

PROPOSED

ORDINANCE NO. 2008 - _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, RELATING TO RETAIL ESTABLISHMENTS; ADDING SECTIONS TO CHAPTER 21 OF THE BROWARD COUNTY CODE OF ORDINANCES CREATING THE RETAIL ESTABLISHMENT PARKING SECURITY ORDINANCE; PROVIDING FINDINGS; DEFINING "RETAIL ESTABLISHMENT" AND "RETAIL ESTABLISHMENT PARKING AREA"; PROVIDING FOR APPLICABILITY THROUGHOUT BROWARD COUNTY; REQUIRING CERTAIN RETAIL ESTABLISHMENT PARKING AREAS TO BE EQUIPPED WITH SPECIFIC SECURITY DEVICES; PROVIDING FOR COMPLIANCE DATES; PROVIDING FOR LICENSES; PROVIDING FOR ENFORCEMENT; AMENDING SUBSECTION 8½-16(f) OF THE BROWARD COUNTY CODE OF ORDINANCES TO PROVIDE CIVIL PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by Commissioner Josephus Eggelletion, Jr.)

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA:

[UNDERLINING IN SECTION 1 OMITTED]

Section 1. Chapter 21 of the Broward County Code of Ordinances, entitled "Miscellaneous Offenses and Provisions," is hereby amended to add the following sections:

Section 21-170. Title. This article may be cited as the "Retail Establishment Parking Security Ordinance."

Section 21-171. Findings. The Board of County Commissioners ("Board") finds that many retail establishment parking areas are at risk for robbery and other

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1 crimes. The Board further finds that certain minimum security requirements are helpful
2 in protecting the store employees and the consumer public from robbery and injury, and
3 that the provisions of this article are most beneficial to areas where death, serious
4 injury, or sexual battery occurs during the commission of a theft or robbery at a retail
5 establishment.

6 **Section 21-172. Definition.** As used in this article, the term "retail
7 establishment" means any place of business that is engaged in the retail sale of goods
8 or services or both, and the term "retail establishment parking area" means the motor
9 vehicle parking areas available to customers or employees of a retail establishment.

10 **Section 21-173. Applicability.** This article shall be effective throughout
11 Broward County, including within municipalities in Broward County.

12 **Section 21-174. Security devices and measures.** The person or entity in
13 control of a retail establishment parking area or the owner of a retail establishment
14 parking area shall provide, operate, and maintain at each such retail establishment
15 parking area the following security devices and measures:

16 (a) A security camera video system operating twenty-four (24) hours a day,
17 seven (7) days a week, covering the entire retail establishment parking area, that shall
18 retain images and shall be capable of retrieving recorded images for at least thirty (30)
19 calendar days after recording to assist in the identification and apprehension of persons
20 who commit crimes; and

21 (b) A lighted retail establishment parking area illuminated at an intensity of two
22 (2) foot-candles per square foot with a uniformity ratio of no more than five (5) to one (1)
23 at eighteen (18) inches above the surface.

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1 **Section 21-175. Compliance Dates.** Any retail establishment parking area
2 in existence on the effective date of this Ordinance, or which begins operation within
3 two (2) weeks thereof, shall be in compliance with the requirements of the Ordinance
4 within one hundred twenty (120) days from the effective date of the Ordinance, and any
5 retail establishment parking area which begins operating more than two (2) weeks from
6 the effective date of this Ordinance shall be in compliance with the requirements of this
7 Ordinance on the first day of business.

8 **Section 21-176. Licenses.**

9 (a) General.

10 (1) A license shall be issued by the Department of Environmental Protection
11 and Growth Management. Fees for licenses shall be in accordance with
12 the schedule adopted by the Board of County Commissioners by
13 resolution. The person or entity in control of a retail establishment parking
14 area or the owner of a retail establishment parking area existing at the
15 effective date of this Ordinance shall make an application for a license
16 within one hundred twenty (120) days of the effective date of this
17 Ordinance.

18 (2) All retail establishment parking areas existing at the effective date of this
19 Ordinance shall be initially inspected by the Department of Environmental
20 Protection and Growth Management to ascertain whether such security
21 devices and measures comply with the provisions of this Ordinance.
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1 (b) Renewal.

2 (1) A license shall be renewed annually. Each renewal application shall
3 include an Affidavit from the license holder stating that the license holder
4 is in full compliance with the provisions of this Ordinance.

5 (2) Whenever any entity that is a license holder is sold, transferred, or
6 otherwise changes ownership, the new owner(s) shall file an application
7 with the Department of Environmental Protection and Growth
8 Management, which reflects the change of ownership, the existing license
9 number, the name(s), address(es), and contact number(s) of the new
10 owner(s), and the new owner(s) shall pay all appropriate transfer and
11 renewal fees.

12 (3) The license shall be renewed annually no later than November 1 of each
13 year.

14 **Section 21-177. Noncompliance penalties.** If noncompliance with this
15 Ordinance is corrected within ten (10) days after receipt of a written notice of violation,
16 no civil penalty shall be assessed. However, any person or entity in control of a retail
17 establishment parking area or the owner of a retail establishment parking area who
18 willfully and deliberately violates any requirement of this Ordinance, or who deliberately
19 fails to initially implement the requirements of this Ordinance, shall be required to pay to
20 Broward County, upon notice that noncompliance remains uncorrected, a civil penalty of
21 up to five hundred dollars (\$500.00) for the first violation, and five hundred dollars
22 (\$500.00) for a repeat violation, as allowed under Chapter 162, Florida Statutes.

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1 **Section 21-178 . Enforcement.** This Ordinance shall be enforced according
2 to the alternate code enforcement procedure provided for in Chapter 8½, Article II,
3 Section 8½-8, et seq., of the Broward County Code of Ordinances.

4 Section 2. Subsection 8½-16(f), "Schedule of civil penalties," of the Broward
5 County Code of Ordinances is hereby amended to read as follows:

6 Sec. 8½-16. Schedule of civil penalties.

7 ...

8 (f) Miscellaneous provisions.

9 ...

	Violation	First Violation	Repeat Violation
11	(35) Violation of Retail Establishment Parking		
12	Security Ordinance Section 21-174.	\$500.00	\$500.00
13	(36) Failure to Obtain Permit or Renewal		
14	Under Section 21-176.	\$125.00	\$250.00

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16 Section 3. SEVERABILITY.

17 If any portion of this Ordinance is determined by any Court to be invalid, the
18 invalid portion shall be stricken, and such striking shall not affect the validity of the
19 remainder of this Ordinance. If any Court determines that this Ordinance, or any portion
20 hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies),
21 or circumstance(s), such determination shall not affect the applicability hereof to any
22 other individual, group, entity, property, or circumstance.

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1 Section 4. INCLUSION IN CODE.

2 It is the intention of the Board of County Commissioners that the provisions of
3 this Ordinance shall become and be made a part of the Broward County Code; and that
4 the sections of this Ordinance may be renumbered or re-lettered and the word
5 "ordinance" may be changed to "section," "article," or such other appropriate word or
6 phrase in order to accomplish such intentions.

7 Section 5. EFFECTIVE DATE.

8 This Ordinance shall become effective as provided by law.
9

10 ENACTED

11 FILED WITH THE DEPARTMENT OF STATE

12 EFFECTIVE
13

14 PURPOSE: To deter persons from committing crimes at or against retail
15 establishments, and to protect retail establishment employees and
16 the public from criminal activity.
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23 ADS/ds
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RetailEstablishCamerasOrd1.doc
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