



DeKalb County Government

Manuel J. Maloof Center
1300 Commerce Drive
Decatur, Georgia 30030

Agenda Item

File ID: 2022-1299

Substitute

12/13/22

Public Hearing: YES NO

Department: Board of Commissioners – District 7

SUBJECT:

Commission District(s): District 5

An Ordinance requesting the Governing Authority of DeKalb County to Amend Chapter 15 of the Code of DeKalb County, Georgia, as revised 1988; to provide for the mandatory use of Video Surveillance Systems at Convenience Stores and for other purposes.

Information Contact: Commissioner Lorraine Cochran-Johnson

Phone Number: 404-371-2899

PURPOSE:

To adopt an Ordinance requesting the Governing Authority of DeKalb County to Amend Chapter 15 of the Code of DeKalb County, Georgia, as revised 1988; to provide for the mandatory use of Video Surveillance Systems at Convenience Stores and for other purposes.

NEED/IMPACT:

An Ordinance to Amend Chapter 15 of the Code of DeKalb County, Georgia, as revised 1988, is requested that pertains to the mandatory use of Video Surveillance Systems at Convenience Stores and for other purposes. The Governing Authority of DeKalb County is tasked with protecting the health, welfare and safety of its residents and visitors by ensuring the continued availability of crime free and safe convenience stores within the County. The Governing Authority of DeKalb County declares and finds that a significant number of violent crimes occur at convenience stores.

FISCAL IMPACT:

None.

RECOMMENDATION:

To approve the Ordinance and authorize the Chief Executive to execute all necessary documents.

AN ORDINANCE TO AMEND CHAPTER 15 OF THE CODE OF DEKALB COUNTY, GEORGIA, AS REVISED 1988; TO PROVIDE FOR THE MANDATORY USE OF VIDEO SURVEILLANCE SYSTEMS AT CONVENIENCE STORES, AND FOR OTHER PURPOSES

WHEREAS, the Governing Authority of DeKalb County is tasked with protecting the health, welfare, and safety of its residents and visitors by ensuring the continued availability of crime free and safe convenience stores within the County; and

WHEREAS, the Governing Authority of DeKalb County declares and finds that a significant number of violent crimes occur at convenience stores;

NOW THEREFORE BE IT ORDAINED by the Governing Authority of DeKalb County, Georgia, and it is hereby ordained by the authority of the same, that Chapter 15 of the Code of DeKalb County, as Revised 1988, is hereby amended to add a new Article XV to chapter 15 as follows:

ARTICLE XV
CONVENIENCE STORES

PART I. ENACTMENT

By amending Chapter 15 of the Code of DeKalb County, as Revised 1988, to add a new article with reserved sections and a new section 15-573 as follows:

Secs. 15-563 -15-572. Reserved.

Sec. 15-573. Video Surveillance Systems.

(a) *Definition of Terms.*

Chief means the chief of the DeKalb County Police Department or their designee, or such other director as authorized by the chief executive officer or the executive assistant.

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 pharmaceutical items that do not have to be prescribed by a healthcare professional primarily for off-premises consumption and typically having extended 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.

County employee means any county employee or agent authorized by the chief executive officer, the executive assistant, the Director, and/or the Chief to act, perform inspections, issue citations for violations of this Code, including but not limited to code compliance officers, inspectors, and police officers.

Director shall mean the Director of the Department of Planning and Sustainability, or their designee or such other director as authorized by the chief executive officer or the executive assistant.

Monitored Business means a retail establishment that is not a convenience store and has been designated as a Monitored Business by the Chief as a result of having more than three (3) 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 felony possession or possession with intent to distribute controlled substances in violation of Georgia or federal law, any crime involving the use of a firearm or any crime involving human trafficking has occurred. For the purposes of this definition, the term “occurred” means that a judge has found sufficient probable cause to exist showing that any of the serious crimes identified above has taken place on the premises of a Convenience Store or other retail establishment or that a defendant has waived a probable cause determination by a judge.

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 made available to the DeKalb County Police Department or any other law enforcement agency for review.

(b) *Video Surveillance Requirements.* All convenience stores and Monitored Businesses 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 Director for the approval of the placement of all VSS;

- (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 with the applicable requirements and standards in this Code; and
- (7) Place their approved notice and notice of presence of VSS at the register that informs the public that the premises are monitored by VSS.
- (c) *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 register and/or check-out stand;
 - (2) All VSS are required to have no less than one (1) camera dedicated to each entrance/exit to each structure located on the convenience store's property;
 - (3) All VSS are required to have no less than one (1) camera dedicated to each pump located on the property where the convenience store operates;
 - (4) All VSS are required to have no less than one (1) camera dedicated to each loading dock located on the property where the convenience store operates;
 - (5) All VSS are required to have no less than one (1) camera dedicated to the parking lots and/or areas designated for customer and/or employee parking located on the property where the convenience store operates;
 - (6) All VSS are required to have no less than one (1) camera dedicated to each of the entrances and exits to the parking lots for customer and/or employee parking; and,
 - (7) All VSS cameras must remain unobstructed by any display, sign, or other item.
 - (8) Approval Notice and Notice of Presence of VSS:
 - (A) The approval notice and a notice to the public that a VSS is operational, and recording must be prominently displayed at the register and/or counter.
 - (B) In the event there is a convenience store that does not have a commercial space for customers to enter (e.g., if the station only has a payment booth for its employees where members of the public may not enter), then a copy of the aforementioned approval notice shall be placed in plain view at each pump at the services stations and at each register and/or check-out stand.
 - (C) Existing VSS at convenience stores as of the effective date of this ordinance will be evaluated to ensure full compliance with this section by the applicable effective dates of this ordinance.

(d) *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 the 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) Minimal 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 TIF 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;

(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 in the convenience store. Each recording device must be kept in a secured location that is remote from the surveillance cameras.

(7) The convenience store shall retain the continuous digital images recorded by this system for no less than sixty (60) days.

(8) A digital video recording must be made available to the Chief or any other peace officer for viewing as soon as possible but no later than seventy-two (72) hours after

being requested. The County encourages partnerships with private sector companies that will allow county employees to view in real time and if necessary, obtain copies of images captured by the private sectors' VSS.

(e) *Shared Space.* Where a convenience store or Monitored Business shares the exterior space immediately outside with another store or business, the minimum requirements for exterior surveillance will be modified based on the area to be captured by cameras placed on the exterior of the Convenience Store or Monitored Business. The VSS standards and requirements relative to the shared exterior space of the Convenience Store or Monitored Business will be modified by the Director to account for the shared space and the need for the placement of cameras on the exterior of the Convenience Store or Monitored Business.

(f) *Inspections.* The VSS shall be subject to regular inspection by the Director, who is authorized to inspect any such system, at reasonable times to determine whether it conforms to the requirement of this section. If the VSS does not conform, the convenience store in question shall take immediate steps to bring the system back into compliance within sixty (60) days of being notified of the VSS's non-compliance.

(g) *Grandfathering.* The requirements of this article shall apply to all initial inspections. For subsequent inspections, if the Director determines a VSS is non-compliant due solely to the changes created by updated written VSS Standards effective on May 1st of any given year, then the convenience store will be given 180 days from May 1st of that year to bring the system into compliance with the updated written VSS Standards.

(h) *Change in Location.* If a convenience store or monitored business relocates to a new space, then the convenience store must obtain an initial inspection for compliance in the new location. For a monitored business, relocating to a new location shall end the term and requirements included in the designation of monitored business. The former Monitored Business shall only have to comply with the requirements at any subsequent locations in DeKalb County if the Chief designates the establishment as a Monitored Business in the new location.

(i) *VSS Standards.* Upon the effective date after adoption and approval of this ordinance by the governing authority, the Chief shall ensure that the video surveillance standards in this section are published on the County's website and Minimal Technical Standards in section 15-573(d) shall also serve as the standards for section 18-141(f), the ordinance which regulates hotels and motels. Once every three calendar years, the Chief and the Chief Innovation & Information Officer will develop, maintain, and publish on the County's website updated written VSS Standards that provide the minimum standards for VSS equipment, installation, and maintenance. Any new standards or changes to existing standards shall be published on the County's website by February 1st and shall amend this section without further action by the governing authority. Such updated standards shall become effective on May 1st of the year of publication. The Chief shall also provide any updated standards in writing to each member of the governing authority 30 days prior to publication on the County's website for review and comment. Prior to publication, the Chief shall forward the updated standards to the clerk to the chief executive officer and the board

of commissioners, who shall ensure that the updated standards are sent to the County's codifier for inclusion in the Code on the date of publication. *[Note to Codifier- New standards will require an editor's note related to the May 1st when affected businesses are to comply]*

(j) *Monitored Business.* The Chief shall have the authority to designate a retail establishment as a Monitored Business subject to the procedures and appeal process set forth in section 15-46 of this Code. The License Holder shall retain that designation until it provides documentation to the Chief that 180 days have passed without three or more calls for police service or that 12 months have passed, and no other serious crime has been reported to have occurred at the designated retail establishment. Designation as a Monitored Business requires the retail establishment to install a VSS and request an initial inspection within 90 days of such designation and comply with all the terms of this ordinance. Such designation does not serve as grounds for denial, suspension or revocation of any license issued by the County and does not form the basis for a violation of this section.

(k) *Effective Date.* All convenience stores 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 a written assessment approval from a county employee by June 30, 2023, the date upon which all convenience stores must be compliant with the provisions of this ordinance.

(l) *Enforcement, Violations, and Penalties.* The provisions of this ordinance may be enforced by any County Employee. Any person who does anything prohibited or fails to do anything required by this ordinance, upon citation by a County Employee and conviction of the violation in a court of competent jurisdiction, which includes the Magistrate Court of DeKalb County shall be subject to fine and/or imprisonment in accordance with section 1-10 of this Code.

PART II. EFFECTIVE DATE

This ordinance shall become effective 120 days after the date of adoption by the Board of Commissioners and approval by the Chief Executive Officer. In the first effective year, convenience stores must comply with all provisions of this ordinance by June 30, 2023.

PART III. SEVERABILITY

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the ordinance as a whole nor any part thereof other than the part so declared to be invalid or unconstitutional. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are repealed.

ADOPTED by the DeKalb County Board of Commissioners, this _ day of _____
_____, 2022.

ROBERT PATRICK
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County, this _____ day of _____, 2022.

MICHAEL L. THURMOND
Chief Executive Officer
DeKalb County, Georgia

ATTEST:

BARBARA SANDERS-NORWOOD, CCC
Clerk to the Board of Commissioners and Chief Executive Officer
DeKalb County, Georgia

APPROVED AS TO FORM:

APPROVED AS TO SUBSTANCE:

VIVIANE H. ERNSTES
County Attorney
DeKalb County, Georgia

JOSEPH “JACK” LUMPKIN
Director of Public Safety
DeKalb County, Georgia

APPROVED AS TO SUBSTANCE:

APPROVED AS TO SUBSTANCE

MIRTHA RAMOS
Police Chief
DeKalb County, Georgia

ANDREW BAKER
Director of Planning and Sustainability
DeKalb County, Georgia