TO: Mayor and City Council

SUBJECT: Ordinances Amending Chapters Pertaining to Entertainment Establishments, Amending Section 15.01.110 of the Fire Code and Section 5.05.030 of the Code of the City of Wichita Relating to the Old Town Entertainment District

INITIATED BY: Wichita Police Department

AGENDA: New Business

Recommendation: Place the proposed ordinances on first reading and authorize all necessary signatures.

Background: In 2014, the City Council enacted ordinances establishing the Old Town Entertainment District. These ordinances provided for mandatory penalties for certain criminal offenses occurring within the Old Town area. These ordinances have been effective in reducing criminal activity in this area.

Substantial police resources continue to be expended on Friday and Saturday evenings when large crowds of patrons are dispersed from drinking and entertainment establishments. Establishments with high occupancy counts, all dispersing patrons at the same time, compound this problem. Police resources utilized in this area have included additional patrol officers, mounted patrol as well as traffic officers to assist with revised traffic flow plans. This has placed a strain on limited resources to adequately service all citizens within the South Patrol Bureau.

Over the past year, a committee was formed to address Old Town Safety issues. Staff from the Police and Fire departments, club owners, as well as community partners, have worked on revising ordinances to address a number of these issues.

Analysis: As a result of its work, the Old Town Safety Committee proposes the following ordinance amendments:

1. Amendments to the Fire Code are proposed to provide for a mandatory minimum fine of $500 for a first offense of an overcrowding violation that occurs on premises licensed as an entertainment establishment. A second conviction would require the court to assess a $1,000 fine. Currently, no minimum fine is required and left to the court’s discretion.

2. Amendments are proposed to the Old Town Entertainment District ordinances to add sexual battery, lewd and lascivious behavior and sex trafficking to those offenses, which require a mandatory fine and allow the court to map the offender out of the District as a condition of probation.

3. A number of changes are recommended to licensing provisions for entertainment establishments. These include:
   - Music must stop 30 minutes before closing time;
   - At the time of licensing, a complete safety plan must be presented which requires approval by the Chief of Police. The plan includes: procedures for crowd management, procedures for adhering to occupancy and drinking age requirements as well as
procedures to handle violent incidents and emergencies;

- Improved revocation and suspension procedures to allow the Chief of Police, after a notice and hearing, to impose additional conditions at the time of licensing or in lieu of suspension or revocation of the license; and

- Ability of the Police Chief or Duty Chief to require entertainment establishments to be temporarily closed or entertainment stopped if public safety concerns require business to cease operation.

Lastly, certain additional requirements are proposed on large entertainment establishments in the Old Town District. These conditions are imposed on premises licensed as an entertainment establishment and which:

- Have a capacity of 275 people or more if no alcohol is served;
- Have a capacity of 200 people and above and is a licensed drinking establishment; or
- Have a capacity of 200 people and above and allows alcohol to be brought onto the premises; or
- Have a capacity of 275 people and above and is a drinking/restaurant or an event center.

For clubs that fall within these categories:

- Clubs must use ID scanners on Friday and Saturday evenings or for special events;
- Signs must be posted to notify patrons of their responsibility to exit premises in an orderly and timely manner at closing time; and
- No patron under the age of twenty-one (21) years may be on the licensed premises after midnight.

Old Town entertainment establishments, including the Old Town Association were supportive of the additional requirements.

**Financial Considerations:** None.

**Legal Considerations:** The ordinances have been prepared and approved as to form by the Law Department.

**Recommendations/Actions:** It is recommended that the City Council place the ordinances on first reading and authorize the necessary signatures.

**Attachments:** Ordinances.