



Legislation Text

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ORIGINAL

091191

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An ordinance relating to crimes at retail establishments and required security camera measures.

105-91-1 rc

105-91-2 ra

105-91-2-b cr

105-91-3-0 am

Current code provides that whenever the chief of police determines 3 or more crimes, as defined in s. 939.12, Wis. Stats., have occurred at a retail establishment on separate days within a one-year period, the chief of police may order the installation of security cameras. Chapter 939.12, Wis. Stats., defines crime as conduct which is prohibited by state law and punishable by fine or imprisonment or both.

This ordinance amends the definition of crime, for purposes of requiring a security camera system, to incidents of violent or firearms-related crime as defined in state statutes. This includes, but is not limited to, homicide, battery, robbery, sexual assault, endangering safety by use of a dangerous weapon, recklessly endangering safety, the unlawful possession of a firearm, carrying a concealed weapon, the unlawful carrying of a handgun where alcohol beverages may be sold and consumed, or any crime subject to an increased penalty for use of a dangerous weapon.

Whereas, Section 105-91 of the Code of Ordinances provides that owners of retail establishments - including licensed alcohol beverage establishments - at which 3 or more crimes have occurred during a one-year period may be required by the Chief of Police to install security cameras to help insure the safety and welfare of the people of the City of Milwaukee; and

Whereas, This ordinance effectively defines crime as any “conduct which is prohibited by state law and punishable by fine or imprisonment or both”, and thus includes passive crimes such as shoplifting and larceny along with burglary; and

Whereas, This broad definition of crime subjects retail establishments with multiple non-violent calls for service to installing expensive surveillance equipment, encumbers the police department with undesired excessive subjectivity in requiring security cameras and places unintended costs on the department in enforcing the Code; and

Whereas, Over 70 retail establishments were technically eligible, per current Code, for installation of security cameras in calendar 2009, while only 5 of these retail establishments had 3 or more violent incidents; and

Whereas, The Common Council believes it is in the public interest to modify and narrow the definition of crime to parallel the spirit and intent of the ordinance - to help insure the safety and welfare of the people of the City of Milwaukee - while maintaining the discretionary powers of enforceability given to

the Chief of Police; now, therefore

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 105-91-1 of the code is repealed and recreated to read:

105-91. Retail Establishment Security Measures

1. FINDINGS. The common council finds that any retail establishment that has facilitated or been the location of 3 or more incidents of violent or firearms-related crime within a one-year period, may be required to install a security camera system to help insure the safety and welfare of the people of the city of Milwaukee.

Part 2. Section 105-91-2 of the code is renumbered and amended to read:

2. ~~[[DEFINITION]]~~>>DEFINITIONS<<. >>In this section:<<

a. ~~[[For the purposes of this section,]]~~ “Retail establishment” means an establishment providing retail sale of new products to the public and rendering services incidental to the sale of such products, including, but not limited to, sale of: art supplies and picture frames, art works, auto parts, baked goods, bicycles, books, newspapers and magazines, collectibles, dry goods, notions and novelties, flowers and plants, food and beverages, furniture and floor coverings, hardware, hobbies, toys and games, household goods, jewelry, luggage, major appliances, music, records, compact discs and tapes, paint and wallpaper, pets, pharmaceutical products, photo equipment and processing, sewing apparatus, sporting goods, stationery, tobacco products and wearing apparel. This term includes, but is not limited to, a grocery store, specialty food store, antique store, licensed alcohol beverage establishment, butcher shop, delicatessen, portrait studio, furniture or appliance rental establishment or video rental or sales business, adult book store, lumber yard, building supply or home improvement center, garden center or secondhand store.

Part 3. Section 105-91-2-b of the code is created to read:

b. “Violent or firearms-related crime” includes, but is not limited to, homicide as defined in ch. 940, Wis. Stats., battery as defined in s. 940.19, Wis. Stats., robbery as defined in s. 943.32, Wis. Stats., sexual assault as defined in s. 940.225, Wis. Stats., endangering safety by use of a dangerous weapon as defined in s. 941.20, Wis. Stats., recklessly endangering safety as defined in s. 941.30, Wis. Stats., the unlawful possession of a firearm as defined in s. 941.29, Wis. Stats., carrying a concealed weapon as defined in s. 941.23, Wis. Stats., the unlawful carrying of a handgun where alcohol beverages may be sold and consumed as defined in s. 941.237, Wis. Stats., or any crime subject to an increased penalty for the use of a dangerous weapon as defined in s. 939.63, Wis. Stats.

Part 4. Section 105-91-3-0 of the code is amended to read:

3. PROCEDURE. Whenever the chief of police determines 3 or more ~~[[crimes, as defined in s. 939.12, Wis. Stats.,]]~~>>incidents of violent or firearms-related crime<< have occurred at a retail establishment on separate days within a one-year period, the chief of police may notify the premises owner in writing that the owner is required to install a security camera >>system<< and comply with all regulations set forth in s. 68-4.3. In addition, cameras installed in a Class “B” tavern shall be

installed so as to provide a clear image of the entire premises as described on the license as well as the public right-of-way abutting the premises and any off-street parking lot used expressly for patron parking. The premises owner shall have 60 days from the date of notification to install a security camera. This notice shall be deemed to be properly delivered if sent either by first class mail to the premises owner's last known address or if delivered in person to the premises owner. If the premises owner cannot be located, the notice shall be deemed to be properly delivered if a copy of it is left at the premises owner's usual place of abode in the presence of some competent member of the family at least 14 years of age or a competent adult currently residing there and who shall be informed of the contents of the notice. If a current address cannot be located, it shall be deemed sufficient if a copy of the notice is sent by first class mail to the last known address of the owner as identified by records of the commissioner of assessments. This notice shall contain:

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

LRB10051-2

MST

2/25/10