

**TOWN OF FORT MYERS BEACH
ORDINANCE NO. 96 -10**

**AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH,
FLORIDA, TO BE KNOWN AS THE TOWN OF FORT MYERS
BEACH CONVENIENCE STORE SECURITY ORDINANCE;
PROVIDING AUTHORITY; TITLE AND CITATION;
DEFINITIONS; REQUIREMENTS FOR CONVENIENCE
STORE SECURITY; TRAINING OF EMPLOYEES; FILING
OF TRAINING WITH ATTORNEY GENERAL; PENALTY;
CONFLICT; SEVERABILITY; AND EFFECTIVE DATE.**

IT IS HEREBY ORDAINED BY THE TOWN OF FORT MYERS BEACH, FLORIDA as follows:

SECTION ONE: Authority

This Ordinance is enacted pursuant to the provisions of Chapter 95-494, Laws of Florida, Chapter 166, Florida Statutes, and other applicable provisions of law.

SECTION TWO: Title and Citation

This ordinance shall be know and cited as the "Town of Fort Myers Beach Convenience Store Security Ordinance"

SECTION THREE: Definitions

The term "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 PM and 5:00 AM, 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 PM and 5:00 AM.

SECTION FOUR: Requirements for Convenience Store Security

Each convenience store, as defined above, within the Town of Fort Myers Beach, shall:

A. Be equipped with the following security devices:

- (1) A silent alarm that notifies local law enforcement or a private security agency that a robbery is taking place.
- (2) A security camera system capable of retrieving an image to assist in the identification and apprehension of a robber.
- (3) A drop safe or cash management device that provides minimum access to the facility's cash receipts.

B. Lighted parking lots illuminated at an intensity of 2

foot-candles per square foot with a uniformity ration of no more than 5 to 1 at 18 inches above the surface.

C. Post a conspicuous sign in the convenience store entrance which states that the cash register contains Fifty Dollars (\$50.00) or less.

D. Maintain window signage so that there is a clear and unobstructed view of the cash register and transaction area.

E. 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.

F. Install height markers at the entrance of the establishment which display height measures from the floor.

G. Establish a cash management policy to limit the amount of available cash on hand between the hours of 9:00 PM and 6:00 AM.

SECTION FIVE: Training of Employees

The owner or principal 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 PM and 6:00 AM.

SECTION SIX: Filing of training with Attorney General

Any proposed program of training shall be submitted in writing to the Attorney General. The Attorney General shall review and approve or disapprove of training programs in writing within sixty (60) days after receipt of a proposal describing the training to be provided. The state shall have no liability for approving or disapproving training programs under this section. Approval shall be given to programs which train and familiarize store employees with the security principles, devices, and measures required by section 2 above. Decisions of the Attorney General relating to approval of training programs shall be subject to the provisions of Chapter 120, Florida Statutes. No person shall be liable for ordinary negligence due to implementing an approved training program, provided that the training was actually provided.

SECTION SEVEN: Penalty

Violation of the provisions of this Ordinance, or failure to comply with any of the requirements, shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any provisions shall upon conviction thereof be fined or imprisoned, or both, as provided by law, and in addition shall pay all costs and expenses involved in the case. In the alternative, a citation may be issued pursuant to the procedures

set forth in sections 327.73 and 327.72, Florida Statutes.

SECTION EIGHT: Conflict

In the event that any provision of this Ordinance is found to be contrary to any other Town of Fort Myers Beach Ordinance which regulates the same subject matter, then in said event, the more restrictive Ordinance shall apply.

SECTION NINE: Severability

If any section, subsection, sentence, clause or phrase or if any portion of this Ordinance is found for any reason to be invalid, or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate and distinct, an independent provision, and such holding shall not affect the validity of any remaining portions thereof.

SECTION TEN: Effective Date

This ordinance shall become effective September 30, 1996.

The foregoing ordinance was enacted by the Town Council upon a motion by Council Member MURPHY and seconded by Council Member Reynolds and, upon being put to a vote, the result was as follows:

Anita T. Cereceda	<u>aye</u>
Ted FitzSimons	<u>aye</u>
William (Rusty) Isler	<u>aye</u>
Garr Reynolds	<u>aye</u>
Ray Murphy	<u>aye</u>

DULY PASSED AND ENACTED this 15th day of July , 1996.

ATTEST:

TOWN OF FORT MYERS BEACH

By: Marsha Segal-George, Town Clerk

By: Anita T. Cereceda, Mayor

Approved as to form by:

Richard V.S. Roosa
Richard V.S. Roosa, Town Attorney