

ORDINANCE NO. _____

An ordinance amending Chapter 12B, "Convenience Stores," of the Dallas City Code by amending Sections 12B-2, 12B-14, 12B-18, and 12B-23; providing a definition for a small box discount store; amending surveillance camera system requirements; amending store visibility requirements; amending automatic teller machine requirements; providing a saving clause; providing a severability clause; and providing an effective date. Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Section 12B-2, "Definitions," of Article I, "General Provisions," of Chapter 12B, "Convenience Stores," of the Dallas City Code is amended to read as follows:

"SEC. 12B-2. DEFINITIONS.

In this chapter:

(1) CERTIFICATE OF REGISTRATION means a certificate of registration issued by the chief under this chapter to the owner or operator of a convenience store.

(2) CHIEF means the chief of the police department of the city or the chief's authorized representative.

(3) CIGAR BAR means a bar that derives 15 percent or more of its gross revenue on a quarterly (three-month) basis from the sale or rental of tobacco, tobacco products, or smoking accessories for on-premises consumption.

(4) CONVENIENCE GOODS means basic food, household, tobacco products, paraphernalia, and pharmaceutical items.

(5) CONVENIENCE STORE means any business that is primarily engaged in the retail sale of convenience goods, or both convenience goods and gasoline, and has less than 10,000 square feet of retail floor space. A convenience store does not include any business that has no retail floor space accessible to the public.

(6) DIRECTOR means the director of the department of code compliance or the director's authorized representative.

(7) DROP SAFE means a cash management device in which money can be deposited without the depositor having access to the contents.

(8) EMPLOYEE means any person listed on the payroll of a convenience store as an employee, whether part-time, full-time, permanent, or temporary. The term does not include a person providing only janitorial or security services to the convenience store.

(9) HEIGHT MARKER means a measuring strip that may be attached on or near a door frame of a convenience store to aid in identifying the height of a person suspected of committing a crime.

(10) MANAGER means the person designated in the registration application filed under this chapter as being responsible for the daily operation of a convenience store.

(11) PARAPHERNALIA means "illegal smoking paraphernalia" as that term is defined in Chapter 31 of the Dallas City Code or any other smoking paraphernalia that is commonly used, or commonly known to be used, for the inhalation of tobacco or illegal substances. For purposes of this definition, rolling papers, tobacco cigarettes, and tobacco cigars are not considered paraphernalia.

(12) PERSON means any individual, corporation, organization, partnership, association, or any other legal entity.

(13) REGISTERED AGENT means the person identified in the registration application filed under this chapter who is authorized to receive on behalf of the convenience store any legal process or notice required or provided for in this chapter.

(14) REGISTRANT means a person issued a certificate of registration for a convenience store under this chapter and includes all owners, operators, or the person in the care, custody, or control of the convenience store.

(15) SMALL BOX DISCOUNT STORE means any business that is primarily engaged in the retail sale of foods, beverages, household products, personal grooming, health products, and other convenience goods, does not sell gasoline, has less than 15,000 square feet of retail floor space, and does not operate under a food establishment permit.

(16) TOBACCO PRODUCT means a tobacco product as defined in Chapter 155 of the Texas Tax Code, as amended.

(17[16]) TOBACCO SHOP means a retail or service establishment that derives 90 percent or more of its gross revenue on a quarterly (three-month) basis from the sale of tobacco or tobacco products.”

SECTION 2. That Paragraph (2) of Subsection (a) of Section 12B-14, “Surveillance Camera System; Video Recording and Storage,” of Article III, “Safety Requirements for Convenience Stores,” of Chapter 12B, “Convenience Stores,” of the Dallas City Code is amended to read as follows:

“(2) One camera must be positioned to provide coverage of the cash register or other area where money is exchanged, to include any automated teller machines (ATMs) if one is present. The second camera must be positioned to provide a clear and identifiable full frame view of the face of each individual filmed entering the main public entrance of the store. The third camera must be positioned to provide a clear and identifiable full frame of view of the face of each individual filmed exiting the main public exit of the store. The coverage of the cameras required by this paragraph must remain unobstructed by any display, sign, or other item.”

SECTION 3. That Section 12B-18, “Store Visibility,” of Article III, “Safety Requirements for Convenience Stores,” of Chapter 12B, “Convenience Stores,” of the Dallas City Code is amended to read as follows:

“SEC. 12B-18. STORE VISIBILITY.

(a) A registrant shall provide for and maintain visibility in a convenience store in compliance with this section.

(b) Except as provided in this subsection a~~[A]~~n unobstructed line of sight that allows a clear view of and from the cash register and sales transaction area through all windows and public entrance and exit doors must be maintained in the convenience store at all times. The unobstructed line of sight must, at a minimum, extend from three feet above the ground to at least six feet above the ground. Small box discount stores are exempt from this requirement.

(c) Except as provided in this subsection s~~[S]~~ore windows and doors must be maintained clear of all items that would obstruct a clear view, including, but not limited to, signage, advertisements, shelving, and merchandise. Small box discount stores are exempt from this requirement.

(d) All public entrance and exit doors of a convenience store must be made of glass or another transparent material, except that a convenience store lawfully operating in the city on October 15, 2008 is not required to comply with this subsection until there is a change in the majority ownership of the store.”

SECTION 4. That Section 12B-23, “Automatic Teller Machines,” of Article III, “Safety Requirements for Convenience Stores,” of Chapter 12B, “Convenience Stores,” of the Dallas City Code is amended to read as follows:

“SEC. 12B-23. AUTOMATED [~~AUTOMATIC~~] TELLER MACHINES.

Automated [~~Automatic~~] teller machines must be:

- (1) secured to the floor of the convenience store using bolts or other similar hardware; and
- (2) either:
 - (A) located more than 12 feet away from glass windows and doors; or
 - (B) if 12 feet or less away from glass windows or doors, have an additional camera pointed at the automatic teller machine.”

SECTION 5. That Chapter 12B of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 6. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 7. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 8. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

BERTRAM A. VANDENBERG, Interim City Attorney

By _____
Assistant City Attorney

Passed _____