

Prince George's County Council

Agenda Item Summary

Meeting Date: 11/20/2012
Reference No.: CB-093-2012
Draft No.: 3
Proposer(s): Olson, Franklin
Sponsor(s): Olson, Franklin, Davis, Lehman, Patterson, Toles
Item Title: An Act concerning convenience stores and gas station public safety for the purpose of decreasing robberies in the County by enhancing convenience store and gas station safety; registering convenience stores and gas stations; requiring training of convenience store employees and gas station employees; providing for security; providing for cash management; providing for visibility and signage; and providing for a grace period and for noncompliance; and generally relating to convenience store safety and gas station safety.

Drafter: Kathleen H. Canning, Legislative Officer
Resource Personnel: Dannielle Glaros, Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: 9/25/2012
Committee Referral: 9/25/2012 - PSFM
Executive Action:
Effective Date:

Committee Action:

Date Introduced: 10/23/2012
Public Hearing: 11/20/2012 - 10:00 AM

Council Action (1) 11/20/2012 - TABLED
Council Votes: WC:A, DLD:A, MRF:A, AH:A, ML:A, EO:A, OP:A, IT:A, KT:A
Pass/Fail: P
Remarks:

AFFECTED CODE SECTIONS:

05-2617, 05-2618, 05-2619, 05-2620, 05-2621, 05-2622, 05-2623

COMMITTEE REPORTS:

PUBLIC SAFETY & FISCAL MANAGEMENT COMMITTEE

Date 10/22/2012

COMMITTEE VOTE: Favorable with amendments 5-0 (Councilmembers: Campos, Davis, Harrison, Lehman, and Turner)

This bill is the merger of CB-93-2012 and CB-94-2012. This bill applies to the security requirements for both convenience stores and gas stations. The intent and purpose of the bill is to establish reasonable and uniform laws to promote the health, safety and welfare of the citizens and residents of the County. The provisions of the bill are in response to violent crimes taking place in or in close proximity to convenience stores and gas stations throughout the County. This bill applies to convenience stores which are defined as any food or beverage store that is 15,000 square feet or less and provides retail sales of food, beverages, and sundries primarily for home consumption, and may include food or beverage preparation. This bill applies to gas stations meaning a building or lot having pumps and storage tanks, where the primary use is the retail sale of motor vehicle fuels. This bill applies to convenience stores and gas stations that are open anytime between the hours of 11:00 p.m. to 6:00 a.m. Convenience stores and gas

stations are required to install surveillance cameras and drop safes. Gas station owners are required to provide window only access if they already have window only access. Certain signage regarding convenience stores and gas stations is required. The bill also requires convenience stores and gas stations to have no more than \$75.00 (seventy-five) dollars in cash in a store register anytime between the hours of 11:00 p.m. to 6:00 a.m. There is a grace period of twelve months for compliance with this bill.

The Committee Director and Legislative Officer provided a summary of DR-2.

Representatives from the Prince George's County Police Department provided an overview and spoke in support of the bill.

The Office of Law reviewed this bill and finds it to be in proper legislative form with no legal impediments to its adoption.

The legislation was amended as follows:

1. On page 1, in line 2, after "Stores" insert "and Gas Stations"; in lines 3-4, after "stores" insert "and gas station"; in line 4, after "stores" insert "and gas stations"; in line 6, after "systems;" insert "providing for cash management"; and in lines 7-8, after "store" insert "and gas station".
2. On page 1, strike lines 9-17 and substitute new function paragraph for renumbering. (Renumbers)
3. On page 2, strike lines 8-16 and substitute lines 17-22. (Amends the legislative intent to include the addition of gas stations to the bill)
4. On page 2, in line 26, after "store" insert "that is 15,000 square feet or less,". (Adds a square foot description to determine applicability and to exclude businesses that are in excess of 15,000 square feet)
5. On page 2, in line 27, after "business" insert "anytime"; on page 3, in line 12, after "business" insert "anytime". (Clarifies hours of applicability)
6. On page 3, in lines 3-5, insert "Gas Station shall mean a building or lot having pumps and storage tanks, where the primary use is the retail sale of motor vehicle fuels. Vehicle related services may be offered incidental to the primary use." (Adds definition of gas station)
7. On page 3, in line 14, after "owner" insert "or gas station owner". On page 3, in lines 15, 17, 19, and 21, in each instance, strike "Police Department" and substitute "Department of Environmental Resources". (Substitutes Department of Environmental Resources for registration of convenience stores and gas stations)
8. On page 3, in lines 22-25, add "All registration shall be completed by January 1, 2014. As a condition of a use and occupancy permit, or continuation of a use and occupancy permit, all registration for a convenience store or gas station is required." (Use and occupancy permit required registration)
9. On page 3, in lines, 26, 27, 28, 29 and 30, strike "Police Department" and substitute "Department of Environmental Resources". (Substitutes Department of Environmental Resources for registration by convenience store managers and gas station managers)
10. On page 4, in lines 2- 3, after "and" in line 7, insert "what to do in the event of a robbery" and on page 4, in line 2, after "and" insert "what to do in the event of a robbery". (Adds training requirement)
11. On page 4, strike in their entirety, lines 26, 27, 28, and 29. (Removes the requirement for installing alarm systems)
12. On page 4, in line 31, strike "\$50.00" and insert "\$75.00" and on page 5, line 22, add \$75.00 requirement. (No more than \$75.00 available in cash)
13. On page 5, after line 19, insert "Sec. 5-2504. Cash Management. (a) As a condition of their use and occupancy permit, convenience stores and gas stations cannot keep more than seventy-five dollars (\$75.00) in any cash register on the premises at all times between 11:00p.m. to 6:00 a.m. (b) A written cash management policy that limits cash on hand in the convenience store or gas station from 11:00 p.m. to 6:00 a.m. shall be provided to all employees." (Adds cash management policy)
14. On page 5, in line 28, and on page 6, in line 1, after "stores" insert, in each instance, "and gas stations". (Requires both convenience stores and gas stations to provide same signs)
15. On page 6, strike in their entirety, lines 6 through 9. (Removes security option)
16. On page 6, in line 12, strike "eighteen" and substitute "twelve". (Grace period reduced from eighteen to twelve months)

17. On page 6, in line 15, insert "civil monetary fine". (Clarifies that the fine is a civil fine)

BACKGROUND INFORMATION/FISCAL IMPACT:

(Includes reason for proposal, as well as any unique statutory requirements)

This legislation establishes reasonable and uniform laws to promote the health, safety, and welfare of citizens and residents of the County by reducing robberies by enhancing convenience store safety.

10/23/2012: CB-93-2012 (DR-2) was amended on the floor prior to introduction as follows:

On page 6, line 15, insert "(c) The Director of the Department of Environmental Resources may suspend or revoke the use and occupancy permit of a convenience store or gas station for multiple violations."

CB-93-2012 (DR-3) was introduced.

THIS BILL WAS NOT ENACTED.

CODE INDEX TOPICS:

INCLUSION FILES:
