

ORDINANCE NO.: 90-2024

INTRODUCED BY: Mayor Thomas

AN ORDINANCE AMENDING CHAPTER 789 OF THE CODIFIED ORDINANCES, “VIDEO SURVEILLANCE SYSTEMS FOR BUSINESSES” AND DECLARING AN EMERGENCY.

WHEREAS, the Mayor and this Council find that it is in the best interest of the health, safety and wellbeing of the public to continue to require video surveillance systems for businesses in order to assist the City’s enforcement officers in dealing with public nuisances, disturbances of the peace, and other crimes;

WHEREAS, the Mayor and Council wish to amend Ordinance No. 41-2024, adopted by this Council on March 26, 2024, to revise Chapter 789 of the Codified Ordinances of the City, “Video Surveillance Systems for Businesses”, to address external areas of businesses, an area where there has been public nuisance activity, peace disturbances, and criminal activity which has caused threats to the health, safety and well being of the customers, employees and owners of businesses so as to act as a deterrent to such activities.

WHEREAS, the Council finds, determines and declares that this Ordinance is promulgated under the general police power of the City under the Ohio Constitution, for the preservation of the public peace, health, safety and general welfare and that it is in the best interests of the City, its inhabitants and visitors, to require video surveillance systems at businesses in the City.

NOW, THEREFORE, BE IT ORDAINED by the Council of Richmond Heights, State of Ohio, that:

Section 1: Chapter 789, Video Surveillance Systems, of the Business Regulation Code of the Codified Ordinances of the City of Richmond Heights is hereby amended to read as follows:

“CHAPTER 789

Video Surveillance Systems for Businesses

- 789.01 Video Surveillance Systems required for Businesses.
- 789.02 ~~Access to media~~ **Retention of Recorded Images**
- 789.03 Minimum technological standards.
- 789.04 Minimum coverage standards, site assessment, **notice** signage.
- 789.05 Inspections.
- 789.06 Enforcement; civil penalties.
- 789.07 Exemptions.
- 789.08 Appeal process.
- 789.09 Severability.

789.01 VIDEO SURVEILLANCE SYSTEMS REQUIRED.

Every bank, carry-out food and drink establishment, restaurant, check cashing business, convenience store, supermarket, firearm dealer, bar/tavern, off sale liquor business, secondhand dealer, pharmacy, hotel or other type of retail business in the City is hereby required to install a video surveillance system. Any establishment which installed surveillance systems prior to the effective date of this chapter ~~must~~ **shall** ensure ~~they are~~ **it is** in full compliance with this chapter. Video surveillance systems shall be in operation twenty-four hours a day, seven days a week, and shall meet the minimum technological standards established in this chapter.

789.02 ACCESS TO MEDIA RETENTION OF RECORDED IMAGES.

~~If a crime occurs, or if an employee believes a crime has occurred, the business shall contact the City's Division of Police immediately, and the business shall provide immediate access to the media containing the recorded event to the Division of Police.~~ The business shall retain the continuous digital images recorded by this system for not less than thirty (30) days.

789.03 MINIMUM TECHNOLOGICAL STANDARDS.

The video surveillance system must be capable of delineating on playback of the system the activity and physical features of persons or areas within ~~the premises and~~ the immediate area outside the premises, including the parking area for the premises. The video surveillance system must be able to record such images on an approved form of media. Additional minimum technological standards required for video surveillance systems may be established by the City Council, which may be updated periodically. The Division of ~~Police~~ **Building, Zoning and Housing** shall review the video surveillance system standards bi-annually to ensure that they are consistent with current technology and shall recommend appropriate updates to City Council. ~~If the video surveillance system is web enabled or has wireless capability, the Division of Police shall be provided the ability to access the live system upon initiation by the business during incidents requiring a police response or intervention.~~

789.04 MINIMUM COVERAGE STANDARDS, SITE ASSESSMENT, NOTICE SIGNAGE.

The video surveillance system shall have, at a minimum, a camera at each entrance and exit positioned to capture faces of people entering and exiting and the immediate area outside the premises, including the parking area for the premises. The placement of cameras included in video surveillance systems required under this chapter must be approved by the Division of ~~Police~~ **Building, Zoning and Housing**. The ~~Chief of Police~~ **Division's Commissioner** or the ~~Chief's~~ **Commissioner's** designee will conduct an assessment of each site required to install a video surveillance system prior to installation, and upon approval will issue an approval notice which will be placed in plain view from inside and outside the premises. The approval notice will also inform customers and employees of the existence of the video surveillance system.

789.05 INSPECTIONS.

The video surveillance system shall be subject to regular inspection by the ~~Chief of Police~~ **Commissioner of Building, Zoning and Housing** or the ~~Chief's~~ **Commissioner's** designee, who is authorized to inspect at reasonable times any video surveillance system to determine if the system conforms with this chapter and regulations adopted by City Council. **When the term**

“Commissioner” is used in this chapter, it shall mean the City’s Commissioner of Building, Zoning and Housing. If the video surveillance system does not so conform, establishments must take immediate steps to bring the system into conformance.

789.06 SHOPPING CENTERS.

All shopping centers within the City that include a business **which is** subject to the provisions of this chapter shall install a video surveillance system. **For purposes of this chapter, “shopping center” means a property that includes more than two (2) businesses which are subject to the provisions of this chapter.** The minimum coverage shall be cameras that are dedicated to all entrances and exits to the parking lot(s); additional cameras are suggested at loading dock areas, areas designated for customer and/or employee parking use, and entrances and exits to the establishments subject to the provisions of this chapter. Shopping centers shall also be subject to the minimum technological standards established by City Council.

789.07 ENFORCEMENT; CIVIL PENALTIES.

(a) Businesses subject to the mandatory requirements of this chapter shall have six (6) months from the effective date of this chapter **or any amendment thereto** to comply with the regulations set forth in this chapter.

(b) The violation of any provision of this chapter by any owner or principal operator of a business subject to this chapter shall result in a notice of violation from the ~~Chief of Police~~ **Commissioner** or the ~~Chief’s~~ **Commissioner’s** designee. The ~~Chief of Police~~ **Commissioner** is authorized to investigate all alleged violations. Violators shall have thirty (30) days after receipt of the notice to provide proof of compliance to the City’s Division of Police **Building, Zoning and Housing**. If the violation continues after the thirty (30)-day period, the ~~Chief of Police~~ **Commissioner** or the ~~Chief’s~~ **Commissioner’s** designee shall issue a **civil** citation against the violator and the violator shall pay a fine not to exceed five hundred dollars (\$500.00).

(c) In addition to the foregoing, the violation of any provision of this chapter shall be and is hereby declared to be contrary to the public health, safety and welfare and shall, at the discretion of the City, create a cause of action for injunctive relief.

(d) For purposes of this chapter, each day that a violation continues shall be a separate violation.

789.08 EXEMPTIONS.

A business which is required to install a video surveillance system may, on an annual basis, apply to the ~~Chief of Police~~ **Commissioner** or the ~~Chief’s~~ **Commissioner’s** designee for exemption from the provisions of this chapter. The ~~Chief of Police~~ **Commissioner** or the ~~Chief’s~~ **Commissioner’s** designee may exempt a business for a period of twelve (12) months if the ~~Chief~~ **Commissioner** finds that the business has or will undertake alternate security procedures which are substantially equal to or more effective in preventing criminal activity and in assisting in the apprehension of the perpetrators of **public nuisances, peace disturbances or crimes** or for the protection of **customers, employees and the general public**. The ~~Chief of Police~~ **Commissioner** may also authorize alternate procedures on an experimental basis. Such an exemption shall carry a maximum duration of twelve (12) months, and a business must reapply for an exemption at the end of the exemption period or bring the system into conformance with this chapter. The ~~Chief of~~

~~Police Commissioner~~ or the ~~Chief's~~ Commissioner's designee may also authorize temporary extensions of time for installation when a business demonstrates that it is temporarily unable to comply for good cause shown.

789.09 APPEAL PROCESS.

(a) Any establishment found to be in violation of this chapter by the ~~Chief of Police Commissioner~~ or the ~~Chief's~~ Commissioner's designee shall have the right to a hearing before the Mayor/Director of Public Safety or a designee thereof.

(b) The ~~Chief of Police Commissioner~~ or the ~~Chief's~~ Commissioner's designee shall give the applicant written notice of the violation. The notice shall set forth the grounds for the violation and shall inform the owner or principal business operator of the establishment that the owner or operator has fourteen (14) days from the date of mailing of the notice to file a written request for a hearing with the Mayor/Director of Public Safety.

(c) Within fourteen (14) days of mailing of the written notice of violation by the ~~Chief of Police Commissioner~~ or the ~~Chief's~~ Commissioner's designee, the owner or principal business operator may appeal by requesting a hearing before the Mayor/Director of Public Safety or a designee thereof. Such a request must be made in writing and must set forth the specific grounds for the appeal. If the applicant files a timely request for a hearing, the Mayor/Director of Public Safety or the designee thereof shall set a time and place for the hearing within ten (10) days thereafter. All parties involved shall have the right to offer testimonial, documentary and tangible evidence bearing on the issues, to be represented by counsel, and to confront and cross-examine any witness against them. The decision of the Mayor/Director of Public Safety or the designee thereof ~~to deny the application~~ on the appeal shall be in writing, is final, and shall be rendered within seven (7) days of the hearing.

789.10 SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The City Council hereby declares that it would have passed the ordinance codified in this chapter, and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of this chapter would be subsequently declared invalid or unconstitutional."

Section 2: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

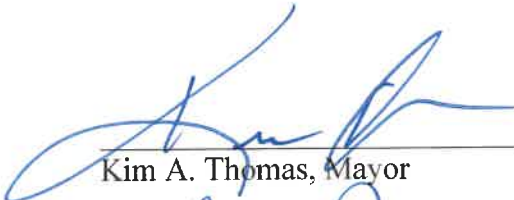
Section 3: This Ordinance is declared to be an emergency measure necessary for the immediate preservation for the public peace, health and safety of the City and the inhabitants and

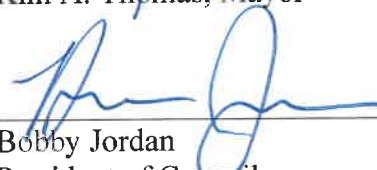
visitors thereof for the reason that this legislation is necessary to enable the City to effectively eliminate public nuisances, peace disturbances and crime that are a threat to the health, safety and general welfare of persons and to do so at the earliest possible time, and provided it receives approval of two-thirds of the members of Council, shall be in full force and effect from and after its approval by the Mayor, or otherwise take effect and be in force from and after the earliest period provided by law.

PASSED: July 9, 2024

APPROVED: July 9, 2024

ATTEST: Tracey Blair
Tracey Blair
Clerk of Council



Kim A. Thomas, Mayor


Bobby Jordan
President of Council