

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY OF SCOTTSDALE,  
MARICOPA COUNTY, ARIZONA, ADDING ARTICLE IV,  
SECTIONS 23-50 THROUGH 23-72 TO CHAPTER 23 OF  
THE SCOTTSDALE REVISED CODE FOR THE  
REGULATION OF PUBLIC SAFETY PLANS

BE IT ORDAINED by the Council of the City of Scottsdale as follows:

Section 1. Article IV, Sections 23-50 through 23-72 are hereby added to Chapter 23 of the Scottsdale Revised Code as follows:

**Article IV. Public Safety Plans.**

**Sec. 23-50. Purpose.**

The purpose of this ordinance is to promote the general health, safety and welfare of citizens, visitors, businesses and the community in general by requiring certain types of businesses within the city to file, follow and keep current a public safety plan.

**Sec. 23-51. Definitions.**

In this article, unless the context otherwise requires a different meaning:

*Business* means a corporation, limited liability corporation, company, partnership, any other type of fictitious person or in the event the business is not owned by a fictitious entity, the individual owners. A business does not mean a governmental agency or entity, or a non-profit organization organized for charitable or religious purposes.

*Chief of Police* means the Chief of the Scottsdale Police Department, or designee.

*Disc jockey or DJ* means a person who actively plays, mixes or arranges sounds or music by using turntable(s), computer(s), and/or other electronic device(s) and may emcee or otherwise perform for patrons within a business, whether or not that person interacts with patrons within a business.

*Live entertainment* means live entertainment as defined in Section 3.100 of Appendix B of this code.

*Peak hours* means those hours listed on an approved public safety plan as being a businesses' peak hours of operation.

*Private event* means an event not open to the general public where either live entertainment or a DJ perform and the event is by invitation only. Invitation only does not include an event where members of the public may purchase tickets in advance or at the door.

*Promoter* means a person who contracts for or arranges with a business, that either serves liquor that is consumed on premises or provides a DJ or live entertainment, to provide any activity, and who is responsible for or organizes the presentation of the activities or events.

*Public Safety Incident* means an incident classified as a felony under state law consisting of a riot, a brawl or a disturbance, in which bodily injuries are sustained by any person and such injuries would be obvious to a reasonable person, or tumultuous conduct of sufficient intensity as to require the intervention of a peace officer to restore normal order, or an incident in which a weapon is brandished, displayed or used. Public Safety Incident does not include the use of nonlethal devices by a peace officer.

*Security officer* means an employee of a business whose primary responsibilities include the security and safety of the employees, patrons and premises of a business regulated by this article.

*Security personnel* means security officers and management personnel responsible for the day to day activities of security officers.

### **Sec. 23-52. Applicability.**

This article is applicable to businesses within the city that operate any location or facility classified as an Assembly Group A-2, A-3 or A-4 Occupancy pursuant to Chapter 36 of this code and engage in one or more of the following activities:

- a. Age verification is requested for admittance;
- b. Provide a disc jockey;
- c. Provide an adult service as defined in Section 16-237;
- d. A teen dance center as defined in Section 16-391;
- e. Or utilize a promoter.

### **Sec. 23-53. Exemptions; movie theatres; special and private events.**

This article is not applicable to:

- a. Movie theatres;
- b. An event being held pursuant to a city issued special events permit provided that the business is operating in accordance with the conditions of that permit;
- c. Or a private event.

**Sec. 23-54. Public safety plan required; non-transferable.**

- a. It shall be unlawful for any business required by this article to have a public safety plan to operate without a city approved public safety plan.
- b. A public safety plan required by this article is in addition to any other approval, license or permit required to engage in business by the city, county, state and federal governments, and shall be nontransferable, either person-to-person or location-to-location.

**Sec. 23-55. Public safety plan submittal.**

Every business requiring a public safety plan shall furnish to, on forms provided and developed by, the Chief of Police the following information:

- a. Plan of operation including a crowd management plan, hours of operation and a listing of peak hours;
- b. Site/building information;
- c. Copy of floor plan and city approved occupancy limit;
- d. Safety conditions;
- e. Patron parking, ingress and egress, vehicular and pedestrian traffic control, if applicable;
- f. Listing of management personnel;
- g. Staffing including the number of security and operations personnel;
- h. Contact person and information designating who can receive complaints from the public and/or city on behalf of the business;
- i. Evacuation routes; and
- j. Any additional criteria required by the Chief of Police.

**Sec. 23-56. Public safety plan review and approval time frames.**

- a. Administrative time frame: Unless the public safety plan has already been approved, within fifteen (15) days after receiving a public safety plan submittal under this article, the Chief of Police will determine whether the application is administratively complete, and notify the applicant as set forth in Chapter 16, Article I.
- b. Substantive review time frame: Within forty-five (45) days after the notice of administrative completion, the city will complete its substantive review of the license application.
- c. Overall time frame: Within ninety (90) days, subject to any authorized extensions, after receiving a public safety plan submittal pursuant to this article, the Chief of Police will approve or deny the public safety plan.
- d. The time frames provided for in this section are suspended if a public safety plan submittal has been determined to be administratively incomplete or a supplemental request has been made during the substantive review period until the applicant corrects any deficiencies or responds to a supplemental request for information.

**Sec. 23-57. Special requirements.**

No public safety plan shall be approved pursuant to this article that does not contain all of the following requirements:

- a. Staffing of at least one (1) security officer per fifty (50) patrons for the first 500 (500) patrons and at least one (1) additional security officer per seventy five (75) patrons thereafter during peak hours. In the alternative, for businesses where sixty percent or more of total gross sales are food sales and upon presentation of proof that is satisfactory to the Chief of Police substantiating such sales, the Chief of Police may authorize such a business to have staffing of at least one (1) security officer per seventy five (75) patrons during peak hours.
- b. That all security personnel attend training provided by the city or an entity designated by the city within thirty (30) days of hire that at a minimum covers, general security training, liquor law compliance, crowd management and fire safety. All security personnel shall attend refresher training provided by the city or an entity designated by the city every two (2) years from the date of their initial training.
- c. That all security personnel review and be familiar with the public safety plan for their employing business.
- d. That a business with two (2) or more public safety incidents within a one (1) week period or three (3) or more public safety incidents within a one (1) month period be required to retain the services of a minimum of two (2) off-duty peace officers to supplement existing security personnel during peak times for a minimum period of three (3) months or until at least three (3) consecutive months have gone by without two (2) or more public safety incidents, which ever period is longer. In the alternative based on the size and type of venue, occupancy and nature of the triggering public safety incidents, the Chief of Police may reduce the requirement above for two (2) off-duty peace officers to one (1) off-duty peace officer.
- e. That a business with one (1) or more public safety incidents involving the use or threatened use of a deadly weapon or deadly instrument be required to retain the services of a minimum of two (2) off-duty peace officers to supplement existing security personnel during peak times for a minimum period of three (3) months or until at least three (3) consecutive months have gone by without any public safety incidents involve the use or threatened use of a deadly weapon or deadly instrument, which ever period is longer. In the alternative based on the size and type of venue, occupancy and nature of the triggering public safety incidents, the Chief of Police may reduce the requirement above for two (2) off-duty peace officers to one (1) off-duty peace officer.
- f. That all security personnel wear an appropriately styled shirt or jacket with the word "Security" on both the front and back in two (2) inch lettering that is clearly

visible. The Chief of Police may waive this requirement upon good cause, if the business is able to demonstrate to the Chief's satisfaction that this requirement can be met through alternative means such as the wearing of metal security badges, pins or embroidered patches.

**Sec. 23-58. Duration and renewal.**

a. A public safety plan approved by the Chief of Police shall be valid for a period of two (2) years.

b. All businesses required to have a public safety plan shall submit a new public safety plan at least ninety (90) days prior to the expiration of their current plan.

**Sec. 23-59. Non-acceptance and denial.**

a. The Chief of Police shall not accept a public safety plan submittal if the application is incomplete.

b. The Chief of Police shall deny approval of a public safety plan submittal if:

1. All requirements for the public safety plan have not been completed; or
2. The applicant is a corporation or other fictitious entity not qualified to transact business in Arizona; or
3. The applicant is delinquent in payment to the city of any taxes, fees, fines, or penalties imposed upon the applicant, or arising out of any other business activity owned or operated by the applicant and licensed by the city.

**Sec. 23-60. Information update.**

All businesses required to have a public safety plan shall give written notice to the Chief of Police of any material changes in information submitted in connection with a submittal or approved public safety plan. This information shall be provided to the Chief of Police within thirty (30) days of any such change.

**Sec. 23-61. Revocation; grounds.**

a. Failure to comply with the terms and conditions of an approved public safety plan on two (2) or more occasions within a one (1) year period constitute grounds for the revocation of a public safety plan approved pursuant to this article.

b. The Chief of Police shall be responsible for initiating revocation proceedings. Any such proceedings shall follow the provisions for revocation found in Chapter 16, Article I.

**Sec. 23-62. Review and appeals.**

Any person aggrieved by any decision with respect to either the denial of or a refusal to issue a public safety plan, or the revocation of a public safety plan, shall be entitled to the review and appeal procedures provided in Chapter 16, Article I.

**Sec. 23-63. Additional regulations and criteria.**

- a. The Chief of Police may develop reasonable regulations to implement this article as well as establish additional criteria for the submittal and approval of public safety plans.
- b. Any additional regulations and criteria developed by the Chief of Police shall be subject to approval by the City Attorney, filed with the City Clerk's office and posted on the City's website.
- c. No new regulation or criteria created by the provisions of this section shall be effective until thirty (30) days after being filed with the City Clerk.

**Sec. 23-64. Authority to enforce violations of this article; means of enforcement.**

- a. The City Manager or designee, Fire Chief or designee, a Scottsdale police officer, or the City Attorney may issue civil complaints to enforce violations of this article.
- b. Any person authorized pursuant to this section to issue a civil complaint may also issue a notice of violation specifying actions to be taken and the time in which they are to be taken to avoid issuance of a civil or criminal complaint.
- c. A Scottsdale police officer or the City Attorney may issue criminal complaints to enforce this article.

**Sec. 23-65. Onsite records required; inspections.**

- a. Each business required to have an approved public safety plan shall maintain onsite a current copy of the plan, proof that all security personnel have completed the training required by this article and proof that all security personnel have reviewed the public safety plan. These records shall be made available for inspection and review upon the request of the Chief of Police or designee, the City Manager or designee or the Fire Chief or designee whenever occupied.
- b. The premises of a business required to have a security and safety plan shall be open to inspection to verify compliance with an approved plan whenever occupied by the Chief of Police or designee, the City Manager or designee or the Fire Chief or designee.

c. All security personnel that have completed the training required by this article shall carry proof of such completion upon their person while on duty and present it to any Scottsdale police officer upon demand.

**Sec. 23-66. Failure to follow public safety plan.**

It shall be unlawful for a business to fail to follow the requirements of a city approved public safety plan.

**Sec. 23-67. Mandatory Reporting.**

Any business regulated by this article shall immediately report to the Scottsdale Police Department any act constituting a public safety incident that occurs on its premises located within the City of Scottsdale.

**Sec. 23-68. Penalties.**

- a. A first violation of this article is a civil offense and shall be punished by a fine of not less than five hundred dollars (\$500.00) per violation.
- b. A second or subsequent violation of this article within one (1) year of conviction of a first violation is a class one misdemeanor and shall be punished, in addition to any other penalties authorized by law, by a fine of not less than one thousand dollars (\$1,000.00) per violation.
- c. The court shall not suspend any part of any fine required by this section.

**Sec. 23-69. Remedies cumulative.**

All remedies prescribed by this article shall be cumulative and supplemental and the use of one (1) or more remedies by the city shall not bar the use of any other remedy for enforcing this article.

**Sec. 23-70. Conflicting provisions conditional use permits.**

Where a provision of a public safety plan approved pursuant to this article is in conflict with a provision of a security, maintenance and operations plan included as a stipulation of a conditional use permit, the provision which establishes the higher standard for the protection of the public health and safety shall prevail.

**Secs. 23-71 – 23-72. Reserved.**

PASSED AND ADOPTED by the City Council of the City of Scottsdale this \_\_\_\_ day of \_\_\_\_, 2013.

ATTEST:

CITY OF SCOTTSDALE, an Arizona

municipal corporation

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Carolyn Jagger  
City Clerk

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W. J. "Jim" Lane  
Mayor

APPROVED AS TO FORM:

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Bruce Washburn, City Attorney  
By: Luis E. Santaella, Senior Assistant City Attorney