

ORDINANCE NO. 27293

An ordinance adding CHAPTER 12B, "CONVENIENCE STORES," composed of Sections 12B-1 through 12B-20, to the Dallas City Code, as amended; defining terms; providing requirements and procedures for the registration of convenience stores in the city; providing requirements for convenience stores relating to surveillance camera systems, video recording and storage systems, alarm systems, drop safes, security signs, height markers, store visibility, safety training programs, and trespass affidavits; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the Dallas City Code, as amended, is amended by adding new CHAPTER 12B, "CONVENIENCE STORES," composed of Sections 12B-1 through 12B-20, to read as follows:

"CHAPTER 12B

CONVENIENCE STORES

ARTICLE I.

GENERAL PROVISIONS.

SEC. 12B-1. PURPOSE OF CHAPTER.

The purpose of this chapter is to protect the health, safety, and welfare of the citizens of the city of Dallas by reducing the occurrence of crime, preventing the escalation of crime, and increasing the successful prosecution of crime that occurs in convenience stores in the city. To this end, this chapter establishes a registration program for convenience stores and provides requirements relating to surveillance camera systems, video recording and storage systems, alarm systems, drop safes, security signs, height markers, store visibility, safety training programs, and trespass affidavits.

SEC. 12B-2. DEFINITIONS.

In this chapter:

(1) CERTIFICATE OF REGISTRATION means a certificate of registration issued by the chief under this chapter to the owner or operator of a convenience store.

(2) CHIEF means the chief of the police department of the city or the chief's authorized representative.

(3) CONVENIENCE GOODS means basic food, household, and pharmaceutical items.

(4) CONVENIENCE STORE means any business that is primarily engaged in the retail sale of convenience goods, or both convenience goods and gasoline, and has less than 10,000 square feet of retail floor space. The term does not include any business that has no retail floor space accessible to the public.

(5) DROP SAFE means a cash management device in which money can be deposited without the depositor having access to the contents.

(6) EMPLOYEE means any person listed on the payroll of a convenience store as an employee, whether part-time, full-time, permanent, or temporary. The term does not include a person providing only janitorial or security services to the convenience store.

(7) HEIGHT MARKER means a measuring strip that may be attached on or near a door frame of a convenience store to aid in identifying the height of a person suspected of committing a crime.

(8) MANAGER means the person designated in the registration application filed under this chapter as being responsible for the daily operation of a convenience store.

(9) PERSON means any individual, corporation, organization, partnership, association, or any other legal entity.

(10) REGISTERED AGENT means the person identified in the registration application filed under this chapter who is authorized to receive on behalf of the convenience store any legal process or notice required or provided for in this chapter.

(11) REGISTRANT means a person issued a certificate of registration for a convenience store under this chapter and includes all owners and operators of the convenience store identified in the registration application filed under this chapter.

SEC. 12B-3. AUTHORITY OF CHIEF.

The chief shall implement and enforce this chapter and may by written order establish such rules, regulations, or procedures, not inconsistent with this chapter, as the chief determines are necessary to discharge any duty under or to effect the policy of this chapter.

SEC. 12B-4. DELIVERY OF NOTICES.

Any written notice that the chief is required to give an applicant or registrant under this chapter is deemed to be delivered:

(1) on the date the notice is hand delivered to the applicant or registrant or the applicant or registrant's registered agent; or

(2) three days after the date the notice is placed in the United States mail with proper postage and properly addressed to the applicant or registrant or the applicant or registrant's registered agent at the address provided for the applicant or registrant or the registered agent in the most recent registration application.

SEC. 12B-5. VIOLATIONS; PENALTY.

(a) A person who violates a provision of this chapter, or who fails to perform an act required of the person by this chapter, commits an offense. A person commits a separate offense each day or portion of a day during which a violation is committed, permitted, or continued.

(b) An offense under this chapter is punishable by a fine of not less than \$250 or more than \$500.

(c) The culpable mental state required for the commission of an offense under this chapter is governed by Section 1-5.1 of this code.

(d) The penalties provided for in Subsection (b) are in addition to any other enforcement remedies that the city may have under city ordinances and state law.

ARTICLE II.**REGISTRATION OF
CONVENIENCE STORES.****SEC. 12B-6. REGISTRATION REQUIRED; FEES.**

(a) A person commits an offense if the person owns or operates a convenience store without a valid certificate of registration. A separate certificate of registration is required for each physically separate convenience store.

(b) It is a defense to prosecution under Subsection (a) that at the time of the alleged offense:

(1) the convenience store had been open for business less than 45 days; or

(2) the majority ownership of the convenience store had changed and the store had been open for business under the new ownership for less than 45 days.

(c) No fee is required for registration of a convenience store under this chapter.

SEC. 12B-7. REGISTRATION APPLICATION.

(a) To obtain a certificate of registration for a convenience store, a person must submit an application on a form provided for that purpose to the chief. The applicant must be the person who will own or operate the convenience store. The application must contain all of the following information:

(1) The name, street address, mailing address, and telephone number of the applicant.

(2) The name, street address, mailing address, facsimile number, and telephone number of the convenience store.

(3) The names, street addresses, mailing addresses, and telephone numbers of all owners of the convenience store and any lien holders and other persons with a financial interest in the convenience store, and the nature and extent of each person's interest in the convenience store.

(4) The name, street address, mailing address, and telephone number of the manager of the convenience store.

(5) The name, street address, mailing address, and telephone number of a person or persons who can be contacted 24 hours a day, seven days a week, in the event of an emergency condition involving the convenience store.

(6) The name, street address, mailing address, and telephone number of the registered agent for the convenience store.

(7) The form of business of the applicant (and owner, if different from the applicant); the name, street address, mailing address, and telephone number of a high managerial agent of the business, and, if the business is a corporation or association, a copy of the documents establishing the business.

(8) The total area in square feet of the convenience store.

(9) Such additional information as the applicant desires to include or that the chief deems necessary to aid in the determination of whether the requested certificate of registration should be granted.

(b) A registrant shall notify the director within 45 days after any material change in the information contained in the application for a certificate of registration for a convenience store, including, but not limited to, any changes in ownership of the property and any changes in the registered agent, manager, or emergency contact person for the property.

SEC. 12B-8. ISSUANCE, DENIAL, AND DISPLAY OF CERTIFICATE OF REGISTRATION; REGISTRATION COMPLIANCE DECAL.

(a) The chief shall issue to the applicant a certificate of registration for a convenience store, along with a registration compliance decal, if the chief determines that:

(1) the applicant has complied with all requirements for issuance of the certificate of registration; and

(2) the applicant has not made a false statement as to a material matter in an application for a certificate of registration.

(b) If the chief determines that the requirements of Subsection (a) have not been met, the chief shall deny a certificate of registration to the applicant.

(c) If the chief determines that an applicant should be denied a certificate of registration, the chief shall deliver written notice to the applicant that the application is denied and include in the notice the reason for denial and a statement informing the applicant of the right of appeal.

(d) A certificate of registration issued under this section must be displayed to the public in a manner and location approved by the chief. The certificate of registration must be presented upon request to the chief or any other peace officer for examination.

(e) A registration compliance decal must be continuously and conspicuously displayed above the main public entrance door to the convenience store.

SEC. 12B-9. REVOCATION OF REGISTRATION.

(a) The chief shall revoke a certificate of registration for a convenience store if the chief determines that the registrant:

(1) failed to comply with any provision of this chapter or any other city ordinance or state or federal law applicable to the convenience store; or

(2) intentionally made a false statement as to a material matter in the application or in a hearing concerning the certificate of registration.

(b) Before revoking a certificate of registration under Subsection (a), the chief shall deliver written notice to the registrant that the certificate of registration is being considered for revocation. The notice must include the reason for the proposed revocation, action the registrant must take to prevent the revocation, and a statement that the registrant has 10 days after the date of delivery to comply with the notice.

(c) If, after 10 days from the date the notice required in Subsection (b) is delivered, the registrant has not complied with the notice, the chief shall revoke the certificate of registration and deliver written notice of the revocation to the registrant. The notice must include the reason for the revocation, the date the chief orders the revocation, and a statement informing the registrant of the right of appeal.

SEC. 12B-10. APPEALS.

If the chief denies issuance or renewal of a certificate of registration or revokes a certificate of registration, this action is final unless the applicant or registrant files an appeal with the permit and license appeal board in accordance with Section 2-96 of this code.

SEC. 12B-11. EXPIRATION AND RENEWAL OF REGISTRATION.

(a) A certificate of registration for a convenience store expires one year after the date of issuance.

(b) A certificate of registration may be renewed by making application in accordance with Section 12B-7. A registrant shall apply for renewal at least 30 days before the expiration of the certificate of registration.

SEC. 12B-12. NONTRANSFERABILITY.

A certificate of registration for a convenience store is not transferable.

SEC. 12B-13. PROPERTY INSPECTIONS.

An applicant or registrant shall permit, at reasonable times upon request, representatives of the police department to inspect the interior and exterior of the convenience store, including but not limited to surveillance camera systems, for the purpose of ensuring compliance with this chapter and other city ordinances and state and federal laws applicable to convenience stores. The applicant or registrant commits an offense if, either personally or through an agent or employee, the applicant or registrant refuses to permit a lawful inspection of the convenience store as required by this section.

ARTICLE III.MISCELLANEOUS REQUIREMENTS
FOR CONVENIENCE STORES.SEC. 12B-14. SURVEILLANCE CAMERA SYSTEM; VIDEO RECORDING AND STORAGE.

(a) A registrant shall provide, maintain, and operate at least two color digital high-resolution surveillance cameras in the convenience store in compliance with this subsection.

(1) Each camera must be capable of providing a digital image that clearly depicts the facial features of the person being filmed. The recorded image must be of such clarity, quality, and detail that it is useful in identifying a person suspected of committing a crime.

(2) One camera must be positioned to provide coverage of the cash register or other area where money is exchanged. The other camera must be positioned to provide a clear and identifiable full frame view of the face of each individual filmed entering or exiting the main public entrance or exit of the store. The coverage of the cameras required by this paragraph must remain unobstructed by any display, sign, or other item.

(3) Each camera must be operating at all times, including hours when the store is not open for business. Each camera must be operated in a fixed position and not in a panning motion.

(4) Each camera must display the date and time of each recording.

(5) A sign stating "STORE IS UNDER CAMERA SURVEILLANCE," in letters at least two inches high, must be posted at each public entrance and exit of the convenience store and must be readable from inside and outside the store.

(b) A registrant shall provide for video recording and storage in compliance with this subsection.

(1) One or more digital video recording devices must be used to record images from each surveillance camera in the convenience store. Each recording device must be kept in a secured location that is remote from the surveillance cameras.

(2) The video recording devices must be designed, equipped, and operated, at a minimum, to digitally record images from the surveillance cameras every time motion occurs in the convenience store, whether or not the store is open for business.

(3) All digital video recordings must be maintained for at least 30 days.

(4) A digital video recording must be made available to the chief or any other peace officer for viewing as soon as possible after being requested. A copy of a digital video recording must be provided to the chief or any other peace officer within 72 hours after being requested.

SEC. 12B-15. ALARM SYSTEM.

(a) A registrant shall provide, maintain, and operate an alarm system in the convenience store in compliance with this section.

(b) A convenience store must have a silent panic or holdup alarm system for which a valid alarm permit is held in compliance with Article I, Chapter 15C of this code. The system must, at a minimum, include a panic button located within reach of the cash register and out of view of the customer. The panic button must generate an alarm signal indicating a holdup or other life-threatening emergency requiring a police department response.

(c) A sign indicating that an alarm system is in use must be posted at each public entrance and exit of the convenience store.

SEC. 12B-16. DROP SAFES.

(a) A registrant shall provide and maintain drop safes and signs in the convenience store in compliance with this section.

(b) A drop safe or similar device must be bolted to the floor of the convenience store.

(c) A sign indicating that employees cannot open the drop safe must be posted at each public entrance and exit of the convenience store.

SEC. 12B-17. SECURITY SIGNS; HEIGHT MARKERS.

(a) A registrant shall provide, post, and maintain security signs and height markers in the convenience store in compliance with this section.

(b) Signs stating "NO SOLICITATION" and "NO TRESPASSING," in letters at least two inches high, must be posted at each public entrance and exit of a convenience store. The signs may contain additional language as required by law and must be in a format approved by the chief.

(c) A height marker must be posted at each public exit of a convenience store.

SEC. 12B-18. STORE VISIBILITY.

(a) A registrant shall provide for and maintain visibility in a convenience store in compliance with this section.

(b) An unobstructed line of sight that allows a clear view of and from the cash register and sales transaction area through all windows and public entrance and exit doors must be maintained in the convenience store at all times. The unobstructed line of sight must, at a minimum, extend from three feet above the ground to at least six feet above the ground.

(c) Store windows and doors must be maintained clear of all items that would obstruct a clear view, including, but not limited to, signage, advertisements, shelving, and merchandise.

(d) All public entrance and exit doors of a convenience store must be made of glass or another transparent material, except that a convenience store lawfully operating in the city on October 15, 2008 is not required to comply with this subsection until there is a change in the majority ownership of the store.

SEC. 12B-19. EMPLOYEE SAFETY TRAINING; TELEPHONE ACCESS.

(a) A registrant shall ensure that safety training is provided for and completed by employees of the convenience store in compliance with this section.

(1) Each employee of a convenience store shall annually complete a safety training program offered by the city or otherwise approved by the chief. The safety training program must include, but is not limited to, the following subjects:

(A) Behavior before, during, and after a robbery.

(B) Opening and closing the store.

(C) Making a bank deposit.

(D) Operation of security devices.

(E) Physical deterrents and preventative measures.

(F) Knowledge of store policies and training requirements.

(2) Each employee must complete the safety training program within 10 days after beginning employment with the convenience store.

(3) Each employee shall sign a statement indicating the date, time, and place of completion of the safety training program. Copies of each employee's statements must be maintained on file in the convenience store for as long as the employee is employed by the convenience store. The statements must be made available to the chief or any other peace officer immediately upon request.

(b) Telephone access must be provided at each convenience store for use by employees.

SEC. 12B-20. TRESPASS AFFIDAVITS.

(a) A registrant shall execute a trespass affidavit, on a form provided by the chief for that purpose, that authorizes the police department to enforce, on behalf of the registrant, all applicable trespass laws on the premises of the convenience store.

(b) A true and correct copy of the trespass affidavit must be posted at the convenience store in a manner and location so that it is clearly visible to the public at all times."

SECTION 2. That the Dallas City Code, as amended, will remain in full force and effect, save and except as amended by this ordinance.

SECTION 3. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of CHAPTER 1 of the Dallas City Code, as amended.

SECTION 4. That this ordinance will take effect on October 15, 2008, except that Section 12B-19(a) (employee safety training) will take effect on January 15, 2009 and Section 12B-14 (surveillance camera system and video recording and storage system requirements), Section 12B-15 (alarm system requirements), and Section 12B-16 (drop safe requirements) will take effect on May 1, 2010, and it is accordingly so ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By 
Assistant City Attorney

Passed **AUG 27 2008**

LC/DCC/00447A