



City of Madison

City of Madison
Madison, WI 53703
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Master

File Number: 49284

File ID: 49284

File Type: Ordinance

Status: Passed

Version: 3

Reference:

Controlling Body: PUBLIC SAFETY
REVIEW
COMMITTEE

File Created Date : 10/23/2017

File Name: Operating security cameras at convenience stores

Final Action: 04/10/2018

Title: 2nd SUBSTITUTE Creating Section 23.52 of the Madison General Ordinances to establish guidelines for the operation of security cameras at convenience stores and amending Section 1.08 to establish a bail deposit schedule for violation of this ordinance.

Notes: 6026cameras2ndSUB
Mayoral Approval Date: 04/18/2018

Sponsors: Paul E. Skidmore and Paul R. Soglin

Effective Date: 04/24/2018

Attachments: 2nd Substitute Body, Substitute Body, Version 1,
Pixels per Foot

Enactment Number: ORD-18-00042

Author: Marci Paulsen

Hearing Date:

Entered by: dalthaus@cityofmadison.com

Published Date: 04/23/2018

Approval History

| Version | Date | Approver | Action |
|---------|------------|----------------|---------------------|
| 1 | 10/23/2017 | Michael May | Approved as to Form |
| 1 | 10/25/2017 | Elizabeth York | Approve |
| 2 | 03/09/2018 | Michael May | Approved as to Form |
| 2 | 03/09/2018 | Elizabeth York | Approve |
| 3 | 04/03/2018 | Michael May | Approved as to Form |
| 3 | 04/03/2018 | Elizabeth York | Approve |

History of Legislative File

| Ver- sion: | Acting Body: | Date: | Action: | Sent To: | Due Date: | Return Date: | Result: |
|---------------|--------------|-------|---------|----------|-----------|-----------------|---------|
|---------------|--------------|-------|---------|----------|-----------|-----------------|---------|

- 1 Attorney's Office/Approval 10/23/2017 Referred for
Group Introduction
Action Text: This Ordinance was Referred for Introduction
Notes: Public Safety Review Committee
- 1 COMMON COUNCIL 10/31/2017 Refer PUBLIC SAFETY REVIEW COMMITTEE 03/14/2018 Pass
Action Text: A motion was made by Rummel, seconded by Baldeh, to Refer to the PUBLIC SAFETY REVIEW COMMITTEE. The motion passed by voice vote/other.
Notes:
- 1 PUBLIC SAFETY REVIEW COMMITTEE 11/08/2017 Referred PUBLIC SAFETY REVIEW COMMITTEE 03/14/2018
Action Text: Alder Skidmore shared an email from Dave Ring of Kwik Trip in favor of the guidelines. Andrew Bowman from Stop N Go shared his questions and concerns about the guidelines. Alder McKinney suggested taking more time to make the ordinance stronger and clearer. Alder Skidmore was in favor of getting more industry input. Alder McKinney motioned to postpone until January. Alder Skidmore seconded. The proposed motion was unanimously approved by the committee.
- 2 PUBLIC SAFETY REVIEW COMMITTEE 03/14/2018 RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER 03/14/2018 Pass
Action Text: Catherine Van Hove, Forensic Video Analyst from the Madison Police Department presented information on the quality of cameras and shared images of different resolutions and frames per second from the quality and the distance of a camera. Marci Paulsen, Assistant City Attorney shared information on the substitute ordinance at convenience stores which are required to have security cameras. The substitute ordinance changes the number of days from 30 to 15 days that pictures must be stored and maintained after capturing an image. Information was discussed on the cost of cameras for convenience stores and the number of storage days and whether 15 days was long enough to hold videos in storage.

Alder Skidmore made a motion to go with the substitute ordinance as written. Alder Zellers seconded the motion. The motion passed by the following:
Absent: 4 Syed (John) Mustajab Abbas; Mary T. Anglim; Barbara Harrington-McKinney and Charles Myadze
Ayes: 5 Paul E. Skidmore; Ledell Zellers; Debra F. Julian; Margaret Anderson and Gideon W. Amoah
Noes: 1 Sara J. Petzold
- 3 COMMON COUNCIL 04/10/2018 Adopt Pass
Action Text: A motion was made by Baldeh, seconded by Verveer, to Adopt. The motion passed by voice vote/other.
Notes:
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Text of Legislative File 49284

Fiscal Note

The proposed ordinance establishes guidelines for the operation of security cameras at convenience stores and establishes a bail deposit schedule for violation of this ordinance. There are no direct costs for the City associated with the creation of the ordinance. It is not anticipated that there will be many citations. MPD may incur additional expenses to take in video as evidence (i.e., preservation, redaction, open records) in those instances where the cameras help to identify suspects engaged in crimes. However, efficiencies gained in getting the evidence should offset any additional processing costs. No appropriation is required.

Title

2nd SUBSTITUTE Creating Section 23.52 of the Madison General Ordinances to establish guidelines for the operation of security cameras at convenience stores and amending Section 1.08 to establish a bail deposit schedule for violation of this ordinance.

Body

DRAFTER'S ANALYSIS: This ordinance requires all convenience stores to have security cameras. The ordinance further requires minimum lighting for the use of security cameras. Under this ordinance, convenience stores are required to have security cameras that provide an overview of transaction counter and register area, a camera that captures an individual's face as they enter or exit the store and cameras at all fuel areas. The cameras must have an image quality of at least fifty pixels per foot and a recorded resolution of 1280 x 720. Convenience stores are required to record images at a rate of at least fifteen frames per second and store the images captured on the cameras and be capable of duplication. The ordinance further requires a notice be posted at all entrances and exits informing individuals that they are being recorded. The ordinance also establishes a penalty and bail deposits for violations. This ordinance shall be effective six months after adoption. This second substitute corrects a typographical error, clarifies that all other ordinances regarding exterior lighting must be followed and provides clarification regarding the position of the security cameras.

The Common Council of the City of Madison do hereby ordain as follows:
Please see "2nd Substitute Body" in Attachments.

LEGISTAR 49284 – 2nd Substitute Body

DRAFTER'S ANALYSIS: This ordinance requires all convenience stores to have security cameras. The ordinance further requires minimum lighting for the use of security cameras. Under this ordinance, convenience stores are required to have security cameras that provide an overview of transaction counter and register area, a camera that captures an individual's face as they enter or exit the store and cameras at all fuel areas. The cameras must have an image quality of at least fifty pixels per foot and a recorded resolution of 1280 x 720. Convenience stores are required to record images at a rate of at least fifteen frames per second and store the images captured on the cameras and be capable of duplication. The ordinance further requires a notice be posted at all entrances and exits informing individuals that they are being recorded. The ordinance also establishes a penalty and bail deposits for violations. This ordinance shall be effective six months after adoption. This second substitute corrects a typographical error, clarifies that all other ordinances regarding exterior lighting must be followed and provides clarification regarding the position of the security cameras.

The Common Council of the City of Madison do hereby ordain as follows:

1. Section 23.52 entitled "Security Cameras at Convenience Stores" of the Madison General Ordinances is created to read as follows:

"23.52 SECURITY CAMERAS AT CONVENIENCE STORES.

(1) Definitions.

"Convenience Store" shall mean an establishment where motor fuel products or other minor accessories are retailed directly to the public on the premises, in combination with the sale of items typically found in a convenience market or supermarket.

"Lighting" shall mean sufficient lighting to ensure that the security camera is able to produce discernable images, including imagery sufficient to identify persons.

"Security camera" shall mean a high resolution camera that can produce reproducible digital color images and shall display a date and time stamp on each image and that has an image quality of at least fifty (50) pixels per foot and a recorded resolution of 1280 x 720.

(2) All owners of convenience stores shall maintain and operate security cameras during all hours the convenience store is open to customers. Subject to all other ordinances regulating lighting, owners of convenience stores must maintain adequate lighting to ensure that the security camera captures a clear, identifiable image. Security cameras shall be located at all of the following locations:

- (a) At least one security camera shall be positioned to capture an overview of each transaction counter and register area;
- (b) At least one security camera shall be positioned to capture a clear, identifiable full-frame image of an individual's face as they enter or exit the convenience store; and
- (c) At least one security camera shall be positioned to capture the general area surrounding any fuel area to capture an image which identifies the operator and the vehicle.

(3) Storage and Preservation of Records. All digital video records from security cameras must be recorded at a rate of at least fifteen (15) frames per second and stored and maintained in good viewing order for fifteen (15) days after capturing an image. The digital video recorder must be capable of exporting exact duplicates of their recordings to a standard removable media format (e.g. CD, DVD, Flash Drive). When requested by the Madison Police Department, the convenience store owner shall insure that requested record is stored and maintained adequately until retrieved by the Madison Police Department. The convenience store owner shall insure that they are adequate staff trained in the retrieval of digital video records to appropriately respond to a request for said record.

- (4) Notice. All convenience store owners shall conspicuously post a sign at all entrances and exits (excluding emergency exits and employee-only entrances). The sign must contain at least the following language, in lettering that shall be bold and a minimum of two (2) inches in height:

VIDEO RECORDING EQUIPMENT IN USE. YOU MAY BE RECORDED

- (5) Penalty. Whoever violates any provision of this ordinance shall be subject to a penalty of not less than one hundred dollars (\$100) and not more than one thousand dollars (\$1000). Each and every day that a violation exists shall constitute a separate offense.”

2. Subdivision (a) of Subsection (3) entitled “Schedule of Deposits” of Section 1.08 entitled “Issuance of Citations for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits” of the Madison General Ordinances is amended by creating and amending therein the following:

| <u>“Offense</u> | <u>Ord. No./Adopted Statute No.</u> | <u>Deposit</u> |
|---|-------------------------------------|--|
| Security cameras in convenience stores. | 23.52 | \$200, 1st \$500, 2nd \$750, 3rd & sub.” |

3. This ordinance shall be effective six months after adoption.

EDITOR’S NOTE: New bail deposits must be approved by the Municipal Judge prior to adoption. This deposit has been so approved.