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## Sec. 5.07.123. Downtown Safe Scape Area and Buffer Area standards.

### PURPOSE

The purpose of this section is to: (i) safeguard property and promote public health, safety and welfare in and around the businesses; (ii) prevent crime, illegitimate behavior and nuisance behavior in and around the businesses; (iii) protect the City's investment in the redevelopment of the downtown areas, (iv) maintain and revitalize downtown property values; (v) preserve and improve the quality of the City's downtown neighborhoods and commercial districts; and (vi) preserve and improve the quality of urban life.

- (a) **Applicability.** This section applies only to businesses with a package wine and beer license or a package alcoholic beverage license within the following areas: (i) Downtown Safe Scape Area and Downtown Safe Scape Buffer Area, as depicted in Figure 1 (Downtown Safe Scape Area and Downtown Safe Scape Buffer Area Map), and (ii) East 4<sup>th</sup> Street Corridor Safe Scape Buffer Area as depicted in Figure 2 (East 4<sup>th</sup> Street Corridor Safe Scape Buffer Area Map). The border in Figure 1 shall be measured to the centerline of the identified streets. The Buffer Areas depicted in Figure 1 and Figure 2 shall measure 1,000 feet outward from the Downtown Safe Scape Area and the East 4<sup>th</sup> Street, respectively. All existing businesses shall have eighteen months from the effective date of this ordinance to comply with this provision. The following exceptions apply:

- (1) Off-Site sales as an incidental use.
  - a. Businesses having not more than 2,500 square feet of distinct floor space utilized for the sale of alcoholic beverages for off-site consumption which are located within, and accessory to, a primary business with a minimum of 20,000 additional square feet of floor space, if such distinct and accessory business is located entirely within the primary business and has neither an outdoor storefront nor a door leading immediately to the outdoors; or,
  - b. Businesses which hold a valid on-premise wine and beer license or an on-premise alcoholic beverage license in compliance with sections 5.07.150 and 5.07.160 respectively, where the sale of alcoholic beverages for off-site consumption is accessory to and located within the primary business.

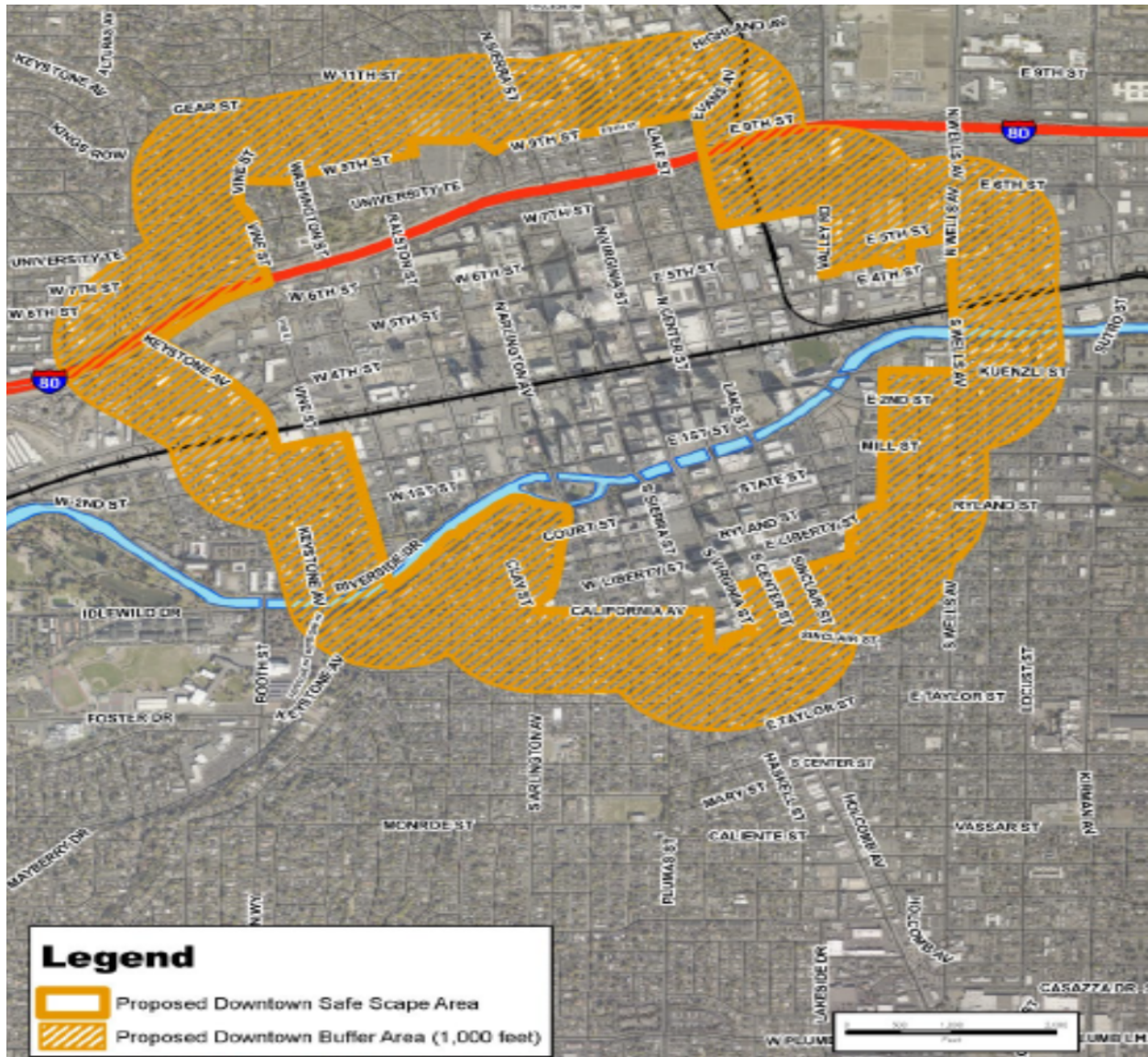


Figure 1





**Figure 2**

**(b) Operating Hours and Conditions.**

- (1) Hours of Operation. A business subject to this chapter shall operate during the hours allowed per the designated zoning regulations and requirements unless otherwise conditioned.
- (2) Height Marker. A height marker shall be placed at each exit to enable witnesses to a crime to estimate the height of the perpetrator.
- (3) Storage. Outdoor storage of merchandise, boxes and other materials is prohibited.

**(c) Products offered for sale.**

- (1) Fresh or frozen perishable foods. At least ten percent (10%) of the retail floor space must be dedicated to fresh or frozen perishable foods. Accessory uses, as defined in Title 18, are exempt from providing a

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minimum area designated to fresh or frozen perishable foods if the use is accessory to a hotel with non-restricted gaming use, food processing facility, restaurant with alcohol service, bar, or pharmacy.

(2) The sale or distribution of the following shall be prohibited:

- a. Wine in containers of less than 750 milliliters.
- b. Beer, malt liquor, wine coolers, and similar alcoholic beverages in containers of less than 20 ounces not in original factory packages of four-packs or greater.
- c. Distilled spirits in containers of less than 375 milliliters.
- d. Paper or plastic cups in quantities less than their usual customary packaging.

(3) Businesses located in the Downtown Safe Scape Buffer Area shall comply with the provisions of RMC 5.07.123(c)(2) above between the hours of 8:00 a.m. and 5:00 p.m.

(d) **Surveillance.**

- (1) Entry Detectors. A detector shall be placed at each entrance of the business open to the public to alert the sales clerk, other store personnel and customers of the entrance or exit of any customer or other person.
- (2) ATMs and Vending Machines. All automated teller machines and vending machines shall be located inside the building, mounted securely to the floor and/or wall, located so as not to block required views of the cashier, within direct line of sight of the cashier, and not less than ten feet from the edge of any entrance or exit.

(e) **Video Surveillance Cameras.**

- (1) Each business shall have video surveillance cameras that allow sales clerks or other employees to monitor interior and exterior activities. These cameras shall always be recording at all times during which the business is open to the public. The data collected by the cameras shall be stored for at least 24 hours.
- (2) Each business shall have a minimum of one sign in a conspicuous location stating that the premises is under active video surveillance.

(f) **Visibility.**

- (1) The total area of opaque objects, including but not limited to items such as signs, displays, coolers, merchandise, automatic teller machines, and calling card vending machines, which are located on or within three horizontal feet of the window shall not exceed twenty-five percent (25%) of the area of any window or door glass.
- (2) Existing glass coverage on the storefront (including glass doors and windows) and other exterior glass coverage adjacent to and generally parallel to a public street or other public right-of-way shall not be reduced or eliminated.

(g) **Window and Facade Security.**

- (1) Metal security bars or grates on windows, when used on a side of a building facing a public right-of-way, shall be located on the interior side of the window.
- (2) The style and shape of windows must be consistent with the design of the facade, and with any design guidelines adopted by the City for the area in which the business is located.

(h) **Door Security.**

- (1) Metal accordion grate or grill-type doors, when located on the wall of a building facing a public right-of-way when such a building is subject to this section, shall be located within the building interior.

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Metal accordion grate or grill-type doors shall be equipped with metal guide tracks at top and bottom, and a cylinder lock and/or padlock. The bottom track shall be so designed that the door cannot be lifted from the track when the door is in a locked position.

(i) **Outdoor Merchandise.**

- (1) Outdoor merchandise and outdoor displays and racks shall not be permitted between the front facade of the main building and the adjacent right-of-way.

(j) **Compliance Review.**

- (1) **Review Process.** Each time a business subject to this chapter seeks a new license or renewal of an existing license, the City may conduct a review of the business for compliance with this section. The City may enter upon and review each business for compliance with the provisions (including all guidelines) of this section. No review shall take place within the first six months after the effective date of this section. To the extent the time frame for such provision has passed, the City's inspection may include a compliance review of all such provisions. This section does not preclude the City's ability to conduct unscheduled compliance checks related to this chapter.
- (2) **Annual Review.** Upon renewal of the annual business license affiliated with the privileged package alcohol license, the city council may review the history of the business and consider approving, denying or conditioning the renewal of the license as it considers appropriate. Conditions may include, but are not limited to, requiring a security employee or contractor during specified hours and/or modifying hours of operation.
- (3) **Noncompliance.** If a business is in noncompliance with the provisions of this section, it shall serve as grounds for suspension, revocation or non-renewal of the business's license for the sale of alcoholic beverages for off-site consumption pursuant to RMC 4.04.190, with the following additional provisions:
  - a. A business must comply with the provisions of this section in order to receive a new or renewed business license for the sale of alcoholic beverages for off-site consumption.
  - b. Two violations of RMC 5.07.123(c) within any 12-month period shall result in a mandatory 30-day suspension of the license for the sale of alcoholic beverages for off-site consumption.
  - c. Three violations of RMC 5.07.123(c) within any 12-month period shall result in a mandatory revocation of the license for the sale of alcoholic beverages for off-site consumption.
  - d. Any business license suspension or revocation under this chapter shall be subject to the appeal process provided in RMC Chapter 4.04.
  - e. If a business seeks renewal of an existing license but is denied renewal for failure to comply with the provisions of this section, then so long as the business voluntarily ceases selling packaged alcohol, it shall have six months to comply with the provisions of this section. If the business fails to comply with the provisions of this section within six months from the date it voluntarily ceases to sell packaged alcohol, such failure shall result in the mandatory revocation of the license for the sale of alcoholic beverages for off-site consumption.

(k) **Other Penalties.**

- (1) Any person operating, maintaining or using any premises that is subject to this section or who causes the same to be done in violation of this section shall be guilty of a misdemeanor and shall be punished as provided in Title 1 of the RMC. This provision is in addition to any other remedy allowed by law.

(l) **Nuisances.**

- (1) Any premises subject to this article that is operated, maintained, or used contrary to the provisions of this article is declared to be unlawful and a nuisance. The City has cause to commence action or

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proceedings to seek remedy in the manner prescribed by law. The City shall take such steps and apply to such courts for relief to abate such nuisance, and restrain and enjoin any person, firm, or corporation operating, maintaining, or using any such premises contrary to the provisions of this article.

Editor's note(s)—Ord. No. 6618, § 1, adopted January 12, 2022, repealed the former § 5.07.123, and enacted a new § 5.07.123, as set out herein. The former § 5.07.123, pertained to package alcohol license moratorium established and derived from Ord. No. 6083, § 1, 1-28-09; Ord. No. 6116, § 1, 7-15-09; Ord. No. 6136, § 1, 1-20-10.