



Legislation Details (With Text)

File #: 091191 **Version:** 0

Type: Ordinance **Status:** Passed

File created: 12/22/2009 **In control:** PUBLIC SAFETY COMMITTEE

On agenda: **Final action:** 1/20/2010

Effective date:

Title: An ordinance relating to security camera regulations in licensed alcohol beverage establishments, retail establishments and convenience stores.

Sponsors: ALD. DONOVAN

Indexes: ALCOHOL - REGULATION AND LICENSING, SECURITY MEASURES

Attachments: 1. Fiscal Note, 2. Police Dept Statistics Re Crimes, 3. Hearing Notice List, 4. Notice Published on 2-3-10

Date	Ver.	Action By	Action	Result	Tally
12/22/2009	0	COMMON COUNCIL	ASSIGNED TO		
12/23/2009	0	PUBLIC SAFETY COMMITTEE	HEARING NOTICES SENT		
1/7/2010	0	PUBLIC SAFETY COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	4:0
1/20/2010	0	COMMON COUNCIL	PASSED	Pass	15:0
1/29/2010	0	MAYOR	SIGNED		
2/3/2010	0	CITY CLERK	PUBLISHED		

091191

ORIGINAL

080196

ALD DONOVAN

An ordinance relating to security camera regulations in licensed alcohol beverage establishments, retail establishments and convenience stores.

68-4.3-2-e-4 cr

105-91-2 am

105-91-3 am

An ordinance was passed by the Common Council as file number 080196 on September 16, 2008. Included was a one-year sunset provision which resulted in the ordinance expiring on October 3, 2009. This ordinance established provisions relating to security camera regulations in licensed alcohol beverage establishments, retail establishments and convenience stores.

This ordinance reestablishes those same provisions, and does not include a sunset provision. It permits the police chief to order the installation of security cameras in any retail establishment where 3 or more criminal incidents have occurred in a one-year period. This ordinance clarifies the definitions relating to retail establishment security measures to include all licensed alcohol beverage establishments. It also requires security cameras that are installed in Class "B" taverns pursuant to s. 105-91 to provide a clear image of the entire premises as described in the Class "B" license as well as the public right-of-way abutting the premises and any off-street parking lot used expressly for patron parking. It also requires on-duty store employees of retail establishments, licensed alcohol beverage establishments and convenience stores to provide a copy of recorded digital security

camera images to law enforcement officers immediately upon request.
The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 68-4.3-2-e-4 of the code is created to read:

68-4.3. Convenience Food Stores.

2. REGULATIONS.

e-4. On-duty store employees shall provide a copy of recorded digital images to law enforcement officers immediately upon request.

Part 2. Section 105-91-2 and 3 of the code is amended to read:

105-91. Retail Establishment Security Measures.

2. DEFINITIONS. 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, ~~liquor 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.

3. PROCEDURE. 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 notify the premises owner in writing that the owner is required to install a security camera ~~[[to the standard]]~~ >>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:

- a. The street address or legal description sufficient for identification of the premises.
- b. A description of the crimes that have occurred at the premises.
- c. A statement that the premises owner may within 10 days of the date of the service of the notice appeal to the chief of police.
- d. A notice of the premises owner’s further right to appeal pursuant to sub. 4.

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: _____

MET

12/21/09

LRB09494-1