

AN ORDINANCE OF THE CITY OF MADISON, MISSISSIPPI, CREATING REGULATIONS RELATED TO RETAIL BUSINESS CENTERS WITH PARKING LOTS CONTAINING 25 OR MORE PARKING SPACES AND/OR A TWO THOUSAND SQUARE FOOT MINIMUM BUILDING; PROVIDING FOR INSTALLATION OF SECURITY CAMERA SYSTEMS FOR PARKING LOT, ENTRY AND EXIT DOOR SURVEILLANCE; PROVIDING FOR A PROCEDURE FOR RETAIL BUSINESS CENTERS TO KEEP RECORDINGS FOR 30 DAYS; PROVIDING TECHNICAL SPECIFICATIONS FOR A SECURITY CAMERA SYSTEM; CREATING A GRACE PERIOD FOR COMPLIANCE FOR EXISTING RETAIL BUSINESS CENTERS; ESTABLISHING PENALTIES FOR VIOLATION OF THESE SECTIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Madison (the "City") deems it to be in the best interest of the health, safety, and welfare of its citizens, businesses, and visitors to provide safer environments for customers and employees in its community; and

WHEREAS, the governing authorities of the City find that the parking lots of retail, restaurant and service establishments ("Retail Business Centers") may expose people to the risk of abductions, robberies, and other similar criminal acts; and

WHEREAS, statistics compiled by the Madison Police Department demonstrate that insufficient security is a significant threat to the health, safety, and well-being of visitors and citizens of the City, and

WHEREAS, a study conducted by the U.S. Department of Justice, Community Oriented Policing Services (COPS) has determined that there is a reduced level of fear amongst people who are aware they are under video surveillance, while also encouraging people to be more security conscious; and

WHEREAS, the U.S. Department of Justice study also concluded that those security camera systems may drive offenders away from committing offenses that take time, as they run a greater risk of capture; and

WHEREAS, the U.S. Department of Justice study concluded that there is an actual investigative benefit provided by these security camera systems once an offense has been committed; and

WHEREAS, the governing authorities of the City of Madison, in consultation with the City's Police Department, finds that certain minimum security standards, including the installation of security cameras to monitor the parking lots and entry and exit doors of Retail Business Centers, should both improve the solvability of crimes in those areas and deter and prevent future crimes; and

WHEREAS, the threat of liability for these incidents to Retail Business Center owners is very significant and could undermine the economic health of the City's business community; and

WHEREAS, by installing these security cameras now, rather than after an incident takes place, owners of Retail Business Centers may take affirmative steps to not only protect their loyal customers and employees but also help insulate themselves from liability; and

WHEREAS, the installation of security cameras would be a valuable tool for protecting customers and employees from harm and to help protect owners of Retail Business

Centers from liability.

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF MADISON, MISSISSIPPI, AS FOLLOWS:

Section 1. Recitals Adopted. That the recitals set forth above are true and correct and incorporated herein by this reference.

Section 2. Cameras in Retail Business Centers.

- (1) Title. This section shall be known as the "City of Madison Parking Lot and Building Security Ordinance."
- (2) Findings. The Board of Aldermen finds that the installation of security cameras to monitor the parking lots of those facilities in commercial zoned areas under common ownership or control whose primary use is to provide space for retail, restaurant, professional, medical, office and service establishments (hereafter "Retail Business Centers"), will help protect the City's citizens, visitors and business employees from abductions, robberies, and other similar criminal acts, supplementing existing law enforcement services. The governing authorities of the City of Madison, in consultation with the City's Police Department, finds that the installation of security cameras to monitor the parking lots and entry and exit doors of Retail Business Centers may improve both the solvability of crimes in those areas and, more importantly, deter future crime. The City Council also finds that certain minimum- security requirements are beneficial to better protect the health, welfare, and safety of residents and visitors to the City.
- (3) Intent. It is the Council's intent to require that the parking lots and entry and exit doors of Retail Business Centers that have twenty five (25) or more parking spaces and/or a two thousand (2,000) square foot or more building be equipped with a security camera system that may assist law enforcement personnel in offender identification, apprehension and conviction. It is the Council's intent that security cameras required hereunder shall significantly improve solvability of crimes committed in parking lots.
- (4) Exemptions. This ordinance shall not apply to parking structures and other types of parking areas that solely service facilities whose primary function is for residential uses.
- (5) Required Security Camera System for Retail Business Centers.
 - (a) Every Retail Business Center shall install, maintain and operate a security camera system capable of producing retrievable and identifiable images and storing them on digital video recorders, or other comparable media, that can be enlarged and used to assist law enforcement in offender identification, apprehension and prosecution ("Security Camera System"). For purposes of compliance with this ordinance, this requirement is the duty and obligation of the developer, owner and/or lessor of the real property on which the Retail Center is located, and not the tenant or lessee of individual units within the Retail Center.
 - (b) The Security Camera System must be capable of identifying all vehicles entering and leaving the parking area/lot(s) and all entry and exit doors of the Retail Business Center. The minimum technical specifications of the Security Camera System shall be:
 - (i) Camera – a minimum of 480 Total Vertical Lines (TVL) of resolution. Recording Device – 640 x 480 recording resolution, and Infra-Red (IR) capability for night time use.
 - (2) Recording Capability – Retain data from all cameras for thirty (30) days or more.
- (6) Every Retail Business Center shall operate its security camera system for no less than two (2) hours before the opening of the first business in the Retail Business Center, during business hours, and two (2) hours after the closing of the last business in the Retail

Business Center, seven (7) days a week.

(7) Implementation Schedule. Every Retail Business Center shall have 12 months from the effective date of this ordinance to comply with its requirements. Retail Business Centers that commence operations after the effective date of this ordinance shall comply with the requirements of this ordinance prior to the commencement of operation.

(8) Signage Requirement. Every Retail Businesses Center subject to the provisions of this ordinance shall post signs that are clearly visible from the parking area/lot(s) that state: "This outdoor area is being monitored by surveillance cameras by order of the City of Madison and any criminal acts committed herein will be punished to the fullest extent of the law." There shall be a minimum of one sign for every 250 parking spaces, which signs shall be evenly placed throughout the parking area/lot(s), provided that no parking area/lot(s) subject to this ordinance shall have less than one (1) sign.

(9) Landscaping. Nothing in this ordinance shall require a Retail Business Center to remove any City required landscaping.

(10) Permitting Fees Waived. The City shall waive all building permit fees associated with the initial implementation of this ordinance upon the permitting and installation of such system.

(11) Exception. It shall not be a violation of this ordinance if the Security Camera System is inoperable as a result of an act of God including, but not limited to weather conditions, as long as the camera is restored to operational capacity as soon as reasonably possible.

Section 3. Penalties. Violation of this ordinance is punishable by a fine of not more than five hundred dollars. Each day of non-compliance constitutes a separate violation.

Section 4. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Conflicts. All ordinances in conflict with this ordinance are repealed to the extent of such conflict.

Section 6. Effective Date. This Ordinance shall be effective thirty days from and after adoption.

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The above and foregoing Ordinance having previously been reduced to writing, a motion was made by Alderman Hickok and a second by Alderman Strain to approve and adopt the Ordinance and no request having been made by the Mayor or any member of the Board of Aldermen that said Ordinance be read by the City Clerk before a vote was taken. Said Ordinance was adopted by the Board of Aldermen with results being as follows:

Alderman Strain voted:

Aye

Alderman Tatum voted:

Aye

Alderman Peeler voted:

Aye

Alderman Jacobs voted:

Aye

Alderman Hickok voted:

Aye

Alderman Hudgins voted:

Aye

Alderman Bowering voted:

Aye

The motion having received the affirmative vote of 7 members of the Board of Aldermen present, the Mayor declared the motion so carried and this Ordinance adopted on this 17th day of January, 2017.

CITY OF MADISON, MISSISSIPPI

BY: Mary Hawkins Butler

Mary Hawkins Butler, Mayor

ATTEST:

Susan B Crandall

Susan Crandall

City Clerk