

AN ORDINANCE OF THE CITY OF CEDAR RAPIDS AMENDING
CHAPTER 60A OF THE CEDAR RAPIDS MUNICIPAL CODE,
SURVEILLANCE CAMERAS FOR BUSINESSES

THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Chapter 60A of the Cedar Rapids Municipal Code is hereby amended by adding Chapter 60A Surveillance Cameras for Businesses to read as follows:

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.

60A.9 Exemptions.

60A.10 Appeal Process.

60A.1 Purpose.

This chapter is enacted to reduce the potential for situations where employees of certain businesses are exposed to potential death and/or injuries because of the actions of people with criminal intent. It is also intended to assist law enforcement with the criminal investigation of crimes that occur at certain businesses. The businesses made subject to this chapter have certain characteristics which may tend to increase the potential risk of criminal activity at the businesses.

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.
- c. “Coin Dealer” means any business who buys and sells coins, gold or any other “precious metals,” as that term is defined by Chapter 502A.1 of the Iowa Code.
- 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]
- 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.
- 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 statutes, 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.
 - 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.
 - 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.

Every Business Establishment, as defined in this Chapter, is hereby required to install a Video Surveillance System in accordance with this Chapter. All Establishments which have installed a Video Surveillance System prior to the effective date of this ordinance shall ensure said Systems they are in full compliance with this chapter. 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.

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. The establishment shall retain the continuous digital images recorded by this system for no less than thirty (30) days.

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 bi-annually to ensure they are consistent with current technology, and shall recommend appropriate updates to the Council.

60A.6 Minimum Coverage Standards, Site Assessment, Signage.

The Video Surveillance System shall have no less than one camera dedicated to each register or check-out stand, entrance/exit, loading dock, and parking lot or area designated for customer and/or employee parking use. The placement of cameras included in Video Surveillance Systems required under this chapter must be approved by the Police Department. The Chief of Police or his/her designee will conduct an assessment of each site required to install a Video Surveillance System prior to installation of said System, and upon approval will issue an approval notice which will be placed in plain view inside the Establishment premises. This approval notice will also inform customers and employees of the presence of the Video Surveillance System.

60A.7 Inspections.

The Video Surveillance System shall be subject to regular 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.

- a. 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.
- b. The Chief of Police or a designee is authorized to investigate all alleged violations of this Chapter. 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 at the time a Video Surveillance System is approved pursuant to this Chapter.
- c. The notice of violation required under this section shall be in writing, set forth the grounds for 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 a hearing.
- d. Violators shall have 30 days after receipt of the notice to provide the Police Department proof that the violation has been corrected. If the violation continues after the 30-day period, the Chief of Police or designee shall issue a citation against the violator and, subject in any event to the appeal process afforded under this chapter, the violator shall pay a civil penalty not to exceed \$500. The City Attorney is authorized to bring a civil action in any court of competent jurisdiction to recover such civil penalties.
- e. For purposes of this chapter, each day that a violation continues shall be a separate violation

- f. In addition to the foregoing, the violation of any provision of this chapter shall be and is hereby declared to be a public nuisance and contrary to the public interest and shall, at the discretion of the City, create a cause of action for injunctive relief.

60A.9 Exemptions.

A business which is otherwise required to install a video surveillance system may apply, on an annual basis, to the Chief of Police or his/her designee for exemption from the provisions of this chapter. The Chief of Police or his/her designee may exempt a business for a period of twelve months if he/she finds that the business has or will undertake alternative security procedures which are substantially equal to or more effective in preventing criminal activity and in assisting in the apprehension of the perpetrators of crime or for the protection of employees. In addition, the Chief of Police or his/her designee may authorize alternate procedures on an experimental basis. Such an exemption shall carry a maximum duration of twelve months, and a business must either reapply for an exemption at the end of the exemption period or obtain the City's approval of a Video Surveillance System no later than 30 days prior to the end of the exemption period. The Chief of Police or his/her designee may also authorize temporary extensions of time for installation when an Establishment demonstrates to the satisfaction of the City that it is temporarily unable to comply for good cause shown.

60A.10 Appeal process.

- a. Any Establishment found to be in violation of this chapter by the Chief of Police or his/her designee shall have the right to a hearing before the City Manager or his/her designee.
- b. Within ten days of mailing of the written notice of violation by the Chief of Police or his/her designee pursuant to section 60A.8, the owner or principal business operator of an Establishment to which a notice of violation has been issued may appeal by requesting a hearing before the City Manager. Such a request must be made in writing and must set forth the specific grounds for the appeal. Within 10 days after any timely request for a hearing, the City Manager or his/her designee shall set a time and place for the hearing. That hearing shall be conducted no sooner than five days after the date of the notice which sets the hearing and no later than 20 days after receipt of the request for a hearing. 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 City Manager or his/her designee to grant or deny the appeal shall be in writing and shall be rendered within one week of the hearing. The decision shall be considered a final administrative action for purposes of further review pursuant to Iowa law.

SECTION 2.

If any section, subsection, sentence, clause or phrase of this ordinance or chapter as codified 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 ordinance or 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 hereof would be subsequently declared invalid or unconstitutional.

SECTION 3.

This ordinance shall take effect thirty (30) days after adoption and either (a) a summary of this ordinance, including the names of the Council members voting for and against it, shall be published twice, five (5) days prior to adoption and again within fifteen (15) days after adoption, or (b) the entire ordinance, including the names of the Council members voting for and against it, shall be published once, within fifteen (15) days after adoption, in a newspaper of general circulation that is circulated in the City of Cedar Rapids.