

4-23-21

ORDINANCE NO. 31867

An ordinance amending Chapter 12B, "Convenience Stores," of the Dallas City Code by amending Sections 12B-2, 12B-3, 12B-8, 12B-14, 12B-19, and 12B-20; providing that the director of the department of code compliance may enforce Chapter 12B in collaboration with the chief of police; requiring three surveillance cameras on the premise of a convenience store; requiring exterior lighting; requiring automatic teller machines be secured to the floor and located 12 feet away from glass windows and doors; 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 Section 12B-2, "Definitions," of Article I, "General Provisions," of Chapter 12B, "Convenience Stores," of the Dallas City Code is amended to read as follows:

"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) CIGAR BAR means a bar that derives 15 percent or more of its gross revenue on a quarterly (three-month) basis from the sale or rental of tobacco, tobacco products, or smoking accessories for on-premises consumption.

(4) CONVENIENCE GOODS means basic food, household, tobacco products, paraphernalia, and pharmaceutical items.

31867

(5) 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. A convenience store does not include any business that has no retail floor space accessible to the public.

(6) DIRECTOR means the director of the department of code compliance or the director's authorized representative.

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

(8[7]) 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.

(9[8]) 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.

(10[9]) MANAGER means the person designated in the registration application filed under this chapter as being responsible for the daily operation of a convenience store.

(11[0]) PARAPHERNALIA means "illegal smoking paraphernalia" as that term is defined in Chapter 31 of the Dallas City Code or any other smoking paraphernalia that is commonly used, or commonly known to be used, for the inhalation of tobacco or illegal substances. For purposes of this definition, rolling papers, tobacco cigarettes, and tobacco cigars are not considered paraphernalia.

(12[1]) PERSON means any individual, corporation, organization, partnership, association, or any other legal entity.

(13[2]) 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.

(14[3]) REGISTRANT means a person issued a certificate of registration for a convenience store under this chapter and includes all owners, operators, or the person in the care, custody, or control of the convenience store.

(15[4]) TOBACCO PRODUCT means a tobacco product as defined in Chapter 155 of the Texas Tax Code, as amended.

(16[5]) TOBACCO SHOP means a retail or service establishment that derives 90 percent or more of its gross revenue on a quarterly (three-month) basis from the sale of tobacco or tobacco products."

31867

210878

SECTION 2. That Section 12B-3, "Authority of the Chief of Police, Fire Department, and Department of Code of Code Compliance," of Article I, "General Provisions," of Chapter 12B, "Convenience Stores," of the Dallas City Code is amended to read as follows:

"SEC. 12B-3. AUTHORITY OF CHIEF OF POLICE, FIRE DEPARTMENT, AND DEPARTMENT OF CODE COMPLIANCE.

(a) Except as provided in this section, the chief of police shall implement and enforce this chapter in collaboration with the director 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 affect the policy of this chapter.

(b) In addition to t~~[F]~~he chief of police and the director, the chief of the fire department, ~~[and the director of the department of code compliance]~~, including representatives, agents, or city employees designated by ~~[the chief of police,]~~ the chief of the fire department, ~~[and the director of the department of code compliance,]~~ shall enforce the registration requirement in Section 12B-6."

SECTION 3. That Section 12B-4, "Delivery of Notices," of Article I, "General Provisions," of Chapter 12B, "Convenience Stores," of the Dallas City Code is amended to read as follows:

"SEC. 12B-4. DELIVERY OF NOTICES.

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

- (1) on the date the notice is hand delivered to the registrant or the registrant's registered agent;
- (2) three days after the date the notice is placed in the United States mail with proper postage and properly addressed to the registrant or the registrant's registered agent at the address provided for the registrant or the registered agent in the most recent registration application; or
- (3) on the date the notice is sent electronically to the electronic mailing address of the registrant listed on the application."

SECTION 4. That Subsection (d) of Section 12B-8, "Issuance, Denial, and Display of Certificate of Registration; Registration Compliance Decal," of Article II, "Registration of Convenience Stores," of Chapter 12B, "Convenience Stores," of the Dallas City Code is amended to read as follows:

"(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 director, chief of the fire department, chief, or any other peace officer for examination."

SECTION 5. That Section 12B-14, "Surveillance Camera System; Video Recording and Storage," of Article III, "Safety Requirements for Convenience Stores," of Chapter 12B, "Convenience Stores," of the Dallas City Code is amended to read as follows:

"SEC. 12B-14. SURVEILLANCE CAMERA SYSTEM; VIDEO RECORDING AND STORAGE.

(a) A registrant shall provide, maintain, and operate at least three [~~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 with a minimum resolution of two megapixels, a minimum aspect ratio of 1920 horizontal pixels by 1080 vertical pixels, and a minimum frame rate of 15 frames per second [~~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 second [~~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 third camera must be positioned to provide a clear and identifiable full frame of view of the face of each individual filmed exiting the main public 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 director and 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 director and to the chief or any other peace officer within 72 hours after being requested."

SECTION 6. That Paragraph (3) of Subsection (a) of Section 12B-19, "Employee Safety Training; Telephone Access," of Article III, "Safety Requirements for Convenience Stores," of Chapter 12B, "Convenience Stores," of the Dallas City Code is amended to read as follows:

"(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 director and to the chief or any other peace officer immediately upon request."

SECTION 7. That Article III, "Safety Requirements for Convenience Stores," of Chapter 12B, "Convenience Stores," of the Dallas City Code is amended to add a new Section 12B-22, "Exterior Lighting," read as follows:

“SEC. 12B-22. EXTERIOR LIGHTING.

Exterior lighting that illuminates all sides of the main building, parking areas, and fuel pump islands must be provided and maintained. Exterior lighting must be turned on daily between sunset and sunrise. In this section SUNSET and SUNRISE mean the time of day published on the weather page of the *Dallas Morning News* as the time for sunset and sunrise on that day in the city.”

SECTION 8. That Article III, “Safety Requirements for Convenience Stores,” of Chapter 12B, “Convenience Stores,” of the Dallas City Code is amended to add a new Section 12B-23, “Automatic Teller Machines,” read as follows:

“SEC. 12B-23. AUTOMATIC TELLER MACHINES.

Automatic teller machines must be:

- (1) secured to the floor of the convenience store using bolts or other similar hardware; and
- (2) located more than 12 feet away from glass windows and doors.”

SECTION 9. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$500.

SECTION 10. That Chapter 12B of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 11. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 12. 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.

31867

210878

SECTION 13. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, City Attorney

By Cavan Buzess
Assistant City Attorney

Passed MAY 26 2021



PROOF OF PUBLICATION – LEGAL ADVERTISING

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

DATE ADOPTED BY CITY COUNCIL MAY 26 2021

ORDINANCE NUMBER 31867

DATE PUBLISHED MAY 29 2021

ATTESTED BY: