

ORDINANCE NO.: 90-19

AN ORDINANCE OF HERNANDO COUNTY, FLORIDA, PROVIDING FOR REGULATION OF CONVENIENCE STORES; ESTABLISHING SECURITY MEASURES, INCLUDING A SILENT ALARM SYSTEM, A SECURITY CAMERA SYSTEM, A MINIMUM ACCESS TO CASH RECEIPTS SYSTEM, PARKING LOT ILLUMINATION STANDARDS, SIGNAGE REGULATIONS, WINDOW TINTING STANDARDS, INSTALLATION OF HEIGHT MARKERS, CASH MANAGEMENT STANDARDS, TRAINING OF EMPLOYEES, A NON-COMPLIANCE FEE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

SECRETARY OF STATE

NOV 19 1990

WHEREAS, the number of robberies at Convenience Food Stores exceeds the numbers of such incidents at other establishments between the hours of 10:00 P.M. and 5:00 A.M.; and

WHEREAS, such excess demonstrates a greater likelihood that such incidents will occur unless precautionary measures are taken at Convenience Food Stores; and

WHEREAS, the occurrence of such incidents has resulted in loss of life and loss of property and is contrary to the public health, safety and welfare of the employees and customers of Convenience Food Stores; and

WHEREAS, the Florida Legislature has passed and the Governor has approved law 90-346, entitled the "Convenience Store Security Act," and

WHEREAS, the act mandates the inclusion of certain portions of the act in a local ordinance if a jurisdiction has had a death, serious injury or sexual battery occur during the commission of a theft or robbery at a convenience store during the past twelve (12) months; and

WHEREAS, at least one such event has occurred within Hernando County within the past twelve (12) months.

BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA:

SECTION I. DEFINITIONS.

The following terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning:

A. CONVENIENCE STORE - means any place of business that is engaged in the retail sale of groceries, including the sale of prepared foods and gasoline and services, that is regularly open for business at any time between the hours of 10:00 P.M. and 5:00 A.M., and that is attended during such hours by one employee. The term "convenience store" does not include a store which is solely or primarily a restaurant. The term "convenience store" does not include any store in which the owner and members of his family work in the store between the hours of 10:00 P.M. and 5:00 A.M.

B. OWNER - is the person, corporation, partnership, joint venture or other group enterprise having possession of the premises upon which the convenience food store is operated.

SECTION II. REGULATIONS.

Each convenience store located in the unincorporated area of Hernando County shall be required to comply with the following requirements, or be subject to the penalty described in Section III of this Ordinance.

A. Have an operational silent alarm that notifies local law enforcement or a private security agency that a robbery is taking place.

B. Have an operational security camera system capable of retrieving an image to assist in the identification and apprehension of a robber.

C. Have a drop safe or cash management device that provides minimum access to the facility's cash receipts.

D. Have lighted parking lots illuminated at an intensity of two (2) foot-candles per square foot with a uniformity ratio of no more than 5 to 1 at 18 inches above the surface.

E. Post a conspicuous sign in the convenience store entrance which states that the cash register contains fifty (\$50.00) dollars or less.

F. Maintain window signage so that there is a clear and

unobstructed view of the cash register and transaction area.

G. Prohibit window tinting on the windows of the establishment if such tinting reduces exterior or interior viewing during the hours of operation to which this act is applicable.

H. Install height markers at the entrance which display height measures from the floor.

I. Establish a cash management policy to limit the amount of available cash on hand between the hours of 9:00 P.M. and 6:00 A.M.

J. No later than June 30, 1991, the owner or principle operator of a convenience store shall provide proper robbery deterrence and safety training to at least its employees who work between the hours of 9:00 P.M. and 6:00 A.M. New employees will be trained prior to working between the hours of 9:00 P.M. and 6:00 A.M. The training program employed must comply with the requirement of Section 812.174, Florida Statutes.

K. If any convenience store chooses to provide two (2) employees on duty between 9:00 P.M. and 5:00 A.M. it may do so in lieu of being subject to the above requirements.

SECTION III. PENALTIES.

Any owner of a convenience store found to be in noncompliance with the Ordinance can be fined up to five thousand (\$5,000.00) dollars. If noncompliance with this Ordinance is corrected within ten (10) days after receipt of written notice, no noncompliance fee shall be assessed. However, any owner or principal operator of a convenience store who willfully and deliberately violates the requirements of this act or who deliberately fails to initially implement the requirements of this act shall be required to pay upon complaint filed by Hernando County, a civil fine of up to five thousand (\$5,000.00) dollars.

SECTION IV. SEVERABILITY.

It is declared to be the intent of the Board of County Commissioners that if any section, subsection, clause, sentence phrase or provision of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this Ordinance.

SECTION V. INCLUSION IN THE CODE.

It is the intention of the Board of County Commissioners of Hernando county, Florida, and it is hereby provided, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the sections of this Ordinance may be renumbered or relettered to accomplish such intention, and that the word "ordinance" may be changed to "section", "article", or other appropriate designation.

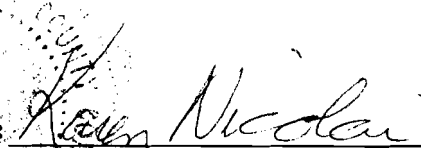
SECTION VI. EFFECTIVE DATE.

This Ordinance shall become effective upon receipt of official acknowledgement from the Secretary of State that said Ordinance has been filed.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS in Regular Session this 6th day of November, 1990, A.D.

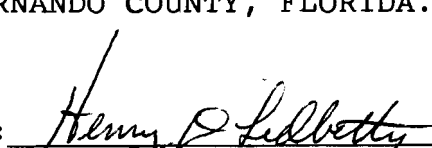
(SEAL)

Attest:


KAREN NICOLAI
Clerk

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA.

By:


HENRY D. LEDBETTER
Chairman