

ORDINANCE NO. 030-15

ORDINANCE REPEALING CHAPTER 60A OF THE MUNICIPAL CODE OF THE CITY OF
CEDAR RAPIDS, IOWA, AND ENACTING A NEW CHAPTER 60A

SURVEILLANCE CAMERAS FOR BUSINESSES

The City Council of the City of Cedar Rapids does hereby ordain as follows:

SECTION 1: The Cedar Rapids Municipal Code is hereby amended by repealing in its entirety Chapter 60A Surveillance Cameras for Businesses and substituting therefor the following Chapter 60A:

Chapter 60A
SURVEILLANCE CAMERAS FOR BUSINESSES

Sections:

- 60A.1 Purpose.
- 60A.2 Definitions.
- 60A.3 Video Surveillance Systems required for certain establishments.
- 60A.4 Access to Media
- 60A.5 Minimum Technological Standards.
- 60A.6 Minimum Coverage Standards, Site Assessment, Signage.
- 60A.7 Inspections.
- 60A.8 Enforcement; Civil Penalties; Appealing a Finding of Violation
- 60A.9 Exemptions.

60A.1 Purpose.

The City Council recognizes that certain businesses have characteristics which may tend to increase the potential risk of criminal activity on their premises. This chapter is enacted to reduce the likelihood that employees and patrons of those businesses will be exposed to potential death and/or injuries because of crime occurring on the premises. It is also intended to assist law enforcement with the criminal investigation of crimes on the premises of the businesses which are the subject of this ordinance.

60A.2 Definitions.

The definitions and provisions contained in this section shall govern the construction, meaning, and application of the following words and phrases used in this Chapter.

1. "Business Establishments" or "Establishments" means those establishments listed and defined in this subsection as follows:
 - a. "Bank or Credit Union" means an establishment whose primary function is related to the custody, loan, exchange, issuance of money, extension of credit, or transmission of funds.
 - b. "Carry Out – Food and Drink" means an establishment whose principal business is the sale of food and beverages in disposable containers in a ready-to-consume state for consumption either within the building or for carry-out with consumption off the premises, whose cash register is visible to the public view.

Notwithstanding the foregoing, a Carry Out- Food and Drink Establishment shall not be subject to this Chapter if it either (a) shares a common area with other businesses or (b) does not have its own entrance or exit. Strictly for purposes of illustration, a business which is part of a so called food court shall not be subject to this Chapter.

- c. "Coin Dealer" means any business which buys and sells coins, gold or any other "precious metals," as that term is defined by Chapter 502A.1 of the Iowa Code, or any applicable successor law.
- d. "Convenience Store" means any business which sells at retail both gasoline and more than 20 "consumer products," as that term is defined by 15 USCS § 2052 (5) [Title 15. Commerce and Trade; Chapter 47. Consumer Product Safety], or any applicable successor law.
- e. "Delayed Deposit Services Business" means a person who for a fee does either of the following:
 - i. Accepts a check dated subsequent to the date it was written.
 - ii. Accepts a check dated on the date it was written and holds the check for a period of time prior to deposit or presentment pursuant to an agreement with, or any representation made to, the maker of the check, whether express or implied.
- f. "Firearm Dealer" means an establishment required to obtain a Federal Firearms License to sell firearms.
- g. "Hotel or Motel" shall mean any building or structure, equipped, used, advertised as, or held out to the public as an inn, hotel, motel, motor inn, room or other place where sleeping quarters or other similar accommodations are furnished for a fee to transient guests.
- h. "Liquor or Alcohol Business" means any retailer required to obtain a permit issued by the State of Iowa, Alcoholic Beverages Division of the Department of Commerce, which authorizes the sale of beer, wine, or distilled spirits to be consumed off the premises where sold or to be consumed on premise and the retailer is open for business after 11PM.
- i. "Media" means material conforming to the Minimum Technical Standards of this Chapter on which audio, video, and electronic data can all be recorded for the purpose of making a permanent record.
- j. "Mobile Communications Retailer" means a business that is engaged in the sale of cellular or mobile communication devices and services, but does not include kiosk stores located in a shopping mall or other business for which the sale of cellular devices or services is only incidental.
- k. "Money Transmission Service" means a business required to obtain a license issued by the State of Iowa, pursuant to the Iowa Code Chapter 533C, or any applicable successor law, to operate a money transmission service.

- l. "Pawn Broker" means a business required to obtain a license issued by the City of Cedar Rapids, pursuant to Chapter 43 of the Cedar Rapids Municipal Code, or any applicable successor law.
- m. "Pharmacy" means a location where prescription drugs are compounded, dispensed, or sold by a pharmacist and where prescription drug orders are received or processed in accordance with the pharmacy laws as defined by Chapter 155A.3 of the Iowa Code, or any applicable successor law.
- n. "Scrap metal dealer" means any person operating a business at a fixed or mobile location that is engaged in one of the following activities:
 - i. Buying, selling, procuring, collecting, gathering, soliciting, or dealing in scrap metal.
 - ii. Operating, managing, or maintaining a scrap metal yard.
- 2. "Video Surveillance System" (or VSS) means a continuous digital surveillance system including cameras, cabling, monitors, and digital video recorders (DVR) which has been approved by the Chief of Police or his/her designee in accordance with this Chapter.

60A.3 Video Surveillance Systems Required for Business Establishments.

- 1. Every Business Establishment, as defined in this Chapter, is hereby required to install a Video Surveillance System in accordance with this Chapter and to provide to the Chief of Police or his/her designee an address and phone number to be used for purposes of official notifications regarding enforcement of this Chapter.
- 2. All Establishments which have installed a Video Surveillance System prior to the effective date of this ordinance shall ensure said Systems are in full compliance with this chapter.
- 3. All Video Surveillance Systems shall:
 - a. be maintained in proper working order at all times; and
 - b. be kept in continuous operation 24 hours a day, 7 days a week; and
 - c. meet the minimum technological standards established in this Chapter.
- 4. All Establishments shall retain the images recorded by its Video Surveillance System for no less than thirty (30) days.

60A.4 Notification of Incidents; Access to Media, Images and Data

If a crime occurs, or any employee of an Establishment believes or suspects a crime has occurred at the Establishment premises, the Establishment shall contact the Police Department immediately and the Establishment shall provide the Police immediate access to the Media containing the recorded event.

If the Video Surveillance System is web-enabled or has wireless capability, the Establishment shall enable the Police Department to directly access the live system during incidents requiring a police response or intervention.

60A.5 Minimum Technological Standards.

Minimum Technological Standards required for Video Surveillance Systems shall be established by resolution of the City Council, which may be updated periodically. The Police Department

shall review the Minimum Technical Standards at least annually to ensure they are consistent with current technology, and shall recommend appropriate updates to the Council.

60A.6 Minimum Coverage Standards.

The Video Surveillance System shall have no less than one camera dedicated to each register or check-out stand, each entrance/exit, and the parking lot or area designated for customer and/or employee parking use.

60A.7 Inspections.

The Video Surveillance System shall be subject to inspection by the Chief of Police or his/her designee, who is authorized to inspect any such System at reasonable times to determine whether it conforms with this chapter and any regulations and Standards adopted by Council resolution pursuant hereto. If the Video Surveillance System does not so conform, the Establishment in question shall take immediate steps to bring the system back into compliance therewith.

60A.8 Enforcement; civil penalties.

1. Establishments subject to the mandatory requirements of this chapter shall have one (1) year from the effective date of this ordinance to comply with the regulations set forth in this Chapter.
2. Violation of any provision of this Chapter by any owner or principal operator of an Establishment shall result in a Notice of Violation from the Chief of Police or his/her designee to said Establishment at the address provided by the Establishment pursuant to §60A.3.
3. The Notice of Violation required under this section shall be in writing, set forth the basis of the violation, and inform the owner or principal business operator of the Establishment that he/she has ten days from the date of mailing of the notice to file a written request for an administrative hearing to appeal the finding of a violation to the City Manager or his/her designee. The administrative hearing shall be held within 10 days after the Police Department receives a timely request for a hearing, but in no event sooner than five days or later than 20 days after receipt of a timely request for a hearing.
4. At the administrative hearing, formal rules of evidence shall not apply. The party for whom the Notice of Violation was issued shall be entitled to present evidence, including the testimony of witnesses, and argument as to why the finding of a violation was incorrect.
5. Following the hearing, the City Manager or his/her designee shall render a written decision either sustaining or reversing the finding of a violation. Within one week following the hearing, the Police Department shall send the written decision to the party for whom the Notice of Violation was issued.
6. If no request for administrative hearing is filed, or if a hearing is requested but the finding of a violation is thereafter sustained, violators shall have 30 days after receipt of the Notice of Violation or decision sustaining the finding, as the case may be, to provide the Police Department proof the violation has been corrected. If the violation continues after the 30-day period, the Chief of Police or designee shall refer the matter to the City Attorney's office for prosecution as provided by law.
7. Any violation of or failure to comply with this Chapter or any of the requirements thereof, shall be prosecuted within the limits provided by state and local laws. Said prosecution

may be by means of a misdemeanor citation or a citation for municipal infraction. For purposes of this chapter, each day that a violation continues shall be a separate violation.

60A.9 Exemptions.

1. An Establishment which is otherwise required to install a Video Surveillance System may be exempt from the requirements of this ordinance if
 - a. the Establishment is not regularly open to the public (including strictly by way of example, a home based business).
 - b. the Establishment has taken or will take alternative security measures and procedures which are substantially equal to or more effective than the requirements of this Chapter in preventing criminal activity and assisting in the apprehension of the perpetrators of crime or the protection of employees and patrons.
 - c. the Establishment has been authorized by the Chief of Police or his/her designee to implement alternate security measures and procedures on an experimental basis.
2. An Establishment which seeks an exemption pursuant to this section shall apply, on an annual basis, to the Chief of Police or his/her designee for exemption from the provisions of this chapter. The application shall be in writing and shall state the basis for the exemption sought in sufficient detail to enable the Chief of Police or designee to determine whether the purposes of this Chapter would still be met if the exemption were granted.
3. An exemption granted pursuant to this section shall carry a maximum duration of twelve months. Any Establishment seeking to extend its exempt status must reapply for an exemption no later than 30 days prior to the end of the exemption period.
4. Any Establishment which has been granted an exemption under this section, or an extension thereof, which does not seek to further extend the exemption pursuant to subsection (c) of this section, shall obtain the City's approval of a Video Surveillance System no later than 30 days prior to the end of the exemption period.
5. The Chief of Police or his/her designee may also authorize temporary extensions of time for installation of a Video Surveillance System when an Establishment demonstrates to the satisfaction of the City that it is temporarily unable to comply for good cause shown.
6. Any party aggrieved by the denial of an exemption under this section may request a hearing as provided in subsections (a) through (i) of §60A.8. The decision rendered pursuant to subsection (i) of §60A.8 shall be the final decision of the City.

SECTION 2. Separability of Provisions. It is the intention of the Council that each section, paragraph, sentence, clause, and provision of the Ordinance is separable, and, if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance nor any part thereof other than that affected by such decision.

SECTION 3. All ordinances or parts of ordinances in conflict with any provision of this Ordinance are hereby repealed.

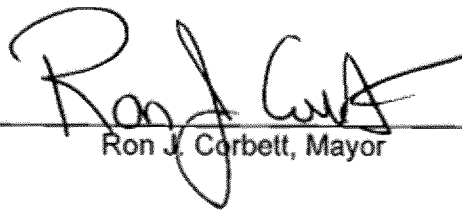
SECTION 4. The changes as provided in this Ordinance shall be made a part of the replacement pages of the Municipal Code, City of Cedar Rapids, Iowa, and made a part of said Code as provided by law.

SECTION 5. This Ordinance shall be in full force and effect from and after its passage and publication as provided by law.”

Introduced this 28th day of April, 2015.

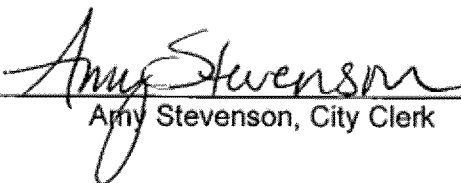
Passed this 12th day of May, 2015.

Voting: Council member Gulick moved the adoption of the ordinance; seconded by Council member Weinacht. Adopted, Ayes, Council members Shields, Gulick, Vernon, Shey, Russell, Olson, Weinacht and Mayor Corbett.



Ron J. Corbett, Mayor

Attest:



Amy Stevenson, City Clerk