

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2013 Legislative Session

Bill No. CB-48-2013
 Chapter No. 41
 Proposed and Presented by Council Members Olson and Franklin
 Introduced by Council Members Olson and Franklin
 Co-Sponsors _____
 Date of Introduction July 2, 2013

BILL

1 AN ACT concerning

2 Convenience Stores and Gas Stations - Public Safety

3 For the purpose of decreasing robberies in the County by enhancing convenience store and gas
 4 station safety; registering convenience stores and gas stations; requiring training of convenience
 5 store employees and gas station employees; providing for security; providing for cash
 6 management; providing for visibility and signage; and providing for a grace period and for
 7 noncompliance; and generally relating to convenience store and gas station safety.

8 BY adding:

9 SUBTITLE 5. BUSINESSES AND LICENSES.

10 Sections 5-2500, 5-2501, 5-2502, 5-2503, 5-2504,
 11 5-2505, and 5-2506,

12 The Prince George's County Code
 13 (2011 Edition).

14 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 15 Maryland, that Sections 5-2500, 5-2501, 5-2502, 5-2503, 5-2504, 5-2505, and 5-2506,
 16 of the Prince George's County Code be and the same are hereby added:

17 SUBTITLE 5. BUSINESSES AND LICENSES.

18 DIVISION 25. [RESERVED.] CONVENIENCE STORES AND GAS STATIONS.

19 Sec. 5-2500. Legislative Intent.

20 (a) The purpose and intent of this legislation is to improve public safety and reduce
 21 commercial crime by strengthening safety standards at convenience stores and gas stations. This

1 legislation establishes reasonable and uniform laws to promote the health, safety, and welfare
 2 of the citizens and residents of the County. The provisions of this law are in response to violent
 3 crimes taking place in or in close proximity to convenience stores and gas stations throughout
 4 the County.

5 **Sec. 5-2501. Definitions and Scope of Legislation.**

6 (a) The following words, as used in this Division, shall for the purpose of this Division,
 7 have the meanings respectively ascribed to them in this Section:

8 (1) **Convenience store** shall mean any food or beverage store that is 15,000 square
 9 feet or less, that is open for business anytime from 11:00 p.m. to 6:00 a.m. that provides retail
 10 sales of food, beverages, and sundries primarily for home consumption, and may include food or
 11 beverage preparation. Convenience store does not include a Department or Variety Store that
 12 provides incidental sales of candy, gum and similar non-refrigerated items at a check-out
 13 counter, or in a standard vending machine.

14 (2) **Gas Station** shall mean a building or lot having pumps and storage tanks, where
 15 the primary use is the retail sale of motor vehicle fuels. Vehicle related services may be offered
 16 incidental to the primary use.

17 (3) **Police Department** shall mean the Prince George's County Police Department.

18 (4) **Police Chief** shall mean the Chief of the Prince George's County Police
 19 Department.

20 (5) **Police Officer** shall mean a sworn member of the Prince George's County Police
 21 Department.

22 (b) This legislation applies to convenience stores and gas stations that are open for
 23 business anytime from 11:00 p.m. to 6:00 a.m.

24 **Sec. 5-2502. Registration and Training.**

25 (a) A convenience store owner or gas station owner of a sole proprietorship shall register
 26 or designate a representative to register with the Department of Permitting, Inspections, and
 27 Enforcement. If a convenience store or gas station is privately owned by multiple individuals,
 28 each party shall register with the Department of Permitting, Inspections, and Enforcement or
 29 designate a representative to register with the Department of Permitting, Inspections, and
 30 Enforcement. If a convenience store or gas station is owned by a corporation, the registered
 31 agent of the owner shall register with the Department of Permitting, Inspections, and

1 Enforcement. Any change in ownership shall be updated with the Department of Permitting,
 2 Inspections, and Enforcement by the end of the 30th day after the effective date of new
 3 ownership. All registration shall be completed by January 1, 2014. As a condition of a use and
 4 occupancy permit or continuation of a use and occupancy permit, all registration for a
 5 convenience store or gas station is required.

6 (b) A convenience store manager and gas station manager shall register with the
 7 Department of Permitting, Inspections, and Enforcement. If the store is managed by an agency,
 8 the agency must register with the Department of Permitting, Inspections, and Enforcement. Any
 9 change in management shall be updated with the Department of Permitting, Inspections, and
 10 Enforcement by the end of the 30th day after the date of hire by ownership.

11 (c) Each new employee shall complete a safety training program provided by their
 12 employer or a training video provided by the Police Department before their first workday.
 13 Employees hired prior to the effective date of this legislation shall complete safety training
 14 before the end of the 30th day after the effective date of this legislation. Training shall include,
 15 but not be limited to, drop safe, cash handling procedures, and what to do in the event of a
 16 robbery. The employer's safety training program shall be reviewed for adequacy by the Police
 17 Department.

18 (d) A convenience store owner or registered agent of the owner shall participate in a
 19 criminal trespass affidavit program as designated by the Director of the Department of
 20 Permitting, Inspections, and Enforcement. A copy of the trespass affidavit shall be posted in a
 21 highly visible location next to a public entrance.

22 **Sec. 5-2503. Security System.**

23 (a) A convenience store owner shall install a surveillance camera system with a minimum
 24 of three highly visible digital, high-resolution color cameras that produce a minimum of sixty
 25 (60) pixels per foot. The security cameras shall be able to retrieve an identifiable image of an
 26 offender. One camera shall be placed above the cash registers at an angle to identify persons,
 27 one camera shall be placed in view of the public entrance and one camera shall be placed to view
 28 the exterior parking lot. Stores shall record 24 hours a day and motion sensing cameras shall
 29 record when activated. Recordings shall be retained for at least 30 days, even if a store is closed.
 30 An exception shall be made for natural occurrences that would affect camera function. Security
 31 cameras shall have an annual test photo and maintenance log showing maintenance every four

1 months. All security cameras shall be set to report the actual date and time. Only management
2 shall have access to the cameras.

3 (b) A convenience store owner shall install a drop safe bolted to the floor behind the cash
4 register or in an adjacent office. Both locations must be in view of a high resolution surveillance
5 camera.

6 (c) A gas station owner without a convenience store shall install a drop safe or establish
7 another mechanism to ensure that no more than one hundred and fifty dollars (\$150.00) is in the
8 cash register on the premises anytime between the hours of 11:00 p.m. to 6:00 am.

9 (d) A gas station owner without a convenience store shall install a secured surveillance
10 camera system with a minimum of three highly visible digital, high-resolution color cameras that
11 produces a minimum of sixty (60) pixels per foot. One camera shall be placed above the cash
12 registers at an angle to identify persons, one camera shall be placed in view of the public
13 entrance and one camera shall be placed to view the exterior parking lot. Stores shall record 24
14 hours a day and motion sensing cameras shall record when activated. Recordings shall be
15 retained for at least 30 days, even if a store is closed. An exception shall be made for natural
16 occurrences that would affect camera function. Security cameras shall have an annual test photo
17 and maintenance log showing maintenance every four months. All security cameras shall be set
18 to report the actual date and time. Only management shall have access to the cameras.

19 (e) A gas station shall provide window only access if the gas station is open anytime
20 between the hours of 11:00 p.m. to 6:00 a.m. and if the gas station currently has window only
21 access on-site.

22 **Sec. 5-2504. Cash Management.**

23 (a) As a condition of their use and occupancy permit, convenience stores and gas stations
24 cannot keep more than one hundred fifty dollars (\$150) in any cash register on the premises at all
25 times between 11:00 p.m. to 6:00 a.m.

26 (b) A written cash management policy that limits cash on hand in the convenience store or
27 gas station from 11:00 p.m. to 6:00 a.m. shall be provided to all employees.

28 **Sec. 5-2505. Visibility and Signage.**

29 (a) All convenience stores and gas stations shall maintain an unobstructed line of sight
30 allowing a clear view of and from the cash register and sales area. Windows and doors shall be
31 clear of all items that would obstruct a clear view from three feet above the ground to at least six

1 feet above the ground.

2 (b) Convenience stores and gas stations shall post highly visible window signs in English
 3 and Spanish detailing: (1) There is a drop safe in the store; (2) Employees do not have access to
 4 the safe; (3) There is an active security system on the premises, if applicable; (4) 'No Loitering'
 5 and 'No Trespassing'; and (5) There is limited cash in cash registers at anytime between the
 6 hours of 11:00 p.m. and 6:00 a.m.

7 **Sec.5-2506. Grace Period and Noncompliance.**

8 (a) Convenience stores and gas stations in operation prior to the effective date of this
 9 legislation shall have twelve (12) months from the effective date of the legislation to complete all
 10 requirements of this legislation. The two (2) surveillance cameras required pursuant to Section
 11 5-2503 to be placed above the cash registers and in view of the public entrance should be
 12 installed within twelve (12) months from the effective date of the legislation and produce a
 13 minimum of forty (40) pixels per foot. The third surveillance camera to view the exterior parking
 14 lot should be installed within thirty-six (36) months from the effective date of the legislation and
 15 produce a minimum of sixty (60) pixels per foot.

16 (b) Convenience stores and gas stations that remain noncompliant after the grace period
 17 shall be charged a civil monetary fine of One Hundred Dollars (\$100.00) for the first offense,
 18 Two Hundred Fifty Dollars (\$250.00) for the second offense, Five Hundred Dollars (\$500.00)
 19 for the third offense, and One Thousand Dollars (\$1,000.00) for the fourth offense every
 20 calendar year.

21 (c) The Director of the Department of Permitting, Inspections, and Enforcement may
 22 suspend or revoke the use and occupancy permit of a convenience store or gas station for
 23 multiple violations after the fourth offense pursuant to Subsection (b) in two (2) or more
 24 consecutive calendar years.

25 (d) An appeal from any decision, ruling, or order issued under the provisions of this
 26 Division may be made to the Board of Appeals within ten (10) days after the decision, ruling or
 27 order. A notice of appeal shall be filed with the Director of Permitting, Inspections, and
 28 Enforcement, directed to the Board, specifying the grounds and relief sought.

29 **SECTION 2. BE IT FURTHER ENACTED** that this Act shall take effect forty-five (45)
 30 **calendar days** after it becomes law.

Adopted this 24th day of July, 2013.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Andrea C. Harrison
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Rushern L. Baker, III
County Executive

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.