

ORDINANCE NO: 89-2024
INTRODUCED BY: Mayor Thomas

**AN ORDINANCE AMENDING CHAPTER 787 OF THE CODIFIED ORDINANCES,
"VIDEO SURVEILLANCE SYSTEMS FOR APARTMENT COMPLEXES" AND
DECLARING AN EMERGENCY.**

WHEREAS, the Director of Law has recommended that this Council consider amendments to Chapter 787 of the City's Codified Ordinances, "Video Surveillance Systems for Apartment Complexes", to make the provisions thereof more legally enforceable and efficient to enforce so as to enhance the health, safety and welfare of the residents, visitors, employees, and the community at large;

WHEREAS, the Council finds, determines and declares that this Ordinance is promulgated under the general police power of the City under the Ohio Constitution, for the preservation of the public peace, health, safety and general welfare and that it is in the best interests of the City, its inhabitants and visitors, to require video surveillance at apartment complexes.

NOW, THEREFORE, Be it Ordained by the Council of the City of Richmond Heights, State of Ohio, that:

Section 1. Chapter 787, "Video Surveillance Systems for Apartment Complexes" of "Part Seven — Business Regulation" of the Codified Ordinances of the City of Richmond Heights, Ohio, is hereby amended to hereinafter read as follows:

**"CHAPTER 787
Video Surveillance Systems
For Apartment Complexes**

787.01 Video surveillance systems required for Apartment Complexes.

787.02 ~~Access to media~~ **Retention of Images**.

787.03 Minimum technological standards.

787.04 Minimum coverage standards, site assessment, **notice** signage.

787.05 Inspections.

787.06 Enforcement; civil penalties.

787.07 Exemptions.

787.08 Appeal process

787.09 Severability.

787.01 VIDEO SURVEILLANCE SYSTEMS REQUIRED FOR APARTMENT COMPLEXES.

Every apartment complex in the City is required to install a video surveillance system. For the purposes of this chapter, "apartment complex" shall mean any building or group of buildings comprised of three or more individual rental units. Any apartment complex which

installed surveillance systems prior to the effective date of this chapter must ensure the systems are in full compliance with this chapter. Video surveillance systems shall be in operation twenty-four (24) hours a day, seven (7) days a week, and shall meet the minimum technological standards established in this chapter.

787.02 ACCESS TO MEDIA RETENTION OF IMAGES.

~~If a crime occurs, or if the owner or management of an apartment complex believes a crime has occurred, the owner or management shall immediately contact the City's Division of Police and shall provide immediate access to the media containing the recorded event to the Division of Police.~~ The apartment complex shall retain the continuous digital images recorded by its system(s) for not less than thirty (30) days.

787.03 MINIMUM TECHNOLOGICAL STANDARDS.

The video surveillance system must be capable of delineating on playback of the system the activity and physical features of persons or areas within the minimum coverage areas in Section 787.04 of this chapter and must be able to record such images on a form of media as approved by the Division of ~~Police~~ **Building, Zoning and Housing** upon inspection thereof. Additional minimum technological standards required for video surveillance systems may be established by resolution of the City Council, which may be updated periodically. The Division of ~~Police~~ Building, Zoning and Housing shall review the video surveillance system standards annually to ensure that they are consistent with current technology, and shall recommend appropriate updates to Council. ~~If the video surveillance system is web enabled or has wireless capability, the Division of Police shall be provided the ability to access the live system upon initiation by the apartment complex during incidents requiring a police response or intervention.~~

787.04 MINIMUM COVERAGE STANDARDS, SITE ASSESSMENT, NOTICE SIGNAGE.

The video surveillance system shall have, at a minimum, a camera at each exterior entrance and exit positioned to capture faces of people entering and exiting the building(s) and to capture images of all parking areas. The placement of cameras included in video surveillance systems required under this chapter must be approved by the Division of ~~Police~~ **Building, Zoning and Housing**. The Division of ~~Police~~ **Building, Zoning and Housing** or its designee will conduct an assessment of video surveillance systems at each site required to install a video surveillance system, and upon the Division's approval of the installation, the Commissioner of the Division will issue an approval notice which will be placed in plain view inside the premises. This approval notice will also inform residents and visitors of the existence of the video surveillance system. For purposes of this chapter, "Commissioner" shall mean the Commissioner of the Division of Building, Zoning and Housing.

787.05 INSPECTIONS.

The video surveillance system shall be subject to regular inspection by the Division of ~~Police~~ **Building, Zoning and Housing**, which shall be authorized to inspect at all reasonable times any video surveillance system to determine if the system conforms with this chapter and

any regulations which may be adopted by Council resolution, if any. If the video surveillance system does not so conform, the apartment complex owner must take immediate steps to bring the system into conformance.

787.06 ENFORCEMENT; CIVIL PENALTIES.

(a) Apartment complexes subject to the mandatory requirements of this chapter shall have six (6) months from the effective date of this chapter or any amendment thereto to comply with the regulations set forth in this chapter.

(b) The violation of any provision of this chapter by any owner or management of an apartment complex subject to this chapter shall result in a notice of violation from the Division of Police Building, Zoning and Housing. The Division of Police Building, Zoning and Housing is authorized to investigate all alleged violations. Violators shall have thirty (30) days after receipt of the notice to provide proof of compliance to the Richmond Heights Division of Police Building, Zoning and Housing. If the violation continues after the thirty (30)-day period, the Chief of Police Commissioner or his/her the Commissioner's designee shall issue a civil citation against the violator and the violator shall pay a fine in the amount of five hundred dollars (\$500.00).

(c) In addition to the foregoing, the violation of any provision of this chapter shall be and is hereby declared to be a public nuisance and contrary to the public interest and shall, at the discretion of the City, create a cause of action for injunctive relief.

(d) For purposes of this chapter, each day that a violation continues shall be a separate violation.

787.07 EXEMPTIONS.

An apartment complex which is required to install a video surveillance system may, on an annual basis, apply to the Division of Police Building, Zoning and Housing for an exemption from the provisions of this chapter. The Division of Police Building, Zoning and Housing may exempt an apartment complex for a period of twelve (12) months if the Chief of Police Commissioner or his/her the Commissioner's designee finds that the apartment complex has or will undertake alternate security procedures which are substantially equal to or more effective in preventing ~~criminal activity and assisting in the apprehension of the perpetrators of crime or for~~ public nuisance, peace disturbance, and criminal activity for the protection of residents, employees and the community. The Chief of Police Commissioner may also authorize alternate procedures on an experimental basis. Such an exemption shall carry a maximum duration of twelve (12) months, and an owner or management must reapply for an exemption at the end of the exemption period or bring the system into conformance with this chapter. The Chief of Police Commissioner may also authorize temporary extensions of time for installation when an apartment complex owner or management demonstrates that it is temporarily unable to comply for good cause shown.

787.08 APPEAL PROCESS.

(a) Any apartment complex found to be in violation of this chapter by the Chief of Police Commissioner or his/her the Commissioner's designee shall have the right to a hearing before the Zoning Board of Appeals Mayor/Director of Public Safety or a designee thereof.

(b) The Chief of Police Commissioner or his/her the Commissioner's designee shall give the applicant written notice of the violation. The notice shall set forth the grounds for the violation and shall inform the owner or management of the apartment complex that he/she has they have ten (10) days from the date of mailing of the notice to file a written request for a hearing before the Zoning Board of Appeals Mayor/Director of Public Safety or a designee thereof.

(c) Within ten (10) days of mailing of the written notice of violation by the Chief of Police Commissioner or his/her the Commissioner's designee, the owner or management of the apartment complex may appeal by requesting a hearing before the Zoning Board of Appeals Mayor/Director of Public Safety or a designee thereof. Such a request must be made in writing and must set forth the specific grounds for the appeal. If the owner or management of the apartment complex files a timely request for a hearing, the Zoning Board of Appeals Mayor/Director of Public Safety or a designee thereof shall set a time and place for the hearing within ten (10) days thereafter. All parties involved shall have the right to offer testimonial, documentary and tangible evidence bearing on the issues, to be represented by counsel, and to confront and cross-examine any witness against them. The decision of the Zoning Board of Appeals Mayor/Director of Public Safety or a designee thereof as to whether there was a violation of this chapter on the appeal shall be in writing, is final and shall be rendered within ten (10) days of the conclusion of the hearing.

787.09 SEVERABILITY.

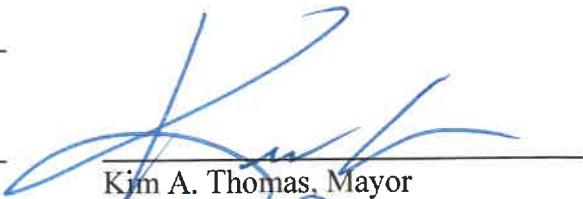
If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The City Council hereby declares that it would have passed the ordinance codified in this chapter, and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of this chapter would be subsequently declared invalid or unconstitutional."

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance is declared to be an emergency measure necessary for the immediate preservation for the public peace, health and safety of the City and the inhabitants and visitors thereof for the reason that this legislation is necessary to enable the City to effectively

eliminate public nuisances, peace disturbances and crime that are a threat to the health, safety and general welfare of persons and to do so at the earliest possible time, and provided it receives approval of two-thirds of the members of Council, shall be in full force and effect from and after its approval by the Mayor, or otherwise take effect and be in force from and after the earliest period provided by law.

PASSED: July 9, 2024



Kim A. Thomas, Mayor

APPROVED: July 9, 2024



Bobby Jordan
President of Council

ATTEST: Tracey Blair

Tracey Blair
Clerk of Council