

City of Houston, Texas, Ordinance No. 2022-307

AN ORDINANCE AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, TO ADD AND AMEND SECTIONS RELATING TO EXTERIOR SECURITY CAMERAS AND LIGHTING TO INCREASE PUBLIC SAFETY; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

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WHEREAS, the City of Houston has experienced an increase in violent crimes due to several factors, including but not limited to the COVID-19 pandemic, social anxiety and economic uncertainty, the ability of certain citizens to openly carry handguns without a license or training, and a strained local criminal justice system struggling to adjudicate cases, resulting in a criminal court backlog greater than 100,000 cases; and

WHEREAS, excessive levels of violence and criminal activity are detrimental to human health and welfare and result in impaired health, safety, and welfare for residents of the City; and

WHEREAS, HPD data shows that in 2021, HPD responded to 7,201 crimes at convenience stores, 2,946 crimes at bars and nightclubs, which includes sexually-oriented businesses, and 94 crimes at gambling establishments; and

WHEREAS, the use of technology, including but not limited to video camera footage, is helpful to law enforcement in identifying and apprehending persons alleged to have committed violent crimes; and

WHEREAS, the City of Houston, Texas, is a home-rule municipality pursuant to Section 5, Article 11 of the Texas Constitution and as such, is vested with the power of local self-government; and

WHEREAS, Section 54.004 of the Texas Local Government Code authorizes home-rule municipalities to enforce ordinances necessary to protect health, life, and property and to preserve the good government, order, and security of the municipality and its inhabitants; and

WHEREAS, on February 2, 2022, Mayor Sylvester Turner announced and committed substantial City resources to the implementation of *One Safe Houston*, a comprehensive violence reduction initiative focused on:

- (1) Violence Reduction and Crime Prevention;
- (2) Crisis Intervention, Response and Recovery;
- (3) Youth Outreach Opportunities; and
- (4) Key Community Partnerships; and

WHEREAS, as a component of *One Safe Houston*, the Administration requested that the City of Houston Legal Department, in consultation with HPD, craft an ordinance to require that bars, nightclubs, sexually-oriented businesses, convenience stores, and game rooms install exterior security cameras; and

WHEREAS, the Code of Ordinances, Houston, Texas, (the "Code") does not currently require that owners and operators of convenience stores provide a surveillance camera with a view of the exterior of the convenience store or provide exterior lighting that illuminates the publicly accessible areas of the convenience store; and

WHEREAS, in 2021, numerous convenience stores in Houston were the sites of repeat offenses of violent crime, including individual convenience stores that were the sites of up to 7 separate incidents of aggravated assault; and

WHEREAS, a 2019 study on the relationship between the availability of street lighting in New York City urban housing developments and crime rates conducted by the University of Chicago's "Crime Lab," in cooperation with the New York City Police Department, found that lighting can reduce nighttime crime in urban areas by up to approximately 36 percent; and

WHEREAS, City Council finds that because the aforementioned businesses and surrounding areas can become targets of opportunity for theft and violent crimes, imposing an exterior security camera requirement and lighting requirements for these businesses will protect the public health, safety and welfare of the City by increasing security for patrons and employees; **NOW THEREFORE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:

Section 1. That the findings contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. That Chapter 28 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Article XXI that reads as follows:

"ARTICLE XXI. EXTERIOR SECURITY CAMERAS

Sec. 28-671. Businesses covered.

The following types of businesses shall be subject to the requirements of this article:

- (1) Nightclubs and bars, as defined in section 21-17 of this Code.
- (2) Sexually oriented businesses, which shall mean those businesses listed in the definition for *enterprise* in section 28-121 of this Code.
- (3) Convenience stores, as defined in section 28-401 of this Code.
- (4) Game rooms, as defined in section 5-161 of this Code.

Sec. 28-672. Camera required.

- (a) A business subject to the requirements of this article shall have digital high-resolution surveillance cameras sufficient to provide an overall view from the exterior of the building to the property line and each camera shall be placed in consultation with HPD. Each camera shall display the date and time of the recording. The camera must be capable of providing a digital image with a minimum resolution of two megapixels, a minimum aspect ratio of 1920 horizontal pixels by 1080 vertical pixels, and a minimum frame rate of 30 frames per second. The camera shall have Wide Dynamic Range capabilities. The camera shall be capable of exporting video footage in a non-proprietary MPEG-4 format.
- (b) Each camera shall be maintained in proper working order at all times. Each camera shall be operating at all times, including hours when the facility is not open for business.
- (c) The owner shall, within 72 hours of a request, provide digital color video footage in connection with crime investigations to the police department.
- (d) The owner or operator shall maintain a library of the recorded digital footage for not less than 30 days.
- (e) A business subject to the requirements of this article shall have posted at all public exits and entrances signs or decals indicating that surveillance cameras are in use.

Sec. 28-673. Violation.

Any failure to comply with any applicable provision of this article shall be an offense punishable as provided in section 1-6 of this Code. The police chief and the director of the department of administration and regulatory affairs shall be authorized to enforce the provisions of this article.”

Section 3. That Article XIII of Chapter 28 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Section 28-411 that reads as follows:

"Sec. 28-411. Exterior lighting.

A convenience store shall be equipped with exterior lighting fixtures of sufficient intensity to illuminate every place to which customers are permitted access, including, without limitation, the exterior of the main building, storefront entrances, parking areas, and fuel pump islands, at an illumination of not less than six foot-candles (65 lux) as measured at five feet above the ground level. Exterior lighting must not be directed to illuminate a neighboring residential property. Exterior lighting must be turned on daily between sunset and sunrise."

Section 4. That, notwithstanding the effective date set forth below, the Police Chief and other officials responsible for administering this Ordinance shall, soon as practicable following the passage and approval of this Ordinance, commence actions required to implement this Ordinance upon its effective date.

Section 5. That, as the state of the video camera technology develops, the Chief of Police or his designee shall undertake periodic assessment of changes in these technologies and may recommend updates to the provisions adopted in this ordinance to City Council as appropriate.

Section 6. That the City Attorney is hereby authorized to direct the publisher of the Code of Ordinances, Houston, Texas, (the "Code") to make such nonsubstantive changes to the Code as are necessary to conform to the provisions adopted in this Ordinance, and also to make such changes to the provisions adopted in this Ordinance to conform them to the provisions and conventions of the published Code.

Section 7. That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity

of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 8. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect at 12:01 a.m. on the ninetieth day next following the date of its passage and approval by the Mayor.

PASSED AND APPROVED this 20th day of April, 2022.

Sylvester Turenr _____
Mayor of the City of Houston

Prepared by Legal Dept. _____
RAW:asw 5/11/2022 Assistant City Attorney
Requested by Troy Finner, Chief, Houston Police Department, and Arturo G. Michel, City Attorney
L.D. File No. 0622200023001