

Guidelines for Entertainment Districts with Open Container Policies

Summary

Recent Trend: “Entertainment District” Legislation

A recent trend in the Southern and Midwestern U.S. states of Nebraska and Alabama is state legislation that allows a city to designate an area as an “entertainment district” (henceforth to be referred to as “ED”). Within these designated areas, bar patrons are permitted to carry open containers of alcohol in “to go cups.”

Mobile, Alabama and Lincoln, Nebraska are two cities with active dining and entertainment districts where implementation of this legislation is being considered. The development climate in these districts differs, however. Lincoln’s nightlife district has a single property owner that leases space to licensed establishments, while Mobile has a variety of property owners to coordinate this initiative with. This factor may influence the ease of planning for an entertainment district designation.

How it Works:

In Nebraska: The city will not need to work with the state liquor control commission to revoke the ED license for venues if the initiative is not deemed a success or contributes to negative impacts.

In Alabama: City council is required to set the boundaries of an ED so that they do not exceed ½ mile by ½ mile (not required to be linear dimensions). State law authorizes any liquor license to apply for and receive a special license. The city has the right to create additional rules and regulations, and revoke ED licenses.

Consideration of Nearby Residential: According to Alabama’s state law, if a city designates an area as an ED, city council has declared this area unfit for residences. Residential development will not be prohibited, yet it may not be as attractive as in other areas.

One universal cup (labeled with an official logo) will be provided to all participating businesses, which is permissible to be carried outside.

Benefits of an Open Container Policy within a Designated ED

Potential benefits of establishing this policy include:

- Enhanced perception of vibrancy and street life at night.
- Allowing patrons to consume alcoholic beverages in sidewalk cafes. Current ABC law in NE states that alcohol cannot be served in a sidewalk café, because it is not part of the licensed premise.
- Improved customer service in permitting customers to finish beverages outside. (Staff reminding patrons to finish beverages prior to leaving the premises is a reported friction point.)

Another potential benefit is that the designated ED policy may serve as leverage to address other, preexisting challenges and require upgrades to venue best practices as a prerequisite to business participation. Further, this new legislation may prompt legislators to review and update antiquated ordinance language pertaining to alcohol laws.

Negative Impacts and Risk Factors to Address

If not well planned, managed and policed, allowing an open container policy within an entertainment district can exacerbate existing challenges to public safety and quality of life, as well as create new risks.

Accountability for patron behavior and intoxication outside the interior of a venue's premises is already a highly contentious topic. Allowing patrons to congregate outside with open containers further blurs the line of accountability and responsibility for behavior.

In cases with a single property developer with a cluster of licensed establishments, cities may consider requiring that this developer take on a higher degree of responsibility for the smooth functioning of an ED. For example, provision of extra security to monitor parking lots and the open space area where drinks can be consumed outside can alleviate impacts without generating additional policing needs for public safety departments with already strapped budgets. Additional considerations are below.

Planning and Management Considerations for an ED should include:

- **Public Space Design Where Drinks are Allowed:**
 - How will this space be designed? This factor can influence the perception of control or chaos in the open space.
 - Will tables and chairs be provided for the evening and then subsequently removed? Where will they be stored?
 - Will there be a plaza or open space where open drinks can be consumed?
 - Are sidewalk widths adequate to support additional outdoor crowds? If not, will streets need to be closed?
 - Will music be allowed in this space?
 - Will additional lighting be required to monitor activities?
- **Boundaries of the ED:**
 - Signage to inform patrons of the boundaries of the ED.
 - Will there be clearly delineated barriers to indicate where drinks can be consumed outside? What type of barrier is most appropriate?
 - Enforcement of the boundaries of the ED, so that open containers are not carried out past the boundaries.
- **Public Education for Patrons on Rules:**
 - The boundaries and hours of operation of the ED where/when open containers are allowed.
 - Current law states that open containers may be carried outside of an establishment to be consumed on the street, but they cannot be brought into a venue.
- **Hours of Operation**
 - Will open containers be allowed 24/7 or during specific time periods?
- **Trash Management Policy:**
 - Are there sufficient trash receptacles to handle an anticipated increase in to-go cups?
 - Will trash pick-up need to be increased in frequency?
 - Trash cans may need to be placed at front door of venues.
 - Trash cans may need to be placed at the boundaries of the ED, so that they can be confiscated and thereby not carried outside the ED boundaries.

Suggested Venue Best Practices:

- Trash cans in front of venues with a sign that states, “Deposit to-go cup here.” (If patrons cannot bring in their to-go cups from outside, they will need to dispose of them in a convenient location next to the venue they wish to enter so that the cups do not become litter.)
- Clearly identifiable staff uniforms.
- Staff to patron ratio requirements.
- Line queuing policies to keep sidewalks clear.
- **Security Monitoring:**
 - What security entity will be responsible for monitoring outdoor drink consumption? Will this be an additional responsibility of existing police officers? Or will venues provide additional security staff for this purpose?
- **Parking Lots**
 - Even in entertainment districts that don’t allow open containers, parking lots are notorious destinations for pre-loading/pre-partying, where underage or of age individuals drink alcohol in parking lots. Alcohol containers and red Dixie cups are already frequently collected litter items.
 - What additional security monitoring will be provided to ensure bar patrons do not bring home official “to go cups” and pour alcohol into them from their car, to be consumed on the street?
- **Noise management:**
 - How to keep sound levels contained to maintain quality of life of residents?
- **Underage drinking prevention**
 - How will underage access to alcohol be prevented in areas where drinks are consumed outside?
 - Will 18-20 year olds be allowed to intermingle and socialize with 21+ peers?
 - If drinks are purchased by 21+ bar patrons and passed to under 21s, how will security staff recognize individuals who are not of drinking age?
 - Will wristbands be used to distinguish 21+ patrons?
 - Or will the ED be off-limits to 18-20 year olds? If this is the case, will ID checks be conducted at the boundaries of the ED?

Cautionary Tale Against Street Closures

RHI’s 2012 webinar showcasing Tampa, Florida is a cautionary tale of the street party that can occur when streets are closed to car traffic. Tampa legislators decided to re-open streets to car traffic, but with stricter regulations on crowd management outside, such as venue queues and outdoor seating.

Webinar archive is available on RHI’s Sociable City Network.

Funding for Additional Costs

One potential way to fund additional costs associated with the ED is to create an overlay that requires businesses to pay an overlay fee to participate.

Review and Monitoring of Impacts or Benefits

State law provides cities with the authority to revoke the entertainment district designation that allows open containers.

So that this policy isn’t revoked arbitrarily, metrics and a trial period need to be established in order to monitor impacts and evaluate benefits.

Metrics to Evaluate Negative Impacts:

- Increased Calls for Service
- Increased costs for public safety services – police, fire, EMS

- Increased hospital visits (or visits to the detox center in Lincoln)
- Increased DUIs from businesses participating in the ED with open container policy
- Increased complaints from residents and daytime business owners
- Loss in business revenue (due to poor management of pre-loading/pre-drinking from cars)

Metrics to Evaluate Positive Impacts

- Increased business patronage
- Increased business sales
- Increased tourism activity

Models to Consider:

The following best practices and models would be an asset for any city with or without the state legislation proposing ED's with open containers.

Model Committee in Lincoln, NE

Lincoln has the benefit of an inter-disciplinary committee to examine the ED policy, as well as other issues pertaining to alcohol sales and service in the community. The committee is comprised of law enforcement, prevention advocates, students, bar owners, health department and planning representatives. The group is also tasked with monitoring last drink data and venue violations, conducting interventions, and recommending policies to the city.

Detox Holding Center in Lincoln, NE

Lincoln utilizes a detox holding center that serves as a medical facility with on-site nurses where intoxicated individuals are sent if they are not injured (as opposed to sending them to the hospital). The detox center can take individuals with BACs up to 0.35. They are held for 24/hours or released earlier if a responsible, sober individual signs an affidavit stating that they are willing to take responsibility for the individual.