



MEMORANDUM

To: Mayor and City Council
From: Billy Grogan, Chief of Police
Date: August 28, 2023

Subject: Discussion of Ordinance to Provide for the Mandatory Use of Video Surveillance Systems at Convenience Stores, Service Stations, and High-Risk Retail Establishments

ACTION

Approve an ordinance to require mandatory use of video surveillance systems at convenience stores, service stations, and high-risk retail establishments.

BACKGROUND/SUMMARY

One of the most basic, fundamental responsibilities of government is to provide for the health, safety and welfare of all citizens and visitors to the City of Dunwoody.

Convenience stores, service stations, and high-risk retail establishments generally experience a high level of crime in and around their premises. In order to improve the safety of those individuals visiting these locations, the City believes the installation of a video surveillance system is a necessary requirement. Although some convenient stores, service stations, and high-risk retail establishments already have a video surveillance system, establishing certain requirements for these systems will be beneficial.

Some requirements of the ordinance include the establishment of camera technological standards, capabilities and placement, a requirement that cameras work 24/7, a requirement that all broken or non-functioning cameras be repaired within 10 days, and a notice of the use of a video surveillance system (VSS) be placed in a conspicuous place near the entrance.



A high-risk retail establishment is defined as a retail establishment that has been designated as that by the Chief of Police as a result of having more than six calls for police, as defined, within thirty days or having a serious crime, as defined, happen at that location.

This ordinance will be enforced by the Dunwoody Police Department and by Code Enforcement. The effective date of the ordinance for current convenience stores, service stations, and high-risk retail establishments is January 1, 2024. They will have 90 days from this date to comply with the ordinance. All new convenience stores, service stations, and high-risk retail establishments must be in compliance prior to opening.

RECOMMENDATION

Staff recommends the City Council adopt the ordinance adding Sec. 10-24 Video Surveillance Systems for Convenience Stores, Service Stations, and High-Risk Retail Establishments.

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AN ORDINANCE OF THE CITY OF DUNWOODY TO PROVIDE FOR THE MANDATORY USE OF VIDEO SURVEILLANCE SYSTEMS AT CONVENIENCE STORES, SERVICE STATIONS, AND HIGH-RISK RETAIL ESTABLISHMENTS

WHEREAS, the City of Dunwoody is charged with preserving the health, safety and welfare of the citizens of the City;

WHEREAS, the Mayor and City Council find that a significant number of violent crimes occur at convenience stores, service stations, and other high-risk retail establishments; and

WHEREAS, the Mayor and City Council find that in order to improve the health, safety and welfare of the citizens of the City residing in such communities, the installation of the video surveillance system is a necessary requirement.

NOW, THEREFORE, the Mayor and City Council of the City of Dunwoody, Georgia, hereby Ordains as follows:

Section 1: Chapter 10 (Business and Occupation Taxes, Licenses, and Regulations) of The City of Dunwoody, Georgia, Code of Ordinances is hereby amended by revising Article I ("In General"), by adding new Section 10-24 to read as follows:

Sec. 10-24. Video Surveillance Systems for Convenience Stores, Service Stations, and High-Risk Retail Establishments.

- (a) *Applicability.* The following regulations apply to all convenience stores, service stations, and high-risk retail establishments.
- (b) *Definition of Terms.*

Call for Police Service means and includes any call to law enforcement involving an actual or alleged criminal violation that results in an officer being dispatched or directed to a business establishment and any instance of officer-initiated activity resulting from an actual or alleged criminal violation at a business establishment.

Chief means the Chief of the Dunwoody Police Department or their designee.

Convenience Store means a retail establishment primarily engaged in the retail sale of convenience goods, including but not limited to basic food, tobacco, gasoline, and/or non-prescription pharmaceutical items primarily for off-premises consumption and typically having extended

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hours of operation in a small building of less than 10,000 square feet. This definition includes small retail stores located on the same parcel as, or operated in conjunction with, an automobile service or gas station.

Service Station means a retail gas station, a filling station, or any facility engaged in the retail sale of fuel for motor vehicles.

High-Risk Retail Establishment means a retail establishment that is not a convenience store or a service station, and has been designated as a High-Risk Retail Establishment by the Chief as a result of having more than ~~three six~~ (36) calls for police service within thirty (30) consecutive days or is a retail establishment where a serious crime such as murder, felony murder, aggravated assault, kidnapping, armed robbery, rape, child molestation, aggravated sodomy, aggravated sexual battery, any crime involving use of a dangerous weapon, or any felony possession or possession with intent to distribute controlled substances in violation of Georgia or federal law has occurred.

Premises means any lot or parcel of real property on which exists one or more convenience store, service station, or high-risk retail establishment.

Video Surveillance System (VSS) for the purpose of this ordinance shall mean a continuous digital surveillance system including cameras, cabling, monitors, and digital video recorders (DVR). This also includes Wi-Fi network cameras, provided that all footage can be saved and exported to an external storage device.

- (c) *Video Surveillance Requirements.* All convenience stores, service stations, and high-risk retail establishments must:
 - (1) Maintain a VSS in proper working order at all times, including outside of business hours;
 - (2) Keep a VSS in continuous operation twenty-four (24) hours a day, seven (7) days a week;
 - (3) Meet the minimum standards for placement of video cameras;
 - (4) Meet the minimum technological standards established in this section;
 - (5) Request an inspection of new construction plans or a one-time initial inspection of their VSS by the Chief for the approval of the placement of all VSS;

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- (6) After the initial inspection, the applicant must submit an affidavit with each application for a renewal of their business license that the VSS is operational and in full compliance;
- ~~(6)~~(7) Repair any broken or non-functioning item of VSS equipment within ten (10) days of receiving notice or discovering that the item is broken or not functioning properly; and
- ~~(7)~~(8) Post a conspicuous notice at the entrance and exit of the premises that informs the public that the premises is monitored by a VSS system that is operational and recording.
- (d) *Minimum Standards.* All VSS must comply with the following minimum standards of placement of video cameras:
- (1) All VSS are required to have no less than one (1) camera dedicated to each entrance/exit to each building located on the premises;
 - (2) All VSS are required to have no less than one (1) camera dedicated to each register and/or check-out stand;
 - (3) All VSS are required to have no less than one (1) camera dedicated to each interior hallway;
 - (4) All VSS are required to have no less than one (1) camera dedicated to each area where retail goods are displayed for sale;
 - (5) All VSS are required to have no less than one (1) camera dedicated to each fuel pump and/or electric vehicle charging station;
 - (6) All VSS are required to have no less than one (1) camera dedicated to each loading dock located on the premises;
 - (7) All VSS are required to have no less than one (1) camera dedicated to each parking lot and/or area designated for customer or employee parking located on the premises, with sufficient cameras to cover all parking spaces within each parking lot and/or designated parking area;
 - (8) All VSS are required to have no less than one (1) camera dedicated to each of the entrances and exits to the premises;
 - (9) All VSS cameras must be capable of producing a retrievable and identifiable image on film, tape, or other recording medium that can be made a permanent record and that can be enlarged through projection or other means;

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- (10) All VSS cameras must remain unobstructed by any display, sign, or other item;
 - (11) Existing VSS shall be evaluated and upgraded if necessary to ensure full compliance with this section; and
 - (12) VSS cameras must be situated so that they do not observe, capture, or record activities or conversations of persons within dwellings or other private places.
- (e) *Minimal Technological Standards.*
- (1) All VSS cameras must be high resolution color cameras capable of providing:
 - (A) Instant screen captures upon request;
 - (B) A digital image that clearly depicts the facial features of a person filmed; and,
 - (C) Capable of producing images with InfraRed (IR)/night vision camera features, as necessary during low light to satisfy the foregoing subsections.
 - (2) All VSS cameras must have at least the following standards:
 - (A) Minimum Resolution: 4MP (1440p);
 - (B) Image Size: 2560 x 1440;
 - (C) Pixels per image: 5,017,600;
 - (D) Aspect Ratio: 16:9;
 - (E) A minimum of 24 Frames Per Second (24 FPS);
 - (F) Convert video files to mp4 standard software files and convert picture files to JPG, JPEG, or TIP standard software files; and,
 - (G) The aforementioned technological standards are subject to change pursuant to subsection (f) of this section.
 - (3) All VSS cameras must have a capability to record an area that extends no less than seventy-five (75) feet;
 - (4) All VSS cameras must be operated in a fixed position and not in a panning motion;

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- (5) All VSS cameras must display the correct date and time of each recording;
- (6) All VSS must use a digital video recording device to record images from each surveillance camera on the premises, and each recording device must be kept in a secured location that is remote from the surveillance cameras; and
- (7) The establishment shall retain the continuous digital images recorded by this system for no less than thirty (30) days.
- (f) *Inspections.* The VSS shall be subject to regular inspection by the Dunwoody Police Department, which is authorized to inspect any such system at reasonable times to determine whether it conforms to the requirements of this section. If the VSS does not conform to the standards set forth in this ordinance, the owner or operator of the establishment shall take immediate steps to bring the system back into compliance within ~~sixty-ten (6010)~~ days of being notified of the VSS's non-compliance.
- (g) *Designation of High-Risk Retail Establishments.*
- (1) *Notice.* Upon the Chief's determination that a business qualifies as a High-Risk Retail Establishment, the Chief shall issue a written notice of this determination by certified mail, return receipt requested, to the owner or operator of the business as indicated on the business's most recent business license application or renewal. The written notice shall also notify the recipient of the right to appeal said decision as set forth in this section.
- (2) *Notice of Appeal.* Should an aggrieved person or entity desire to appeal the Chief's decision under this section, the following procedure shall apply: a notice of appeal must be filed with the city manager or designee within 15 calendar days after receipt of the decision. The notice of appeal shall be in the form of a letter and shall clearly identify all of the objections or exceptions taken to the Chief's decision. The notice of appeal shall also contain an address for receipt of future notices. Should the aggrieved person or entity fail to file a notice of appeal within the time allowed, the right to appeal is lost.
- (3) *Appeal Procedure.* Upon receipt of a timely and proper notice of appeal, the city manager or designee shall notify the appellant, in writing, of the date, time and place where a hearing will be held. The notice shall specify the time, place and date, not less than ten days nor more than 30 days after the date the notice is issued, on which the mayor and city council, or such hearing officer or board as the mayor and council may designate, shall conduct a hearing on the Chief's decision. Said hearing shall be conducted in accordance with the administrative hearing procedures as adopted by resolution of the city council.

Commented [A1]: Appeal procedure is modeled after Section 10-18.

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(4) *Appeal Decision and Petition for Review.* The mayor and city council, or such hearing officer or board as the mayor and council may designate, shall issue a written decision, including specific reasons for the decision pursuant to this section, to the appellant within five days after the hearing. The written decision shall be filed with the Clerk and served upon the appellant by certified mail, return receipt requested. If the Chief’s decision is upheld, the appellant shall have 30 days from receipt of the written decision to file a petition for review pursuant to the Superior and State Court Appellate Practice Act.

~~(h) *Effective Date* This ordinance shall be effective beginning on January 1, 2024. All existing convenience stores, services stations, and high-risk retail establishments that have VSS installed prior to the effective date of this ordinance shall ensure said systems are in full compliance with this section and article and obtain an assessment approval from the Dunwoody Police Department within ninety (90) days of the effective date of this ordinance, the date upon which all such establishments must be compliant with the provisions of this ordinance. After the adoption effective date of this ordinance, all new establishments covered by this section shall ensure that VSS systems are installed and operating in full compliance with this section and obtain an assessment approval from the Dunwoody Police Department before opening for business. A business designated as a High-Risk Retail Establishment shall ensure that VSS systems are installed and operating in full compliance with this section and obtain an assessment approval from the Dunwoody Police Department within ninety (90) days after the Chief’s determination or the completion of any appeal or court review as provided in subsection (g) above, whichever is later.~~

~~(h) *Deadlines for Compliance.* All convenience stores, service stations, and high-risk retail establishments existing when this ordinance is adopted shall ensure that VSS systems are installed and operating in full compliance with this section and obtain an assessment approval from the Dunwoody Police Department within one hundred eighty (180) days of the adoption of this ordinance. After the adoption of this ordinance, all new convenience stores and service stations shall ensure that VSS systems are installed and operating in full compliance with this section and obtain an assessment approval from the Dunwoody Police Department before opening for business. A business designated as a High-Risk Retail Establishment shall ensure that VSS systems are installed and operating in full compliance with this section and obtain an assessment approval from the Dunwoody Police Department within ninety (90) days after the Chief’s determination or the completion of any appeal or court review as provided in subsection (g) above, whichever is later.~~

(i) *Enforcement, Violations, and Penalties.* The provisions of this ordinance may be enforced by any code compliance officer, inspector, or police officer. Any person who does anything prohibited or fails to do anything

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required by this ordinance, upon citation by a city employee and conviction of the violation in a court of competent jurisdiction, which includes the Municipal Court of the City of Dunwoody shall be subject to fine and/or imprisonment in accordance with Section 1-6 of this Code.

SO ORDAINED and effective this ___th day of ___ 2023.

Approved By:

Lynn P. Deutsch, Mayor

Attest:

Approved as to Form and Content:

Sharon Lowery, City Clerk
(SEAL)

City Attorney