AN ACT concerning Convenience Stores and Gas Stations - Public Safety

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

BY adding:

SUBTITLE 5. BUSINESSES AND LICENSES.

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


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

SUBTITLE 5. BUSINESSES AND LICENSES.

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

Sec. 5-2500. Legislative Intent.

(a) The purpose and intent of this legislation is to improve public safety and reduce commercial crime by strengthening safety standards at convenience stores and gas stations. This
legislation establishes reasonable and uniform laws to promote the health, safety, and welfare of the citizens and residents of the County. The provisions of this law are in response to violent crimes taking place in or in close proximity to convenience stores and gas stations throughout the County.

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

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

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

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

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

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

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

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

Sec. 5-2502. Registration and Training.

(a) A convenience store owner or gas station owner of a sole proprietorship shall register or designate a representative to register with the Department of Permitting, Inspections, and Enforcement. If a convenience store or gas station is privately owned by multiple individuals, each party shall register with the Department of Permitting, Inspections, and Enforcement or designate a representative to register with the Department of Permitting, Inspections, and Enforcement. If a convenience store or gas station is owned by a corporation, the registered agent of the owner shall register with the Department of Permitting, Inspections, and
Enforcement. Any change in ownership shall be updated with the Department of Permitting, Inspections, and Enforcement by the end of the 30th day after the effective date of new ownership. All registration shall be completed by January 1, 2014. As a condition of a use and occupancy permit or continuation of a use and occupancy permit, all registration for a convenience store or gas station is required.

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

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

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

Sec. 5-2503. Security System.

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

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

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

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

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

Sec. 5-2504. Cash Management.

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

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

Sec. 5-2505. Visibility and Signage.

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

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

Sec. 5-2506. Grace Period and Noncompliance.

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

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

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

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

SECTION 2. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45) 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.