

ORDINANCE NO. 1862

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF EULESS, TEXAS, BY ADDING CHAPTER 60 "ROBBERY CRIME PREVENTION," ARTICLE I "CONVENIENCE STORES AND CHECK CASHING BUSINESSES"; CONTAINING FINDINGS, DEFINITIONS, PROVIDING REQUIREMENTS AND PROCEDURES FOR REGISTRATION AND OPERATION OF CONVENIENCE STORES AND CHECK CASHING BUSINESSES, AND PROVIDING FOR PENALTY AND SEVERABILITY.

WHEREAS, convenience stores and check cashing businesses were subject to high incidence of criminal activities in Euless from January 1, 2008 to December 31, 2008. From January 1, 2008 to December 31, 2008, Euless had a commercial robbery rate of 21 percent, with convenience stores alone suffering almost an 11 percent robbery rate.

WHEREAS, the City of Irving found in a 12 month period ending July 31, 2008 that 18 percent of all robberies occurred in convenience stores.

WHEREAS, the City of Arlington from January 1, 2008 to December 31, 2008 found 60 percent of all business robberies occurred at convenience stores, gas stations, and fast food establishments and accounted for 18 percent of the total robbery rate.

WHEREAS, the City of Bedford from January 1, 2008 to December 31, 2008 found that convenience stores accounted for 13 percent of the total robbery rate.

WHEREAS, the City of Hurst from January 1, 2008 to December 31, 2008 found that 13 percent of all robberies occurred at convenience stores and fast food locations.

WHEREAS, the City of Grapevine from January 1, 2008 to December 31, 2008 found that 10 percent of all robberies occurred at convenience stores.

WHEREAS, the police department determined in a review of numerous studies, practices of other jurisdictions, and its own research and experience that convenience stores and gas stations play a key role in promoting safety in their establishments.

WHEREAS, training employees in safety procedures, posting notice of crime prevention strategies in use, increasing visibility, and utilizing safety devices can increase the safety of store employees and customers; and

WHEREAS, the registration of convenience stores and check cashing businesses with the police official would facilitate the application and enforcement of this ordinance and other laws.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EULESS, TEXAS:

SECTION I

That the findings contained in the preamble of this ordinance are determined to be true and correct and hereby adopted as part of this ordinance.

SECTION 2

That the Code of Ordinances of the City of Euless, Texas, is hereby amended by adding a new Chapter 60, "Robbery Crime Prevention", Article I, "Convenience Stores and Check Cashing Businesses" that reads as follow:

Sec. 60-01. Definitions

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Check cashing business means an establishment that is engaged primarily in check cashing services or pay day loan advances, but provides little to no other banking services.

Convenience goods includes basic food, beverage, tobacco products, household, and/or pharmaceutical items.

Convenience store means any business that is primarily engaged in the retail sales of convenience goods and classified by the Euless Code of Ordinances Chapter 84 Section 84 as food stores less than 5000 square feet of retail floor space. This definition also includes any business that is primarily engaged in the retail sale of gasoline classified by the Euless Code of Ordinances Chapter 84 Section 84. Convenience store does not include any business where there is no retail floor space accessible to the public.

Drop safe means a cash management device where money can be deposited without the depositor having access to the contents.

Employee means any person who is employed in consideration of direct or indirect monetary wages, commissions, or profits, any contract employee, and any other person engaged in the operation of a convenience store or check cashing business.

Height strip means markings to aid in estimating the height of suspects.

Manager means the person designated by the owner to be responsible for the daily operation of a convenience store or check cashing business.

Police official means the chief of police or person he may designate to act as the official primarily responsible for the administration of this article.

Registered agent means the person identified by the owner of a convenience store in the registration filed pursuant to this article that is authorized to receive on behalf of the owner any legal process and/or notice required or provided for in this article.

Safety training program means the training program promulgated by the police department for convenience stores or check cashing businesses, or a nationally recognized training program adopted by the police official.

Sec. 60-02. Registration of Convenience Stores and Check Cashing Businesses

- (a) It shall be unlawful for any person to own or operate a convenience store or check cashing business in the city that has not been registered as required by this section. No fee shall be charged for the registration required by this section.
- (b) The owner of a convenience store or check cashing business shall register annually by providing to the police official the following information:
 - (1) The name, telephone number, facsimile number, and business or residence address of each owner; and if the owner is a corporation, whether foreign or domestic, the name of the registered agent of the owner and the telephone number and facsimile number and business or residence address of the registered agent, which address information shall include the street name and number, office or suite number if a business address, and the city, state, and zip code;
 - (2) The nature and extent of the owner's interest in the property; and
 - (3) The name telephone number, facsimile number, and business or residence address, including street name and number, city, state and zip code, of the current manager and, if the manager is other than an individual, the name, title, telephone number, facsimile number, and business or residence address, including street name and number, city, state and zip code of the individual to be contacted for any purpose under this article.

The use of a public or private post office box or other similar address shall not be sufficient for the purposes of complying with this subsection.

- (c) Any change of ownership of a convenience store or check cashing business including, but not limited to, the sale of the convenience store or check cashing business, or any ownership interest therein, shall require the purchaser or transferee to update the information provided for under subsection (b) of this section and to file the updated information with the police official within 30 days of the effective date of ownership change. The same requirement shall apply to

any change relating to the owner's registered agent and manager. A prior owner shall advise the police official that he no longer holds an ownership interest in the property.

- (d) No certificate of occupancy shall be issued for a newly constructed or established convenience store or check cashing business until the owner has complied with the provisions of this article.
- (e) After the owner of a convenience store complies with the provisions of this section, the police official will provide to the convenience store or check cashing business:
 - (1) A registration compliance decal which shall be displayed in a place visible to the public at the entrance door to the convenience store or check cashing business; and
 - (2) A registration statement, a true and correct copy of which shall be posted in the convenience store or check cashing business at all times in a conspicuous place accessible at all times to the public.
- (f) Compliance with the requirements of this section shall be deemed to meet the requirements of §§ 250.003 and 250.004 of the Texas Local Government Code.

Sec. 60-03. Employee, manager, and supervisory safety training

- (a) All newly hired employees, managers, and immediate supervisors of managers must complete a safety training program within 90 days of employment. Employees, managers, and immediate supervisors who are employed by a convenience store or check cashing business on the effective date of this article must complete a safety training program not later than 180 days following the effective date of this article.
- (b) All persons who complete the required safety training program shall sign a statement indicating the date, time and place the safety training program was completed. The owner shall keep the statements or copies of the statements on file in the convenience store for at least two years and make them available to the police official immediately upon request.

Sec. 60-04. Height strips; protection of inventory.

- (a) An owner or operator of a convenience store or check cashing business shall have height strips posted at all public exits.
- (b) An owner or operator of a convenience store or check cashing business shall secure, block, or mark off goods and inventory not available for sale in such a manner that customers cannot purchase such items while the establishment is open for business.

Sec. 60-05. Visibility

A convenience store or check cashing business shall maintain an unobstructed line of site allowing a clear view of and from the cash register and sales transaction area through all windows and public access doors. Such windows and doors must be clear of all items that would obstruct a clear view including, but not limited to, blinds, tinting, signage, advertisements, shelving, and merchandise. Such unobstructed line of sight must, at a MINIMUM, create a three foot vertical strip of visibility starting no lower than three feet above the ground and at a minimum extending to six feet above the ground.

Sec. 60-06. Alarm System

- (a) A convenience store or check cashing business shall have a silent panic alarm in accordance with Chapter 26, Article II of this Code. This system shall, at a minimum, include a panic button located within reach of the cash register and out of view of the customer. Such panic button will generate an alarm signal indicating a hold up or other life threatening emergency requiring a police department response.
- (b) A convenience store or check cashing business shall have posted at all public exits and entrances signs or decals indicating that a security alarm is in use.

Sec. 60-07. Drop Safe

- (a) A convenience store or check cashing business shall have a drop safe on the premises to keep the amount of cash available to employees to a minimum. A drop safe must be bolted to the floor. A drop safe may have a time-delay mechanism to allow small amount of change to be removed.
- (b) A convenience store or check cashing business shall have a cash accountability policy mandating the maximum amounts of cash that can be kept in cash registers.
- (c) A convenience store or check cashing business shall have posted at all public exits and entrances signs or decals indicating that employees cannot open the safe and that employees have minimum cash on hand.

Sec. 60-08. Surveillance camera system

- (a) A convenience store or check cashing business shall have a minimum of three color digital high-resolution surveillance cameras. The cameras shall have a minimum of 450 lines of resolution and a lux lower than 1. One camera shall be placed to capture view of the face of the customer at the service counter. Another camera shall be placed with the view of the main entrance/exit area. The third camera shall be placed with an exterior view of the parking lot.

- (b) The entrance/exit area camera shall be placed to provide a clear and identifiable full frame of the filmed individual's face entering or leaving the store.
- (c) The cameras shall be functional and provide views unobstructed by inventory or other matter, twenty-four hours a day, including when convenience store or check cashing business is not open for business and shall display the date and time of the recording.
- (d) The owner shall provide the police department with digital color images in connection with crime investigations upon request.
- (e) The owner shall maintain a library of the recorded digital images for not less than 30 days.

A convenience store or check cashing business shall have posted at all public exits and entrances signs or decals indicating that surveillance cameras are in use.

Sec. 60-09. Automated Teller Machines

Automated teller machines in convenience store or check cashing business shall be securely bolted to the slab in four corners of the machine, with bolts of a minimum size of 1 ½ inch diameter and six inches deep in length.

Sec. 60-10. Applicability

This article shall apply as follows:

- (a) For convenience stores or check cashing businesses, not currently in operation, or not possessing a completed building permit application, on the date of the passage of this article:
 - (1) Shall comply immediately with Sections 60-02 (registration), 60-04 (Height strips and protection of inventory), 60-05 (visibility), 60-06 (alarm system), 60-07 (drop safe), 60-08 (surveillance camera system), and 60-09 (ATM).
 - (2) All employees, managers, and owners shall receive the training as required in section 60-03 not later than 180 days following the effective date of this article which shall be January 1, 2010.
- (b) For convenience stores or check cashing businesses, in operation, or with a completed building permit application, on the date of the passage of this article:

- (1) All employees, managers, and owners shall receive the training as required in Section 60-03 not later than 180 days following the effective date of this article which shall be January 1, 2010.
- (2) The owner or operator of a convenience store or check cashing business shall comply with Sections 60-06 (alarm system), 60-07 (drop safe), 60-08 (surveillance camera system), and 60-09 (ATM) no later than one (1) year from the effective date of this article which shall be January 1, 2010.
- (3) The owner or operator of a convenience store or check cashing business shall comply with all other provisions of Chapter 60, Article 1, on the thirtieth (30th) day following the effective date of this article which shall be January 1, 2010.

SECTION 3

Any person, firm or corporation violating any of the terms and provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in accordance with Chapter 1, Section 1-12, Euless Code of Ordinances. Each such violation shall be deemed a separate offense and shall be punishable as such hereunder.

SECTION 4

That it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such invalid or unconstitutional phrase, clause, sentence, paragraph or section.

PRESENTED AND GIVEN FIRST AND FINAL READING AND APPROVED at a regular meeting of the Euless City Council on the 25th day of August, 2009, by a vote of ____ ayes, ____ nays, and ____ abstentions.

APPROVED:

Mary Lib Saleh
Mayor

ATTEST:

Susan Crim, TRMC
City Secretary

APPROVED AS TO FORM:

Bob McFarland
City Attorney