

1 **ORDINANCE TO AMEND SECTION 6-203, ARTICLE IV, CHAPTER 6 OF THE**
2 **FULTON COUNTY CODE OF ORDINANCES TO ADD ALTERNATIVE**
3 **REQUIREMENTS TO PROVIDE SECURITY MEASURES AT CERTAIN GAS**
4 **STATIONS AND CONVENIENCE STORES WITH A HISTORY OF REPORTED**
5 **CRIMINAL ACTIVITY; AND FOR OTHER PURPOSES.**

6 **WHEREAS**, the Board of Commissioners is committed to ensuring the health,
7 safety and welfare of its citizens visiting convenience stores and gas stations with
8 reported incidents of crime; and

9 **WHEREAS**, the Fulton County Board of Commissioners has authority pursuant
10 to the Constitution of the State of Georgia, Article IX, § II, ¶ III (a) (3), O.C.G.A. §§ 3-3-
11 2.1(c) and 3-3-2(b)91) to regulate and require permits or licenses for the sale of
12 alcoholic beverages within the unincorporated areas of Fulton County, among other
13 things; and

14 **WHEREAS**, the Fulton County Board of Commissioners also has authority
15 pursuant to 1880-81 Ga. Laws, p. 508 [codified as §1-117 of the Fulton County Code of
16 Laws], to adopt reasonable ordinances relating to the licensure of the sale of alcohol
17 and to exercise such powers that are indispensable to its jurisdiction over County
18 matters; and

19 **WHEREAS**, Fulton County Code Section 6-203, relating to the denial,
20 suspension or revocation of alcohol licenses, provides that alcohol licenses may not be
21 denied, suspend or revoked except for “due cause” [violations] as provided in that Code
22 Section; and

23 **WHEREAS**, due to a high number of crimes occurring at certain gas stations and
24 convenient stores that sell alcohol, the Board of Commissioners deems it necessary
25 and in the best of its citizens to provide the owners of these convenience stores or gas

26 stations with incentives for such establishments to implement certain security measures
27 to alleviate the negative effects and reduce incidents of reported crimes for the health
28 and safety of their visitors or patrons, in lieu of, or as an alternative to, having their
29 licenses suspended or revoked for a due cause violation under Fulton County Code § 6-
30 203; and

31 **WHEREAS**, adding new subsections 6-203(d) and (e) to Article IV of Chapter 6
32 of the Code of Ordinances of Fulton County, to provide additional security measures
33 that may be implemented by the owners of convenience stores or gas stations with
34 incidents of crimes, in lieu of having their alcohol licenses suspended or revoked for
35 certain due cause violations, will assist in protecting the patrons of these
36 establishments.

37 **NOW, THEREFORE, BE IT ORDAINED**, by the Fulton County Board of
38 Commissioners, that Section 6-203 of Article IV of Chapter 6 of the Fulton County Code
39 of Ordinances is hereby amended to replace Section 6-203(d) in its entirety and to
40 substitute in lieu thereof new subsections (d) and (e), as fully set forth in the attached
41 Exhibit "A."

42 **BE IT FURTHER ORDAINED**, that this Ordinance shall be effective upon its
43 adoption by the Board of Commissioners.

44 **BE IT FURTHER ORDAINED**, that all ordinances and parts of ordinances in
45 conflict with this Ordinance are hereby repealed to the extent of the conflict.

46 **PASSED AND ADOPTED** by the Board of Commissioners of Fulton County,
47 Georgia this _____ day of December, 2016.

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**FULTON COUNTY BOARD
OF COMMISSIONERS**

SPONSORED BY:

Marvin S. Arrington, Jr., Commissioner
District 5

ATTEST:

APPROVED AS TO FORM:

Mark Massey, Clerk to the Commission Patrise Perkins-Hooker, County Attorney

P:\CALegislation\BOC\Resolutions\2016 Resolutions\Commissioner Arrington\12.21 Resolution on Security Measures at Convenience Stores and Gas Stations

72 **Exhibit “A”**

73

74 New Section 6-203(d) - Additional security measures for convenience stores and gas
75 stations with reported incidents of crime

76 Sec. 6-203(d) - *Intent.*

77 (1) The purpose and intent of this subsection is to provide licensors who are operating
78 convenience stores and gas stations in unincorporated Fulton County with reported
79 incidents of crime, and subject to either the suspension or revocation of an alcohol
80 license due to a violation of subsection (a) (10), (a) 12, (a) 13, (a) 14, (a) 15, or (a)
81 18 of this part, are afforded the option to implement certain security measures, in
82 lieu of, or as an alternative to, having their license suspended or revoked. This
83 option is not available for any other due cause violations set forth in subsection (a)
84 of this part, not listed herein. The provisions of this section are in response to violent
85 crimes taking place in or in close proximity to convenience stores and gas stations
86 licensed to sell alcohol in unincorporated Fulton County.

87 (2) *Definitions and scope.*

88 (a) The following words, as used in this section, shall for the purpose of this
89 section, have the meanings ascribed to them in this Section:

90 (1) “Convenience store” shall mean a use, with a license to sell alcohol
91 that offers a limited variety of groceries, household goods, and personal care
92 items, always in association with the dispensing of motor fuels as an accessory
93 use, but in all cases excluding vehicle service, maintenance and repair.

94 (2) “Gas station” shall mean a building or lot having pumps and storage
95 tanks, that sells alcohol, where the primary use is the retail sale of motor vehicle
96 fuels. Vehicle related services may be offered incidentally to the primary use.

97 (3) *Additional security requirements.*

98 If a crime which includes, but not limited to, murder, robbery, theft by taking, sexual
99 battery, aggravated assault, aggravated battery, or kidnapping or false
100 imprisonment, as those crimes are identified and defined under applicable statutes
101 occurs or has occurred at a convenience store or gas station that is licensed to sell
102 alcohol, and arises out of the operation of and/or on the property of the convenience
103 store or gas station, that convenience stores or gas stations shall implement the
104 following security measures as an alternative to being subjected to either the

105 suspension or revocation of such alcohol license due to a violation of subsection (a)
106 (10), (a) 12, (a) 13, (a) 14, (a) 15, and (a) 18 of this part:

107 (a) Provide a security guard on the premises at all times at the convenience store
108 or gas station's owner sole cost and expense.

109 (b) Every convenience store or gas station shall be equipped with the following
110 security devices and standards:

111 (1) A security camera system capable of recording and retrieving an
112 image to assist in offender identification and apprehension.

113 (2) A lighted parking lot illuminated at an intensity of at least 2 foot-
114 candles per square foot at 18 inches above the surface.

115 (3) Window signage that allows a clear and unobstructed view from
116 outside the building and in a normal line of sight of the cash register and
117 sales transaction area.

118 (4) Height markers at the entrance of the convenience stores & gas
119 stations which display height measures.

120 (5) A convenience store or gas station shall not have window tinting
121 that reduces exterior or interior view in a normal line of sight.

122 (6) Every convenience store or gas station shall be equipped with a
123 silent alarm to a law enforcement or a private security agency, unless
124 application for an exemption is made to and granted by the Fulton County
125 Board of Commissioners. An application for exemption must be in writing
126 and must be accompanied by an administrative fee of \$100 for each store
127 for which an exemption would apply.

128 (c) Additional requirements for robbery deterrence training.

129 (1) Training in robbery deterrence and safety for each retail employee and
130 Security Assessments will be handled by the current Fulton County Police
131 Department or by a police department in the jurisdiction where the
132 convenience store or gas station is located.

133 (2) All said convenience stores and gas stations will be included in Fulton
134 County Polices' current Criminal Trespass Program ("We Care"). This
135 program allows for all Fulton County Police Officers to remove persons
136 who are loitering/ hanging around the store aimlessly. Security surveys will
137 be offered by the Fulton County Police Department and upon completion,

138 suggestions will be to improve the condition of the surrounding
139 environment.

140 (4) *Notice of the availability of the alternative security measures option.*

141 The Fulton County Police Department shall provide each convenience store or
142 gas station alcohol license holder that is subjected to prosecution for the due
143 cause violations set forth in this part the option to pursue the security measures
144 in lieu of being prosecuted for the cited applicable due cause violations. The
145 license holder must notify the County of its intent to choose the security
146 measures option and shall be provided with a time line in which to have the
147 measures completed.

148 (5) *Exemptions.*

149 (a) For purposes of this section, any convenience store or gas station that by law
150 implemented any of the security measures set forth in this subsection and has
151 maintained said measures as required by Fulton County without any occurrence
152 or incidence of the crimes identified (murder, robbery, sexual battery, aggravated
153 assault, aggravated battery, or kidnapping or false imprisonment for a period of
154 no less than twenty-two (22) months immediately preceding the filing of a notice
155 of exemption), may file with the Fulton County Police Department a notice of
156 exemption from these enhanced security measures.

157 (b) In no event shall this exemption be interpreted to preclude full compliance
158 with the security measures set forth herein should there be another occurrence
159 or incident identified by this subsection which causes the requirements for the
160 additional security measures to be statutorily applicable, and which further
161 subjects the licenser to either the denial, suspension or revocation of such
162 license due to a violation of subsection (a) (10), (a) 12, (a) 13, (a) 14, (a) 15 or (a)
163 18 of this part.

164 (c) As of the effective date of the Ordinance enacting these security
165 requirements, the Fulton County Police Department will provide notice of this
166 Ordinance to any convenience store or gas station which may qualify.

167 (d) In no event shall Fulton County incur any liability for the regulation and
168 enforcement of any requirements of this part.

169 (5) *Violations.*

170 Any licenser of a convenience store or gas station subject to the alternative
171 security measures who fails to comply with the requirements in this Ordinance

172 shall be subject to prosecution for the initial due cause violations, and shall lose
173 the ability to have the alternative option available thereafter.

174 Sec. 6-203(e) – The provisions of Section 6-203(d) supersede any and all other
175 provisions of the Fulton County Code of Ordinance in the event of a conflict.