

ORDINANCE NO. 12-M-23

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AMENDING THE CODE OF ORDINANCES OF THE CITY OF SCHERTZ REGARDING REQUIREMENTS OF AT-RISK BUSINESSES, INCLUDING THE REQUIREMENTS TO HAVE SECURITY CAMERAS AND WINDOWS WITH CLEAR AND UNOBSTRUCTED VIEWS; PROVIDING A PENALTY; ESTABLISHING AN EFFECTIVE DATE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, the City Council of the City of Schertz, Texas (the “City”) believes it is in the best interest and general welfare of the citizens of the City to deter crime generally, including, without limitation, criminal activity involving places of business, other than restaurants, that are in the retail sale of groceries, foods, gasoline, alcoholic beverages, or services and that are open for business during any hours between 11:00 p.m. and 6:00 a.m. (“At-Risk Businesses”) and are located in the City; and

WHEREAS, the City Council has taken public notice that criminal activity involving At-Risk Businesses primarily occurs between the hours of 11:00 p.m. and 6:00 a.m.; and

WHEREAS, the City Council has determined that preventative measures must be implemented to deter crime involving At-Risk Businesses to protect the health, safety, and general welfare of the citizens of the City and the patrons and employees of the At-Risk Businesses located in the City; and

WHEREAS, the City Council has determined that the most effective preventative measure to deter criminal activity involving At-Risk Businesses is to require At-Risk Business owners to install security cameras and to have clear and unobstructed windows.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ TEXAS:

Section 1. Chapter 50, Article VI of the City’s Code of Ordinances is hereby deleted in its entirety and replaced with the following:

ARTICLE VI. – AT-RISK BUSINESSES

Sec. 50-184. – Definitions.

The following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this Section:

At-Risk Business means any place of business that is in the retail sale of groceries, foods, gasoline, alcoholic beverages, or services that is open for business during any hours

between 11:00 p.m. and 6:00 a.m. . The term “At-Risk Business” does not include a business which is solely or primarily a restaurant.

Security Camera System means a video camera system capable of retrieving an identifiable image to assist with the identification and apprehension of persons engaged in criminal activity.

Unobstructed View means windows need to be clear of store merchandise and excessive advertisements to allow responding emergency personnel to see inside the business.

Sec. 50-185. – At-Risk Businesses Security.

- (a) Each At-Risk Business located within the City of Schertz shall be equipped with an operating Security Camera System.
- (b) Each At-Risk Business located within the City of Schertz shall maintain windows with an Unobstructed View.

Sec. 50-186. – Implementation.

All At-Risk Businesses within the City of Schertz shall comply with the terms of this Article. Further, compliance with this Article shall be a requirement for a new At-Risk Business to obtain a certificate of occupancy.

Sec. 50-187 – Penalty for Noncompliance.

Any violation of this Article by any person, firm, or entity is declared to be unlawful and shall be a Class C Misdemeanor punishable by a fine not to exceed \$500.00, and a separate offense shall be deemed committed for each day in which a violation occurs or continues.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section 3. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section 4. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be

valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 7. This Ordinance shall be effective upon the date of final adoption hereof and any publication required by law.

PASSED ON FIRST READING, the 19th day of November, 2012.

PASSED, APPROVED and ADOPTED ON SECOND READING, the 27th day of November, 2012.

CITY OF SCHERTZ, TEXAS

Mayor

ATTEST:

City Secretary

(CITY SEAL)