencies; taxi, valet and parking companies; visitors bureaus, business owners, merchant and resident associations

Special Thanks

The information contained in this section was derived from numerous resources. Special thanks are due, however, to the following persons and organizations who provided source information and/or editorial review.

- National Highway Traffic Safety Administration
- Taxicab, Limo and Paratransit Association
- International Parking Institute
- Parking Today Magazine
- Elizabeth Jackson, Urban Agenda
- International Downtown Association
- Office of Community-Oriented Policing Services

Introduction

This section covers the safe travel of patrons to, from and within the hospitality zone. Topics include impaired drivers, pedestrian safety, alternative transportation, taxi/transport stands and non-traditional modes of intervening with impaired persons. Traffic-related fatalities and injuries are a serious problem facing communities. According to the National Highway Traffic Safety Administration, more than 40,000 people are killed each year in motor vehicle related crashes. This includes non motor vehicle occupants such as pedestrians and cyclists. More than 16,000 people die in alcohol-related traffic crashes.

Late-night Integrated Transportation is a relatively new subject area and the need for answers outweighs the current response. Therefore this section will particularly highlight challenges and gaps that will hopefully open a dialogue and forge a path toward solutions.

The reader will learn about issues, challenges, tactics and promising practices in the following subject areas.

- Late-Night Integrated Transportation: A strategic mindset rather than a program, Late-night Integrated Transportation takes a comprehensive approach to providing safe travel to and from hospitality zones for both patrons and employees at hours when it is needed.
- The Problem of Impaired Driving: Hospitality zones, with more licensed venues located in one area, have the potential for facing the problem of impaired drivers. Impaired pedestrians also present a concern to themselves and impaired and non-impaired drivers.
- Alternative Transportation: Forms of transportation to and from the hospitality zone other than the personal vehicle (automobile, truck or motorcycle) potentially remove more impaired drivers from the road.
- Taxi Stands and Transport Centers: The organizational element of centralizing access to transportation not only facilitates ingress and egress, but conveys a sense of control and order to the area.
- Multiple Points of Intervention: Creating more transportation options also generates multiple opportunities for intervention with impaired pedestrians and drivers to assure the safety of all.

Overview

Historically, commerce has developed around transportation centers. The evolution from cities designed around port and rail hubs to the suburban models of megamalls and strip shopping centers, wholly dependent on motor vehicles as

connector, has led us to today's revitalized urban center. Still in development, this model finds itself in the middle of two worlds. The world of the past fixes the suburbs and revitalized urban core in two separate spheres linked with little more options than private automobiles and bus routes with limited schedules. The future holds an array of transportation choices around the clock and returns transportation to the role of connecting not just commerce, but community.

Hospitality zones often sprout on their own or are planned in revitalized areas of the city or near universities. Current trends including transit-oriented development, which relies on incentives for developers to include transit connection as part of their mixed-use development plans, will support many more walkable communities in the future. Even so, the hospitality zone will remain a destination for many who don't live within walking distance. Planning for the safety of this auto-dependent group and the community at large is paramount.

The potential for impaired drivers' risk to themselves, to other drivers, to property and pedestrians is of grave concern, and requires a whole-hearted holistic approach, not just from traffic safety or alcohol prevention stakeholders, but from planners and city leaders.

A comprehensive approach that utilizes short and long term tactics and integrates existing resources, Late-night Integrated Transportation (LIT) is a mindset rather than a program, a lens through which to evaluate community needs. Though any district or city with concentrations of dining and entertainment can benefit from evaluating and implementing an integration of transportation for late-night needs, this approach is particularly well-suited for hospitality zones in the following types of cities.

Developing and Growing Cities

Hospitality zones in cities that are attempting to generate new markets for sociability or revitalize existing ones stand to benefit particularly from focusing on the late-night aspect of integrating transportation. Facilitating the enhanced accessibility of a district is analogous to opening the door to new customers, bringing more and more diverse patronage into a hospitality zone. Cities with developing hospitality and/or tourism industries should be particularly concerned with a plan that facilitates transportation in and out of hospitality zones.

College Towns

College towns or cities with disproportionately large populations of young people (many who are under legal drinking age) often experience heavy demand for transportation, particularly during late-night hours. According to a 2002 study supported by National Institute on Alcohol Abuse and Alcoholism (NIAAA), drinking by college students age 18-24 contributes to an estimated 1,400 students deaths. More than one-fourth of college students that age have driven in the past year while under the influence of alcohol. The Millennial generation frequents dining and entertainment venues more than any other demographic, going out on an average of three times weekly. This generation also imbibes more heavily than others, creating demands on enforcement of over-service and underage drinking, and the need for DUI intervention and safe transportation home at the end of the evening. Appropriately scheduled transportation options ensure that young people have access to a sober driver at the end of the evening and that hospitality business owners/employees have a feasible resource for ensuring the safe travel of their patronage.

Aging Populations

Many aging Baby Boomers are retiring to the convenience of urban centers and taking advantage of hospitality zones' many amenities. Others, who reside in outlying areas, also enjoy the hospitality zone as a dining and entertainment destination. Hospitality businesses rely on this older demographic as their first seating, or as first wave in the hospitality zone's evening. As the younger set is arriving to enjoy late-night entertainment, this older set is leaving. Efficient transportation systems rely on this flow of ingress and egress to constitute enough demand to extend schedules of operation.

Impacts and Issues to Consider

- Late-night Focus by City Administration: City/regional administrators need to recognize the numbers of people on the street and at risk after 10pm, and focus resources, services and policies that address late-night concerns.

- **Traffic Impacts:** Large crowds exit numerous venues nearly simultaneously at closing time, creating noise, congestion, aggravation and loitering.
- **DWI Intervention:** Hospitality zones have potential to produce high ratios of "Driving While Impaired" (DWI) or "Driving Under the Influence" (DUI).
- **Intoxicated Pedestrians:** Pedestrians, though the most efficient patron of the hospitality zone, also create a risk to themselves and drivers.

Challenges

Narrow Window Overtaxes Transportation Options

Hospitality zones create new challenges for pedestrian and traffic safety interests. Large concentrations of 18-30 year olds exiting simultaneously from multiple venues at closing hours overtax sidewalks, valet, parking lots and taxi service and force competition for safe rides home. When transportation options are not consistent with the demand, intervention attempts fail and may contribute to the unintended consequence of impaired drivers taking the wheel.

		THE LATE-NIGHT TRANSPORTATION PROBLEM
PERSPECTIVE	HOSPITALITY	✓ Customers and employees lack access to safe rides home. ✓ Businesses hindered at DUI intervention without consistent, reliable transportation alternatives to refer to. ✓ Crowd management at closing time is more difficult with no or insufficient transportation outlets to direct exiting customers to.
	SAFETY	✓ Lack of appropriate availability of alternative rides can encourage impaired driving. ✓ Failure to plan for accessibility can unintentionally facilitate unsafe pedestrian-traffic interactions. ✓ Inaccessibility creates greater demand for traffic management, which consumes safety officials' time and resources. ✓ Traffic congestion can prompt people to party in parking areas to wait out traffic.
	DEVELOPMENT	✓ Customers and business development can be discouraged if zone is perceived as difficult to access. ✓ Inaccessibility diminishes users from outside zone and creates reliance on limited local market. ✓ Business viability for extending transportation hours and motivating independent cab/limo drivers requires heavier customer demand than midnight to 3:00 a.m.
	COMMUNITY	✓ Lack of transportation options makes parking more competitive for residents. ✓ Streets are more congested with cars, increasing risk to pedestrians and bicyclists. ✓ Without diverse transportation options, existing transportation channels are over-exhausted.

A Paradigm Shift: Thursday – Saturday Nights are Weekly Special Events

Events and holidays are perceived by the transportation safety community as "high-impact." Campaigns for designated drivers, random sobriety checkpoints, pedestrian-only thoroughfares, increased and/or reduced-price public transportation, event-scale parking, or a combination of these are implemented during high-impact times to reduce risk.

However, in many cities, particularly those with a large population of 18-30 year olds, the impact of Thursday, Friday and Saturday nights in a hospitality zone are equally as high, or greater than holidays or events. Weekly, these three days attract large concentrations of people, many of whom are drinking alcoholic beverages and have driven their cars to the hospitality zone destination. At the same time, public transportation schedules are usually reduced beginning at 10:00p.m., or there is no service during late-night hours and frequently not enough cabs to service the numbers of people in the concentrated period at closing hours.

Yet hospitality zones are not perceived or addressed as high-impact, and challenges to the safety and efficiency of late-night transportation to, from, and within them persist. The collective impacts resulting from gaps in late-night transportation reach beyond traffic safety, creating impacts on the quality of life of residents, businesses and patrons. The greatest gap, and perhaps the greatest challenge, in most cities is the failure to 1) acknowledge the shift in market demand for later business hours 2) formally recognize the hospitality zone as such and 3) respond to the cumulative occupancy potential of the hospitality zone with like-numbered municipal and public safety service staffing. (See Economic Impact Assessment in Future of Music chapter)

Goals of Late-night Integrated Transportation

The shifting portrait of the contemporary version of downtown requires a new vision and a new approach. Late-night Integrated Transportation requires a paradigm shift to accomplish the following goals:

- Recognize numbers of people in hospitality zone and respond with appropriate public safety and enforcement staffing
- Maximize patrons' and employees' safe and efficient access to transportation options
- Facilitate the safest use of conventional transportation options
- Increase points of intervention for potential impaired drivers and pedestrians
- Utilize innovative strategies to address gaps or hazards in existing pedestrian/traffic safety strategies

Planning Partners for Late-night Integrated Transportation

Fostering dialogue with all stakeholders about the high-impact hospitality zones experience on Thursday-Saturday nights, and its relationship to transportation within the zone, is the first step in identifying the need for safe and efficient late-night transportation. Stakeholders then must survey current sources and gaps in transportation supply, and discuss how to assess, implement, promote and publicize Late-night Integrated Transportation in their cities.

Though the needs for transportation may center on an area within a municipality's geographic boundaries, planning development and management strategies may require integrating many levels of government stakeholders from county, regional, state and federal jurisdictions. Additional potential partners that have a stake in Late-Night Integrated Transportation include:

- City zoning
- City planning
- City traffic division
- Transit authority
- Parking authority
- Public and traffic safety officials
- Taxi/Limo companies
- Parking/Valet companies
- Hospitality associations
- Entertainment associations
- Public safety policymakers
- Business Improvement Districts
- Downtown associations
- Resident associations
- Community groups

IMPAIRMENT

Overview

Hospitality zones concentrate alcohol-licensed business in one area. Though an efficient model for application of enforcement and management, it also potentially increases concentrations of risk to public safety, particularly impaired drivers and pedestrians.

Intoxication and over-service in licensed beverage establishments are contributing factors to impaired driving and pedestrian injuries and fatalities, assaults, property damage and disturbances. While the majority of patrons visiting restaurants, bars, pubs, taverns, cabarets and clubs responsibly enjoy beer, wine and spirits drinks, some over consume and become a risk to themselves and others. An increasing number of organizations are participating in programs and join in community efforts to create more safe and vibrant places for people to socialize.

Beyond traditional business-centered approaches that rely on mandatory or voluntary server intervention training, new approaches involving district infrastructure design, engineering and management can play a role in contributing to reducing alcohol-related driver and pedestrian injuries and fatalities.

Definitions

- BAC – Blood Alcohol Concentration is the concentration of alcohol in the blood, expressed as the weight of alcohol in a fixed volume of blood and used as a measure of the degree of intoxication in an individual. The concentration depends on body weight, the quantity and rate of alcohol ingestion, and the rates of alcohol absorption and metabolism. All state laws and District of Columbia have made it illegal, per se, to drive with a BAC of .08 or greater; some state laws apply stricter penalties on offenders with higher BACs. These higher BAC levels vary by state, ranging from .15 to.20.
- DWI: Driving While Impaired. The crime of operating a motor vehicle while impaired by alcohol or drugs, including prescription or over-the-counter drugs. Complete intoxication is not required; the level of alcohol or drugs in the body must simply be enough to impair the driver's ability to drive safely. State laws specify the levels of blood alcohol concentration that has been deemed to be *per se* illegal, which is .08 in all 50 states and District of Columbia. (Also referred to in some states as DUI – Driving Under the Influence).

Impacts

- Impaired Drivers: Impaired drivers can injure or cause the death of themselves, passengers and pedestrians as well as damage public and private property, impede traffic flow and consume law enforcement, safety and emergency services.
- Impaired Pedestrians: Alcohol-impaired pedestrians should also be considered as an important priority and should be addressed in alcohol education initiatives for servers, as well as in environmental design and management strategies.

Issues to Consider

- Impaired Driver Profile: Though there is a range of ages, races and other demographics, impaired drivers are more likely to be unmarried, unemployed or working class white or Hispanic males between 25-44 years old.
- Impaired Driver Primetime: The number of impaired drivers increases significantly on weekend evenings.
- Over-Service: Licensed establishments have a responsibility to assure that those who are intoxicated are no longer served alcohol. Over-service to patrons of all ages should be approached with as much diligence as preventing underage drinking.
- Server and Staff Training: Training for service, security and management staff assists employees in recognizing signs of intoxication and skills at intervening with those who show signs of it. Initiatives to reduce risk of impaired drivers in hospitality zones should involve a combination of server training as well as other strategies and tactics. (See Safety, Security and Service section).
- Sober Designated Drivers: Sober designated driver campaigns have successfully raised awareness about planning ahead and designating a sober driver (not simply the driver who is least impaired), however care should be taken that the drinkers in the group don't drink heavier than they would otherwise.

Challenges

Unmonitored Drinking

- Parking Areas: Some parking areas are unattended and present opportunities for unmonitored alcohol consumption and underage drinking. If traffic flow at closing is an issue, some patrons wait out the traffic by moving the party from the bar to their car with beverages purchased at off-sale locations.
- House Parties: Nearly half the drivers found with measurable BACs report they drank at the home of a friend. Drink prices can be expensive in hospitality zones. To save money, a common practice among younger people is to "pre-load" drinks at home or in their car before arriving at bars or nightclubs. In college communities, particularly, strategies to address house parties should be explored.

- Enforcement: Safety staff repeatedly report they are already stretched thin to respond to a hospitality zone and the surrounding neighborhoods. Impaired driving offenses take a long time to process, sometimes discouraging enforcement.

PEDESTRIAN AND TRAFFIC SAFETY TACTICS AND PROMISING PRACTICES

Public Education

- Campaigns targeting younger people are less effective when using only fear or appeals to emotion.
- Messages that focus on helping friends too impaired to drive, recognizing drinking limits and outlining new laws or enforcement effort and highlighting costs associated with impaired driving are more likely to be successful.
- To achieve compliance with pedestrian laws, educate district users about the laws and about enforcement.

Enforcement

- Data from safety agencies can plot occurrences of DUI.
- Local law enforcement should conduct highly visible enforcement of impaired driving laws in and around hospitality zones at high risk times (e.g. late-night and weekends) to deter impaired driving.
- Municipal and campus police can build relationships and share information to combat impaired driving in college communities.
- Yield to pedestrian and jaywalking laws should be strictly enforced in hospitality zones.

Environmental Design

- Hospitality zones should employ pedestrian-scale lighting.
- Frequent and/or mid-block crosswalks aid in pedestrian safety.
- Pedestrian tunnels and bridges lower pedestrian risk in dense traffic areas.
- Parallel parked cars can be used as a natural safety barrier between pedestrians and traffic.

Traffic Engineering

- At district closing time, timed traffic lights can be set to red in all intersections to accommodate quick flow of pedestrian traffic.
- Speed limits lowered in hospitality zones can aid in both traffic and pedestrian safety.
- Intermittent traffic diversions are employed.
- By time of day, analyze traffic ingress and egress, and its relation to pedestrian concentrations.
- Locations of pedestrian accidents are plotted as part of assessing engineering and management needs.

Pedestrian/Traffic Management

- Staggering bar closing times (with no re-entry) can lower the numbers of impaired drivers on the road at once.
- Lines outside venues should be maintained in an orderly fashion that does not allow intersection with vehicular traffic.
- Parking meters linked with tape can be used as stanchions to prevent crowds from spilling onto streets.
- Temporary fencing and parking lanes can essentially extend sidewalk at peak/closing hours.
- Ambassadors employed by the business district make good auxiliary traffic directing personnel.
- Model practices from large venues like arenas and stadiums that also have potentially impaired drivers and must exit numerous cars quickly.

Impaired Driver Promising Practices

- Community Design: Drunk driving decreases proportionately where patrons who drink at licensed establishments can walk or easily access public transportation. Hospitality zones within mixed-use zoned areas or surrounded by residential neighborhoods are examples of community design.

- Breathalyzers in Bars: Younger drinkers can be taught to recognize when their impairment approaches a level at which it is illegal to drive by making breathalyzer devices available at bars or nightclubs. Patrons, however, should be cautioned that they may be impaired and could be arrested at levels BELOW the *per se* limit of .08. [Witchita, KS]
- Mobile Processing Units: Operational equipment and staffing needed to process violations as they are brought to areas of high instances of DUI's, facilitating faster processing, as well as awareness.
- Last Drink Data: Last Drink Programs utilize self-reports of people arrested for an alcohol-related offense. Individuals are asked where they had their "last drink" and the locations are tabulated and used to identify patterns among establishments that may be overly represented in the reports. The data can then be used to conduct more focused and strategic interventions with businesses to inform them of the increased risk, and direct them to appropriate resources to correct the practices that might be contributing to the risk. [Lincoln, NE and Ventura, CA]

ALTERNATIVE TRANSPORTATION

Overview

A hospitality zone's accessibility and its ability to attract patrons and thus enhance the culture and economy of a city are directly related to the public's access to efficient and safe transportation. All stakeholders, including hospitality businesses, safety and law enforcement agencies, developers and planners and residents experience problems when patrons and employees of hospitality zones have insufficient accessibility to late-night transportation. More options for travel reduce congestion in each, streamlining movement in, out and within a zone. By planning for a comprehensive network of transportation services that complement and maximize the safety of each, cities can ensure safer and more efficient access and exiting of the hospitality zone for those who socialize and work there, and reduce alcohol-related crashes.

However, changing the culture of how people travel requires another paradigm shift. Alternative transportation refers to alternatives to driving cars, and infers the dominant preference. This mindset needs to be reversed. Encouraging use of alternative transportation both to and from the hospitality zone can help transportation companies meet the budgetary and operational requirements needed to extend schedules to later hours, changing both the culture and, perhaps, the future definition of alternative transportation.

Definitions

- Taxi Cab: An automobile that carries passengers for a fare, usually calculated by a taxi meter.
- Limousines: Any of various large passenger vehicles, especially a luxurious automobile usually driven by a chauffeur and sometimes having a partition separating the passenger compartment from the driver's seat.
- Jitney: A small motor vehicle, such as a bus or van, which transports passengers on a route for a small fare.
- Paratransit: An alternative mode of flexible passenger transportation, typically vans or mini-buses that do not follow fixed routes or schedules.
- Public Transportation: Various forms of shared-ride services, including buses, vans, trolleys and subways, which are intended for conveying the public. Also referred to as mass transit or public transit.

Challenges

- Independent Contractors: Many drivers of vehicles for hire such as taxis and limos are independent contractors. Therefore, taxi companies cannot exercise management over their operations or schedule, making it difficult to assure that enough cabs are available to service late-night patrons.
- Nature of Taxi Companies: More accurately described as vehicle leasing firms, taxi companies derive their revenue from leasing vehicles to drivers often for a flat fee per shift.

- Peak Times/Scheduling: The two to three hours of peak activity surrounding bar closing time presents a difficulty in scheduling a full shift on income-generating potential. Encouraging rides both to and from the destination can motivate drivers who are independent contractors to provide late-night ride service.

Tactics

- Cities, recognizing the benefits and tax contributions of a late-night economy, can extend hours of public transportation until bar closing hours to accommodate public need.
- City and private transportation companies can partner to explore incentives for independent drivers to work late-night hours.
- Universities sponsor the limited extension of late-night public transportation by including in student fees.
- To increase use of public transit, promote tax breaks for employers who provide ridesharing services or underwrite transit costs as employee benefits.
- Free shuttles from campuses, apartment buildings, subway stops, remote garages, etc. Colleges provide their own shuttles free of charge to students.
- Improve image of non-auto dependent forms of transportation.
- Consider transportation needs of late-night hospitality workers whose shifts end between midnight and 3:00 a.m.
- Enlist the partnership of beverage distributors to print alternative ride phone numbers on products.
- Invite other partners with a stake in pedestrian/driver safety such as hospitals, insurance companies and attorneys.

Products

- Enlist the partnership of beverage distributors to print alternative ride phone numbers on products.
- Create tabletop displays for use in dining and entertainment venues listing menus of late-night rides and where to access them.
- Use bar napkins, coasters, matchbooks and key chains with safe ride messages and phone numbers.
- Cashless Cab Cards – Stored value or debit cards for cab service.

Promising Practices

- A Chauffeured Ride in Your Own Car: Companies such as these respond to a barrier potentially impaired drivers have to taking alternative transportation home. Built on the premise that many impaired drivers don't want to leave their car behind, these services provide a chauffeur to drive the customer's car home. One such service, Home James, outfits its drivers with collapsible motorized scooters that fit easily in the customer's trunk or back seat.
- Contemporizing Image of Public Transport: Fixed-route, low-cost nighttime transportation to and from city parking lots and a hospitality zone, stopping near major nightclubs and metro stations, cable-car styled trolleys feature light shows and music mixed by local DJs to provide a fun alternative to driving and parking in this burgeoning entertainment district. [Hollywood, CA]
- Night Hop Late-night Shuttle: A public/private partnership between the public transportation provider and the university's student fees, this community shuttle transports passengers on a fixed-route loop that connects University and its neighborhood, local shopping, and the downtown area. The shuttle runs every 20 minutes until 3:00 a.m. on Thursday-Saturday nights, addressing the high flow of young people between their homes and downtown on weekends in this college town. On the Night Hop's last run, it offers door-to-door service to ensure that the last travelers of the evening reach home safely. [Boulder, CO]
- Student Run Safe Ride Uses Donated Rental Cars: Safe ride programs provided by student volunteers use donated office space and rental cars each with a male/female driver/navigator team. Corporate sponsors help pay for the fees to cover free rides within a six-mile radius of the campus on Thursday, Friday and Saturday from 10 p.m. to 3 a.m. [Athens, GA]

- Shared Valet: In order to offer valet parking, four restaurants partnered to rent a drycleaner's parking lot after 6 p.m. in a parking-challenged area. [Portland. OR]
- Tipsy Taxi: Year round free rides home for impaired drivers are administered through the County Sheriff's Office as a crime prevention program with assistance from Police Departments and the local restaurant association. The program has been funded by a combination of sources, including alcohol license fees and fees for DUI offenders. [Aspen, CO]
- Shared Cab Ride: Taxi service is contracted through the local transit authority to provide subsidized, fixed-price, shared-ride door-to-door service to the general public during late-night hours. The affordable taxi service supplements the fixed-route bus service the authority operates during daytime hours, creating a safe alternative to driving for patrons and employees of its downtown hospitality zone. [Night Ride, Ann Arbor, MI]
- Sponsored Rides
  - To Home: Free cab rides to impaired drivers can work in a variety of ways. A coalition of Nassau Count and Eastern Queens, NY partnered to offer "Free Rides to Save Lives" between Thanksgiving and New Year's. With a three way split between beer distributors, bars and taxi companies, Denver, CO was able to provide the program year round. Brainstorming beyond the usual supporters, Toledo, OH found sponsorship from a law firm, one of its PR firm's other clients, and St Louis, MO has funded its program for 24 years with support from local hospitals.
  - To Games: With a dining receipt, restaurants can provide rides to stadiums and back on theme jitneys like a rustic Banjo Billy Bus to assure those drinking at the game have a safe ride back and extend time before getting behind wheel. [Boulder, CO]

Promoting Alternative Ride

As much as it requires planning to coordinate modes of transportation and change intervention strategies, Late-Night Integrated Transportation requires active strategies to change perceptions and behaviors around transportation access. Promotion can be achieved most effectively by employing all points of access for visitors to the hospitality zone, and thus publicity should be organized in several different forms, including:

- Public Service Messages
- Local maps
- Table tents in bars and clubs
- Signs in parking lots
- Signs on trains and bus
- Ads in public transportation
- Valet/parking tickets
- Restaurant receipts
- Employee pay stubs
- Theatre and event programs

Publicity should be disseminated through a wide variety of outlets, including late-night operators, such as

- Bars and restaurants
- Event venues
- Nightclubs
- Performing arts centers
- Sports arenas
- Visitors bureau
- Chamber of commerce
- Hotel concierge desks
- Local media
- Universities
- BID, downtown association, HRP
- Merchants associations
- Public transportation stations
- Community resource centers
- Neighborhood associations

Ensuring widespread dissemination of the goals and outcomes of Integrated Late-Night Transportation is paramount to fostering a new relationship between a zone's residential, business, and visitor communities and their transportation options.

Taxi Stands and Transport Centers

Overview

Hospitality zones benefit from taxi stands or integrating transportation modes at transport centers. The duality of accessible customers for taxis and available taxis for customers streamlines travel in and out of a zone, offering increased traffic and pedestrian safety, more DUI intervention options, less congestion due to overcrowding of

automobiles, relieved burden of responsibility to public transit systems, flexibility of destination and greater pedestrian safety; all of these factors contribute to the vibrancy of a hospitality zone.

While taxi stands are universally useful in expanding the transportation channels in and out of hospitality zones, they are particularly beneficial in college towns where larger numbers of patrons need rides late at night and in developing areas where public transportation has not yet seen enough demand to extend its schedule to late-night hours.

In addition to patrons, employees carrying their night's cash earnings are in need of safe, well-lit areas to connect with transportation home. In developing zones where connectivity is still spotty, taxi stands or transport centers can also provide an oasis where safety in numbers discourages crime.

Definitions

- Taxi Stand: A reserved area where waiting taxicabs are parked.
- Taxi Medallion: The permit in some U.S. cities granted by the government to operate a vehicle for hire. Also referred to as a "Certificate of Public Convenience and Necessity."

Benefits of Taxi/Transport Stands

- Easier for passengers to find an available taxi when taxi supply is concentrated in key areas.
- Reduces traffic congestion.
- Eliminates safety hazards if drivers quickly stop or swerve to pick up random passengers.
- Increases pedestrian safety as potential passengers do not step out into busy roadways to hail cabs.
- Extends the reach of public fixed route transit services if stand is located at transit centers.
- Decreases cab cruising for passengers, a practice which increases unpaid mileage and traffic congestion.
- Reinforces economic vitality of commercial centers.

Selecting Taxi/Transport Stand Locations

Several factors should be considered in determining an appropriate location for a new taxi stand, including but not limited to:

- Noise imposition on residential neighbors
- Effect on flow of sidewalk's pedestrian traffic
- Benefit offered to commercial center
- Adequate lighting for nighttime use
- Proximity to hospitality businesses
- Effect on flow of street's vehicle traffic

Authority to Designate a Stand

The power to designate, approve, and regulate taxicab stands is variously appointed to different city representatives in different cities, including but not limited to: the Director of Traffic, the Director of Public Works, the Chief of Police, the City Engineer, the City Manager, the Director of Police Services, the City Council, the Traffic Inspector, the Ground Transportation Coordinator, the City Traffic Engineer, and any combination of the above and/or their designees.

Tactics

- City and district requires taxi companies to establish a designated taxi pick-up location during closing time.
- Neighboring establishments work together to provide and coordinate security to manage taxi lines and cab access.
- Use bus/transit center as taxi stand after bus service ends.
- To support a shift in public behavior, quantity and quality of taxi service must be reliable.

Promising Practices

- Street Parking Becomes Taxi Stand at Midnight: On street parking is eliminated from midnight to 6:00 a.m., creating better access and less vehicular traffic. Promotional posters launched the initiative, highlighting

the street boundaries of the project as a "Perfect Place to Catch a Cab Home." [Edmonton, AB, CANADA]

Sample Ordinances

- Additional Taxi Stands for Night Use Only: "The department of public works shall recommend, subject to the approval of the city council, additional stands for night use only." [Detroit, MI]
- Temporary Taxi Stands for Special Events: "The ground transportation coordinator or traffic engineer may establish temporary taxicab stands for special events and functions where street access may be limited and the good of the public is best served by such temporary placement of stands." [Fort Worth, TX]

Multiple Points of Intervention

Overview

Late-Night Integrated Transportation can only be effective if the greatest potential threat to transportation safety within the zone is proactively addressed. Since people tend to consume more alcohol at night and on weekends, particular consideration is needed to dissuade intoxicated people from driving during these times. Because of erratic driving behavior and decreased reaction time behind the wheel, intoxicated drivers pose a safety threat to all patrons in the zone and community, regardless of their transportation means.

Minimizing the risk of intoxicated persons taking the wheel necessitates casting a wide net of intervention training and strategies, encompassing more agents within the zone than the traditional interveners: bartenders and servers. Widening the scope of intervention can be achieved by ensuring that DUI-intervention training occurs and is implemented for a variety of hospitality zone employees who interact with drivers at various intervals, including those listed below.

Points of Intervention to Consider

- Bouncers: Safety staff employed by bars and nightclubs has the dual role of monitoring patrons coming and going. Often concentrating on the entrance and preventing access to underage, equal effort should be focused on preventing entrance and exit of to those who are intoxicated. Rather than merely refusing admittance, a targeted response should be planned for.
- Parking Lot Attendants: For garages that collect fees after parking, parking staff skilled at customer service and intervention techniques can assess if drivers are alcohol impaired and offer alternatives. If the driver is obviously impaired and unwilling to take an offer of an alternative ride, staff may call public safety enforcement to report the license plate.
- Valet: Valet presents a unique opportunity for parking partners to play a role in intervention. Of all parking options, valets have the closest, most personal contact with drivers and car owners. Valet operations are often run by large national parking companies, many of which have "parking universities" or employee training centers.
- Hotel Bell staff: Staffed at the front of the hotel, often in valet waiting areas, bell personnel are uniquely positioned to engage the potentially impaired driver in conversation. If impairment is suspected, bell staff has the customer service skills to communicate caring and intervene before the valet returns with the car.
- Concierge: Customers asking directions or advice of concierge as they venture out of the hotel present another point of intervention. Concierges are usually positioned inside the front of the hotel, which suits them to be eyes and ears for security staff and valet.
- Restaurants: Restaurant hosts positioned at the entrance are the first and last point of contact within the restaurant. Their post offers a vantage to observe behaviors and facilitate intervention with impaired guests.
- Stadium Parking and Security: Staff in stadium lots that take money for parking as people arrive can spot intoxicated persons entering and refer to security. After the event, the long walk to the car allows staff to

observe and locate impaired persons before they get into their cars.

- Business District Safety Ambassadors: Usually employed by the downtown district, these employees are hired for their vigilance and customer service skills. Trained in conflict resolution and intervention techniques and educated in the areas' resources, they are highly qualified and suited to assist impaired persons.

Challenges

- Intervening with potentially impaired drivers is sometimes perceived as opening the door to liability.
- The parking world is becoming more automated, some with completely unattended operation. Less people mean less eyes, ears and opportunities to intervene.
- Many parking companies want to implement valet, but insurance costs make it prohibitive.
- There is a need for educating non-traditional DUI interveners that there is a role for them in the community to assist in reducing impacts.

Tactics

- Train staff to recognize signs of intoxication and suggest alternative rides.
- Train staff in conflict resolution, customer service and intervention techniques.
- If a visibly impaired driver insists on driving, direct parking staff to call authorities with license plate number.
- Assign dedicated parking staff that only services exiting patrons.
- Do not release parking staff after lot fills, but keep parking staff on shift until one hour after bars close.
- Post signs in parking lots about loitering and penalties for drinking in public.
- Consider security or surveillance cameras for parking lots.
- Make sure that parking lots, especially surface lots, have street address to assign calls for service or dispatch emergency services.

Promising Practices

- Payroll Stuffers: Educational reminders to assist hospitality zone employees in recognizing and intervening with impaired persons are printed on small flyers that are inserted in the employees' paycheck envelope.
- Taxis on Patrol: Taxi drivers act as extra sets of eyes and ears for police, dispatching through call centers alerts to police for a variety of violations, including drunk driving. [Baltimore, MD]
- Discounted Parking/Ride Package: City parking authority and private taxi companies can partner to offer a package to impaired or potentially impaired drivers who leave their cars in City parking lots overnight. Showing a receipt from a paid ride home, taxicab partners give a free ride back to retrieve car the next day. [Norfolk, VA]
- Hotel Discounts Sleeping it Off: Hotel valet discourage impaired hotel visitors from driving by offering discounted hotel rooms to sleep it off for a safe drive home the next morning. [Boulder, CO]
- Posting Signs in Parking Lots: Parties in parking lots get the high sign that public intoxication and underage drinking is illegal. [Providence, RI]
- Parking Company Sponsors Cab Vouchers: The valet operation of a parking company supplies its valets with cab vouchers to distribute when they encounter an impaired driver. [Chicago, IL]

APPENDIX

Austin Case Study: Training Valet to Intervene with Impaired Drivers

The Problem: In 2004, Austin Police Department observed a number of DWI's exiting the downtown area and wanted to explore ways to reduce pedestrian fatalities and DWI's. They acknowledged the usual ways of addressing the problem by means of bartender, server or friends of the impaired driver intervening, but wanted to look at alternatives that might fill in the gaps.

Though there were very few valets on 6th Street, the adjacent Warehouse District has higher end establishments that utilize valet parking in several locations. These valets were run by one company, whose owner was based in another city. With New Year's Eve approaching, The Austin Police Department saw the timing as a high profile opportunity to approach another point of intervention.

Background: Austin has 5,000-6,000 DWI arrests annually and, as of 2006 Downtown Austin averaged 40 pedestrian fatalities annually. The Austin Police Department has two teams devoted to DWI with a total of 20 officers assigned to the task.

Goal: As a collaborative partnership organize and deliver a training on the dangers of drinking and driving to downtown valets as a means to reduce DWI drivers and fatality collisions, thereby keeping Austin streets safe for the community.

The Partners and their roles

- Austin Police Department: Lead organizer
- Texas Alcohol Beverage Authority: Training Facilitator
- Restaurant owner: PR, Recruit attendees, provided venue space for the training
- Downtown Organization: Recruit attendees
- Valet Company: Facilitate valet employees' attendance

The Process: Austin Police engaged existing partnerships with their Downtown management organization and a respected restaurateur to leverage participation by the only valet company in downtown. The training was held at a downtown venue on a Monday from 3:00-3:45PM, three weeks before New Year's Eve. Texas Alcohol Beverage Authority took the lead in presenting the problem of DWI, the role that valet could play in helping prevent DWI and strategies for the valets to use in addressing particular situations. No written curriculum or handouts were used.

The 35 people who attended were engaged and asked a lot of good questions. They expressed gratitude for the training since they often encountered situations where seemingly impaired people retrieved their cars from valet. The valets said that they had wanted to do something but didn't know how or what to do.

The training instructed the valet attendants on how to identify signs of intoxication before handing drivers their keys. Valets learned that in such a situation where a driver was too impaired to drive, the valets could offer several options: 1) Ask if there is a designated driver in the group who has not imbibed alcohol, 2) encourage the driver to take a cab home or 3) offer to call Austin Designated Drivers for the patron. The training taught that if the impaired driver was still insistent on driving, they should provide a final appeal by warning them that 9-1-1 would be called to report a possible DWI.

Challenges: When Austin PD began looking for information on how to implement such training they found that they were pioneers. No information could be found after which to model the training. There was no information on the Internet. Calls to other cities' Police Departments were fruitless as well.

Because of the busy holidays, it was difficult to lock down a date that worked for everyone before New Year's Eve.

The parking company owner was difficult to reach because the company is based out of town, and at first was reluctant to call his employees in earlier than their shift, which in some cases might cause overtime. Additionally, many of the valets had second jobs and getting to the training before their shift was difficult.

Results and Benefits:

- The training provided valets with information that they had been seeking and empowered them to intervene should the situation arise.
- The collaborative effort garnered additional public awareness about DWI and prevention of it.
- Outreach to collaborate elicited new partnerships and strengthened existing ones.

Lessons Learned: Because of the contracts with the valet company, the restaurants and bars had leverage in impressing the importance of the parking company's participation. Additionally, the downtown organization has political pull with city council and also weighed in.

The police department expressed a desire to offer the training again in the future, but would like to develop a curriculum and handouts to better deliver the message and assist valets in retaining the information.

Evaluation: The police department's reporting system at the time prevented them from measuring the effectiveness of the training. Because the system did not allow them to single out the DWI's downtown from the rest of Austin it was impossible to pinpoint the results.

The current system allows APD to filter out information by one of nine of the city's sectors, by time of day and location within a few blocks.

Door Security Training: After the valet training, Austin Police Department and Austin Downtown Alliance partnered again to present training for door security. This training took 3 months to set up and implement.

QUALITY OF LIFE

Individuals or organizations most likely to find this section useful include:

> *City and district planners and managers, resident and neighborhood groups and government agencies responsible for code compliance, noise abatement and environmental services, developers and licensed business owners.*

Special Thanks

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- U.S. Department of Agriculture's "A Citizen's Guide to Food Recovery"
- U.S. Environmental Protection Agency.

Introduction

This section covers quality of life topics, including noise, waste, litter and public indecency. The reader will learn about tactics and promising practices in the following subject areas.

- Noise: Noise in hospitality zones has a variety of sources and impacts. Better understanding of the nature and schedule of the zone's activities illuminates the need for a broad range of strategies to mitigate the impact of noise on the zone's many stakeholders.
- Waste: Managing deliveries, waste and recycling requires collaboration among private trash haulers, residents, businesses, planners and downtown managers. Planning for success may include expanding trash collection hours in a manner that considers current traffic flow, design standards for dumpster placement, trash hauler operations and equipment modifications, and a schedule that accommodates residents, hotels, business deliveries and traffic patterns.
- Litter: In hospitality zones, and especially when smoking bans are in place, litter (particularly cigarette litter) can increase during the very periods when maintenance services are unavailable. Tactics and strategies that consider behavioral attitudes and patterns and environmental design are most successful when paired with education and enforcement campaigns.
- Indecency: Public nuisances such as urination and vandalism are symptomatic of other problems. They communicate lack of management to the public. Responses require a vigilant presence, swift response and consistent enforcement.

Overview

The mixed-use development trend in urban planning places residents and commercial businesses in close proximity and raises new issues and challenges for policymakers, managers, businesses and residents. Urban infill creates greater density and greater potential for conflict amongst residents and businesses. The type and extent of impacts depend on the maturity of the hospitality zone. Another determining factor is the city's response to supporting the zone with services and enforcement matched in time of day and day of week to the zone's activity.

Smoking bans can also set into motion a string of conflicts. More outdoor seating to accommodate smokers extends impacts from inside to outside the venue. Food attracts vermin. Noise and smoke cross the line from commercial to

residential. Transferring smokers to outdoors necessitates planning for congestion in alleys and on sidewalks, as well as disposal of cigarette litter.

Quality of life issues can be pre-empted with collaborative strategies that include monitoring the district's growth, developing education and conflict resolution strategies amongst new and existing residents and businesses, and by updating ordinance language and enforcement to better address contemporary urban settings.

SOUND VS. NOISE

Overview

A municipal code states: Every person who lives, works or plays in a hospitality zone is entitled to an "environment in which excessive or disturbing sounds is not detrimental to each person's reasonable expectation of enjoyment of health, lifestyle and property."

The most contentious topic of debate between residents and licensed businesses is noise. Though a simple word, when pushed to define "noise" it is difficult to do so without bias. One person's sound is another person's noise. Subjectivity is the black hole that forever keeps residents, businesses, enforcers and prosecutors spinning in circles. For this reason, quantitative standards, such as measuring noise by decibel level, have been most popular.

However, new urban landscapes with increased density, mixed-use development and vertical design present new challenges to such measurement. In today's environment, "ambient" noise from traffic and other sources can produce higher decibel levels than those emanating from the source of complaint. Further, methodology for measuring noise does not easily translate from ground level to multi-level structures.

It is also important to note that noisiness and loudness are not necessarily closely related. The impact of noise is more related to a person's perception of the context of noise than the actual intensity of it and is, therefore, not measured well by quantitative standards alone.

Older construction provides additional challenges and expenses for controlling and containing loud music within a business. A frequent complaint is bass frequencies that can shake the interiors of residences while being below detection levels by conventional sound measuring equipment. This is one of the most difficult problems to resolve. However, the most prominent source of complaints is more related to patron behavior within and in proximity to the businesses. These issues can be managed by effective security and management practices that are timely and consistently applied.

An effective noise mitigation method is one that provides a sense of control of the noise to people who might be impacted. Preferred strategies encourage robust working relationships between residents and business to create an effective and continuous dialogue among interested parties to catch problems in the early stages.

Noise Sources and Impacts in Hospitality Zones

Noise in hospitality zones can emanate from a variety of sources: deliveries and collections, general street vitality, sidewalk café service, customers waiting in nightclub queues or convening to smoke outdoors, car stereos, amplified or non-amplified music from licensed venues and street entertainers, district patrons exiting at closing, radio and vocal noise from late-night cleaning crews, trash and glass bottles being thrown in dumpsters after closing.

Definitions

- Decibel: The decibel (dB) is used to measure the loudness of sound.
- Noise: Key words used in describing noise are "unsettling," "unwanted" and "interference with hearing." Instead of using the term "noise," some cities have changed their code wording to "disturbing sound."
- Variance: A request for deviation from the zoning code for a particular development standard because of unusual circumstances associated with a particular site.

Tactics That Address Noise Issues

Design standards

- New and existing residential and commercial buildings can be required to limit sound through use of sound-proofing materials.
- New construction in hospitality zones could use double and triple paned glass and double doors.
- Sound impacts to residents can be limited through residential floor plan designs that place location of balconies and bedrooms away from street or proximity to existing commercial structures.
- On multi-level mixed use development, placing offices on second floors can provide a sound buffer between first level hospitality and residential on upper levels.

Entertainment Overlays

- A district is designated as an entertainment district or zoning "overlay" for the purpose of concentrating establishments for convenience of visitors and enforcement and management of the area.
- Modifications are made to ordinances regarding noise, operating hours, etc. to reduce impact on public health, safety and quality of life.
- City scheduled employees such as police, code compliance and emergency services are adjusted to respond to the zones' extended hours of vitality.

Local Zoning Authority

- Conditional Use Permits: Zoning gives cities the authority to regulate land uses with unusual operating characteristics that may impact public safety, health or welfare. This process allows a local jurisdiction to place conditions on the location, design and operation of commercial activities, and also offers a mechanism for community input and enforcement of violated conditions.
- Noise Variance: Most often, ordinances and codes define and regulate noise by type, land-use zone and time of day. However, there are instances where variances may be issued that call for conditions that will provide for the adherence to the intent of the code.

Late-night Tours

- Tours conducted during late-night hours educate residential and commercial newcomers to the hospitality zone.
- Provides information about transitioning suburbanites to differences, opportunities, expectations and processes of urban living.

Disclosures

- Real estate disclosures should notify residents of the entertainment nature of the area they are moving in to.
- Good Neighbor Agreements can also be used for this purpose. (See below and in litter section.)

Town/Gown Relations

- Strategies to address conflicts between permanent residents and students in off-campus housing or residential neighborhoods.
- Voluntary agreements between fraternities and surrounding neighbors.

Mediation

- A formal or informal process attempted prior to legal action that resolves conflicts between residents and businesses and amongst businesses.
- Mediation can result in corrective action by the business, clarify misunderstanding of each individual's rights and responsibilities, or broker agreement to a mutually agreed upon settlement.

Promising Practices

Licensing

Business licensing should take into account whether the venue is intended for live music and recommend that such venues not be located in noise sensitive areas or in structures that have less than optimal noise isolation. [Vancouver, BC, CANADA]

Condition of the Entertainment Permit

Special conditions for entertainment permitted businesses allow enforcement officers to take action on amplified noise complaints when specific factors are present, including complaint filed with police and if noise can be heard when windows and doors of an entertainment business are open and the resident's are closed. Mediation through HRP is available to the parties. [Burlington, VT]

New Business Orientation

Orienting new and expanding businesses to the community includes a presentation that educates them of requirements by each regulatory and permitting agency and informs them of proximity of residents and strategies for communication and peaceful co-existence of businesses and residents. [Philadelphia, PA]

Assessment Without Sound Level Meters

Police officers or other officials designated by the city manager who hear a plainly audible noise or sound in violation of the noise ordinance can assess the noise or sound by means of normal hearing faculties. The official must have a direct line of sight and hearing to the sound source's property to identify the source of the offense and the distance involved. If unable to have a direct line of sight and hearing, then it is confirmed by approaching the suspected source until direct line of sight and hearing is achieved and identified as the same sound or noise that was heard at the place of original assessment. [Gainesville, FL]

Good Neighbor Agreements

Mixed-use occupants meet with interested parties both before and after the development process and formulate a written implementation program that documents regulations and procedures to allow a variety of proximate commercial and residential (mixed-use) uses while reducing the negative impacts of unwanted sound upon nearby residents and businesses. [San Diego, CA]

No Party Policies in Hotels

No Party policies in hotels disallow non-registered guests in room from 11pm to 6am, assuring registered guests and nearby residents are not disturbed by noise and other risks. [Austin, TX]

Sample Regulations

- No noise/musical instrument from 10:30pm-7:00am if business/resident can hear it.
- Noise complaint by resident is upheld only if the doors or windows of the entertainment permitted source are closed and if the sound can be heard inside the residence when resident's doors and windows are also closed.
- Maximum noise level (measured by decibels) is increased if other types of premises pre-existed residential premise.

TRASH AND WASTE

Overview

Many hospitality zones happen to be placed or evolve in older or historic areas of the city where there is a need for economic revitalization. Because this use was not originally intended or is contemporary to historical land uses, increases in the generation of trash creates a challenge for municipalities, businesses and residents. Not only is space for waste storage at a premium, but corridors to access it can be limited.

As the area matures, complaints often increase due to lack of planning for the new use. The formula, though, is simple: more restaurants and bars + more residents = more waste and trash. Unlike other areas, though, the concentration of food and beverage businesses in a hospitality zone have weightier impacts than they do in suburbs or even areas with concentrations of other types of commercial uses. This is mostly due to the generation of both organic and non-organic waste. According to one U.S. Environmental Protection Agency report, food discards alone from food preparation waste and uneaten food "comprise 6.7% by weight of the total U.S. Municipal solid waste stream."

Additionally, some municipalities require recycling, which necessitates sorting and having space for multiple containers. Disposal, storage and collection create other impacts. Storage of the waste until pickup can brew odors and attract vermin and vector. Disposal can cause increased noise impacts. Collection can generate both noise and disrupt traffic flow. Trash outside dumpsters and spillage from haulers, when picked up by wind, can spread to litter a wider area of impact.

The increasing cost of waste disposal creates economic incentives for food and beverage businesses to find new or alternative methods to manage their solid waste or reduce the amount of waste generated.

Impacts

Organic

- Food waste can produce several environmental impacts including those to wastewater collection and treatment.
- Grease and oils accumulate in drain and sewer pipes causing costly repairs. Infrastructure for most hospitality zones were not originally planned for such use.
- Pest and rodents can be drawn to food and waste of concentrated businesses, but also affect the surrounding community.

Non-organic

- Placement: Distance from residents, public right of way
- Odors: Not frequent enough pickup
- Leakage
- Noise from trash collection
- Noise from disposal of bottles

Traffic Flow Disruption

- Blocked entrances/exits to parking/garbage storage areas.
- Double parked refuse collection vehicles.
- Hours of landfill force collection coincide with high traffic times of day.

Tactics

Planning for Waste and Trash

Planning for Collection

- Require a trash management plan from commercial businesses before authorizing occupancy.
- In areas with minimal storage, consider shared dumpsters with more frequent collection or vaults that place dumpsters underground.
- When rezoning to mixed-use, be sure that haulers are made aware of the change and know where and within what hours collection is permissible.

Minimizing Traffic Disruption

- Have design guidelines in place for new residential and commercial construction that locates trash collection in places that minimize impacts.

- Encourage the same hauler to service within block areas to reduce sound and traffic impacts of multiple collectors in one area.

Reducing Output

- Recycling not only saves space in landfills and energy, but can save money. Reducing volume means reducing frequency of collection. However, storage of additional collection containers can be a challenge. Additionally, some recyclers require separating glass colors. In settings with limited space, explore the feasibility of sharing containers amongst multiple businesses.
- Grease Traps capture grease, oil and solids and contain them. Companies collect and process them for use in soap, cosmetics and animal feed. Some companies are willing to pay for restaurant oil and grease.
- Food Donations to food banks, soup kitchens and shelters reduce waste volume and benefit the community. Recipient organizations often provide reusable containers for restaurants to store non-perishable and unspoiled foods. The Good Samaritan Act, adopted by all 50 states, protects donors from liability.
- Animal Feed: Local farmers collect preparation and table scraps to feed to livestock. Some provide containers and free or low-cost pickup service.
- Compost: Commercial and government composting facilities in or near cities will accept food discards. Composting fees are significantly lower than trash fees.
- Compacters:
    - Trash: Both regular trash and recycling can be compacted but can produce liquid seepage. Care must be taken to clean around compacting areas. Consider sharing compactors.
    - Glass: Compacting glass bottles can reduce overall volume in bins. Units are quiet enough to place inside establishments, behind the bar. (Also, see Reducing Noise Section Below.)

Reducing Noise

- Glass Compacters virtually reduce bottles to sand, which significantly decreases sound volume when disposing in dumpsters.
- Dumpsters outfitted with plastic lids and rubber wheels help to reduce noise and complaints.
- Trash Collectors can assist in mitigating noise impacts by implementing policies for drivers that limit playing radios in truck cab if collecting before 7:00am and outfitting trucks with back-up beepers that adjust volume to ambient level.

Sample Regulations

- Vector Control: All food establishments shall contract with a licensed exterminator who shall provide insect and vermin services at the establishment at least twice a year.
- Secure Debris from Wind: In the event of foul weather including winds, all chairs, umbrellas, food, table accessories, trash or other debris shall be secured so as to not create any risk to public safety. . . Any and all food and beverage spills shall be promptly cleaned up. All trash and debris within and around the outdoor dining area shall be picked up immediately and not allowed to collect, litter or blow into the public right-of-way.

LITTER

Overview

As hospitality zones mature, the content of litter evidences the stage of a zone or district's development. In a declining stage, the litter may be related to homeless people. When in the emerging stage, perhaps even prior to official designation as an entertainment area, the zone's litter might contain condoms and types of alcohol containers not served in establishments, which evidence lack of controls and enforcement.

However, as the area matures and residential units and higher-end retail become more anchored, complaints relative to litter often point to food and beverage businesses as the source. The appearance of litter overnight, content like cigarette butts and beer bottles, and the path in which they are strewn often lead directly from bars to cars. Pizza boxes and other carry out food containers are found in abundance on Saturday and Sunday mornings in hospitality zones. The need for revised standards that relate to high intensity use and enforcement are key to successfully controlling litter.

Impacts on Hospitality Zones and Issues to Consider

Smoking Bans

When smoking bans are implemented, they effectively remove smoking to outdoor locations and add to the visible impact of cigarette litter. Without proactive strategizing that readies a community for changes, the environment may experience an overwhelming increase in cigarette litter including matches, lighters, cigarette butts and packaging. Sidewalk cafés and rooftop patios aid in containing the impacts to their source. However, new smoking laws that prevent smoking around building entrances inadvertently remove the business's responsibility for litter by forcing it further from its source. The business's customer now must smoke at the curb or in alleys outside the perimeter of the business, thus shifting the responsibility to the individual smoker.

Research by Keep America Beautiful shows that "individuals who would never consider littering an aluminum can or piece of paper may litter cigarette butts." Changing individual cigarette littering behavior is challenging but can be supported by collective efforts of individual businesses, building owners, business districts, visitor's bureaus, city leadership and public works.

Health Risks

Keep America Beautiful reports that 18% of all litter dropped to the ground is washed into storm water runoff. Litter contains many health risks to humans, wildlife and children, including residual alkaloids and nicotine contained in the filter and remaining tobacco of cigarette litter. These contents can be carried in runoff that makes its way to food and water sources such as water reservoirs, commercial food growers and even to backyard vegetable gardens.

Tactics

Environmental Considerations

- Planters of certain design may encourage people to use them as a litter receptacle.
- Choose Litter and Ash Receptacles appropriate to withstand the local climate.
- Consider Design Restrictions before purchasing receptacles. Check with local ordinances and organizations, including BIDs, redevelopment agencies and homeowners' associations to suit receptacle to their locations.
- Placement of Ash Receptacles - Identify transition points where smokers must extinguish cigarettes before proceeding. Such points in hospitality zones are entrances to restaurants and theatres, taxi stands or valet pickups.
- Secure Litter and Ash Receptacles so they can't be picked up and dumped or used as a weapon.
- Emptying Receptacles Regularly can be a challenge in hospitality zones where the usage will increase on Friday and Saturday nights and when cities fail to extend services to the weekend.

Types of Ash Receptacles

- Combination Ash/Trash Receptacles have been proven to be less effective than ash only ones.

- **Ash Only Receptacles** with small openings discourage non-cigarette trash.
- **Wall Mounted Ash Receptacles**: Be sure to obtain owner's permission before installing on existing walls, utility poles or sides of buildings.

Products

- **Litter vacuums** can be purchased by management organizations like BIDs or merchants associations and by individual businesses to remove litter on sidewalks, at curbs and parking lots. They work in tight spaces between parked cars and can pick up broken glass, soda cans, cigarette butts, food spills, etc.
- **Pocket Ashtrays** hold several cigarette butts, close securely and are portable in purses, briefcases or pockets.
- **Cigarette Butt Bags:** Similar to dog waste bags, cigarette butt bags establish a system of disposal for litter of all types. Placed on poles at transition points they hold a bag dispenser and convey an educational message about litter disposal.

Enforcement

- **Nuisance Business:** Local jurisdictions can outline indicators of what constitutes a nuisance business, including presence of uncontrolled litter.
- **Orderly Premise**: Most state alcohol beverage control laws require that businesses maintain an orderly premise within a determined distance surrounding the establishment. The orderly premise law most often requires controlling litter, however as an enforcement priority, it is not at the top of the list.
- **Ordinances:** Strengthen existing litter ordinances by specifying cigarette litter.

Response to Violations

- **Reporting**: Provide a hotline supported by an enforcement agency for citizens to report littering.
- **Enforcement** with stiff penalties for violations and court support is important to a successful anti-litter effort.
- **Repairs to Vandalized Receptacles** should be made as soon as possible so as not to encourage further damage.
- **Public Education Campaigns** raise awareness and motivate feelings of personal responsibility to change attitudes and littering behaviors. If targeting cigarette litter, provide messages focused specifically on cigarette litter rather than general anti-littering.

Promising Practices

Good Neighbor Agreements

Good Neighbor Agreements (GNAs) inform residents and businesses about community standards and rights and responsibilities. GNAs should consider litter, alcohol, noise management and security. They should also include a process for receiving, recording and responding to community comments, enforcement and exceptions of the agreement, as well as effective date and term of the agreement. [Portland, OR]

Clean and Safe

An intrinsic part of Special Assessment District program services, Clean and Safe programs exist in approximately 1200 cities in North America. Supported most often by a surtax paid by property owners to enhance public services to the community, Clean and Safe services encompass litter, debris and graffiti removal. Some offer additional services such as gum removal, flower planting and defect reporting. Clean and Safe ambassadors also work in partnership with local law and code enforcement to deter nuisance crimes.

Keep America Beautiful's Cigarette Litter Prevention Program

A field-tested step-by-step resource for cigarette litter prevention.

Regulations

- Alcoholic beverage permit can have remedial sanctions imposed when property owners within 300 feet complain that the outlet constitutes a nuisance as to litter ordinance.

- Food vendors affix to vending stations a litter receptacle marked as being for litter, and maintain and empty it regularly.
- It is against the law for litter such as paper, bottles, cans, matchbooks, cigarette butts, glass, garbage, plastic, etc., to be thrown, allowed to fall or dumped on any public or private property.

Public Indecency and Nuisance

Overview

Before a hospitality zone reaches critical mass and is recognized as such, safety and enforcement services may be out of synch with increasing round the clock activities. Under the cloak of darkness and without the pressure of vigilance, public nuisances can increase. As the zone matures, the offenders shift from indigent and homeless to zone visitors and younger nearby residents.

Loitering in hospitality zones usually occurs after dining and entertainment businesses close. Its increase signals a change in culture for Americans and the cities they live in. With internet and global commerce encouraging round the clock work schedules and flexible work locations, entertainment businesses close before many Americans get off work or are ready to finish. Loitering is uniquely troublesome in that it often snowballs into other impacts such as noise, littering, drinking in public and public urination.

Vandalism to both residential complexes and businesses are a common complaint. Some forms of vandalism, though seemingly related to on-sale licensed business, often are not. Broken or littered beer bottles, for instance, are more a symptom of underage drinking, house parties, loitering and perhaps, irresponsible off-sale licensed businesses such as liquor, convenience or package stores.

Definitions

- Public Indecency: A person commits public indecency when performing any of the following acts in a public place: urination or defecation in any facility other than a toilet or washroom; an act of sexual intercourse; a lewd fondling or caress of the body of any person of either sex; exposition or exhibition of sexual organs.
- Public Nuisance: A nuisance that unreasonably interferes with a right that is common to the general public. A public nuisance offends the public at large.
- Vandalism: The conspicuous defacement or destruction of a structure, a symbol or anything else that goes against the will of the owner/governing body.

Tactics

Public Urination

- Enforcing venue occupancy assures that there are enough restroom facilities to accommodate the load assigned to the business.
- A cooling period between last call and closing the doors allows body waste fluids to process and provides enough time for those leaving to visit the facility before exiting the district.
- Restrooms designed in public spaces and parking structures provide facilities to serve those left with no other options late at night.

Loitering

- Curfew ordinances prevent minors from loitering in hospitality zones or other public places.
- Monitor parking lots and other unsupervised gathering places.
- Facilitate exit routes for car traffic, multiple options for late-night transportation and taxi stands (See Late-night Integrated Transportation System.)

Vandalism

- Make repairs within one to seven days so as not to encourage further vandalism.

- Lighting can deter vandalism as few vandals are brave enough to commit acts in well-lit places.
- Video cameras on both business storefronts and rooftops and multi-unit residential buildings can deter and document violations for prosecution. Younger aged renters and their guests who live in or adjacent to the hospitality zone are sometimes to blame for acts of vandalism.

All

- Crime mapping an area may uncover factors that may be creating an environment for public nuisance violations.
- Consistent vigilance and enforcement are good deterrents to abhorrent behaviors.
- Facilitating efficient complaint processes assists responses, which are most often driven by complaints.

Promising Practices

Businesses Receive City Stipends for Sharing Restrooms with Public

Businesses in San Clemente, CA volunteer to be a public restroom and receive a monthly stipend from the city for maintenance.

Crime Prevention Through Environmental Design

Crime Prevention Through Environmental Design is a community policing approach that seeks to reduce and prevent crime through design and condition of the physical environment.

Sample Regulations

- Public Urination: It shall be unlawful for any person to urinate or defecate in any public place or in immediate proximity thereto where such place has not been designated as a restroom.
- Curfew: It shall be unlawful for any minor who has not reached his/her 16th birthday to remain in or upon any public street, highway, park, vacant lot, establishment or other public place within the city beginning at 11:00pm.

APPENDIX

San Diego Case Study: Trash Task Force

The Problem: By 2003, San Diego's urban core had seen substantial commercial redevelopment with a vital and growing dining and entertainment economy and an expanding residential sector. The diversity and intensity of development, land uses and building types in the downtown area made refuse collection an extremely complex operation.

Four types of commercial collection were required ranging from 30-90 gallon containers to dumpsters stored in underground residential parking lots to 40 cubic yard roll-off containers for construction and demolition.

Due to lack of storage in historic buildings, restaurants and entertainment venues required collection service five to seven days weekly.

To minimize traffic congestion, refuse collection was not allowed between the hours of 10:00am and 6:00pm, and municipal code prevented collection prior to 7:00am.

These limitations and growing refuse output prevented commercial collectors from meeting scheduled pickups, forced them to operate out of compliance and led to inadequate service and fines.

Frustrated and dissatisfied with declining service standards, the County Disposal Association proposed to the Natural Resources and Culture Committee of City Council that collection hours be extended from 3:00am-8:00am. Residents, already angry about collection trucks blocking their driveways during commute hours, were not happy about the potential noise that extended hours could bring.

Background: The City Manager asked that a task force be convened and return to the committee within 90 days with recommended solutions.

Goal: As a collective, examine the issues and reach consensus over recommendations that would increase service with fewer impacts now and in the future.

The Partners and their roles

- Environmental Services Dept.: Council Liaison, disseminated information, complaint call center
- San Diego Hospitality Resource Panel: Task Force Coordinator/facilitator, disseminated information
- Commercial Trash Haulers: Technical advisors, logistical information, disseminated information
- County Disposal Association: Advocate, disseminated information
- Business Improvement Districts: Represented business/district needs, disseminated information
- Food and Beverage Association: Technical advice, represented needs of food establishments
- City Traffic Engineering: Assessed new collection route, reviewed code related to traffic
- Code Compliance Department: Issued noise variance for pilot program
- Redevelopment Agency: Provided input/maps regarding current and future residential development
- Residential Groups: Represented area residents' desires
- Neighborhood Associations: Provided feedback to proposed pilot program

The Process: The HRP convened a task force comprised of stakeholders already working in partnership and added specialty focuses such as traffic division and disposal operators and associations. Through three meetings, the following issues were identified.

1. Commercial collectors were unable to operate within the lawful collection hours and operating out of compliance.
2. The area is truly a mixed use zone whether it has been designated as such or not.
3. Residents frustrated by trucks collecting refuse at hours when they're leaving homes for work.
4. Trucks forced to double park or block driveways because of few commercial spaces.

5. Trucks wait in line at the landfill for 45 minutes before they can dump their loads and return for a second trip. Trip to landfill is up to 30 minutes each way.
6. Land fill operation closes at 4:30pm, creating a time crunch for haulers to dump second loads so they have an empty truck for morning.
7. Current Municipal Codes for noise and traffic outdated, last revised in the 1950's.
8. Police were unaware of the actual definition of the current central traffic core's boundaries for the code that prohibits refuse trucks in the core after 10:00 am and are enforcing in all of downtown.
9. Those who called to complain about noise or traffic blockage due to refuse collection frustrated by being shuffled to multiple agencies and not getting prompt response.

The Task Force discussed adding additional trucks for collection within the current 7-10am timeframe, but concluded that this would only create more noise and more blockage of traffic.

Starting with the proposition of implementing earlier collection, the group strategized ways to minimize impacts to surrounding residents. Maps of existing and future commercial and residential development were a great resource in working out a new route that would provide service first to areas zoned more heavily with commercial activity. Refuse collection companies offered noise mitigation measures. Finally, a pilot was outlined that would implement earlier collection hours with the new routing.

HRP compiled the recommendations and presented and requested feedback from five neighborhood/district associations.

The feedback was brought back to the task force, integrated into the recommendations and presented to City Council with no opposition.

The task force continued to meet quarterly to monitor the pilot and reported back to city council midcourse.

Challenges: Multiple commercial collectors made it challenging to work out new routes based on times that were a function of the density of residential in the immediate area; i.e., areas with little residential density allowed earlier hours than areas with more density of residential.

Results: The task force proposed the adoption of the following recommendations:

1. Implement pilot program with earlier collection times to be revisited after one year for evaluation of effectiveness, impact on quality of life and safety and traffic issues.
2. Change existing refuse collection start time of 7:00am to a 6:30am start time. However, areas with higher proportional concentration of commercial to residential should begin at 4:30am. These times apply to Monday through Friday. No refuse collection allowed before 7:00am on Saturday and Sunday.
3. Implement the following noise mitigation measures:
    a. Utilize collection, disposal, recycling or processing bins that have rubber on the lift bars and container.
    b. Require vehicles to idle during pick up.
    c. Utilize collection bins with rubber wheels and plastic lids.
    d. Utilize self-adjusting back-up alarms that measure ambient noise and adjust sound level to create a volume that is safe, but not annoying.
    e. Prohibit drivers from playing radios before 7:00am.
4. Eliminate or edit municipal code language defining the central traffic core drafted in the 1950's.
5. With direct link to city agencies, create central point of contact for complaints. Use database to track and evaluate at the pilot's end.
6. Utilizing all stakeholders, devise a plan for educating customers and residents about the new changes prior to the change in collection hours are implemented.
7. Disposal Association should create a list of design standards for trash areas in new developments to facilitate quieter, more expedient entries and exits. Share these design recommendations with the Redevelopment agency.
8. The Refuse Collection Task Force should continue to meet quarterly to review issues and feedback.

Lessons Learned

- Broad based buy-in is a more efficient process than running an idea up the flagpole and opening a proposal to opposition. City Council sincerely appreciated the diligence of this task force.
- Recyclers need to be present for discussion, but they're not organized as a group, which added challenges.
- Education upfront is key to managing expectations of outcomes.
- An education campaign that involves all stakeholders provides wider coverage and fewer complaints.

Evaluation: The pilot program received minimal complaints, which decreased over the year as the program adjusted to the feedback.

Other information: The city adopted the pilot as standard operation and has since implemented this early collection model in other areas of the city.

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