



## Legislation Text

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Int. No. 1104

By Council Members Menin, Louis, Ung and Riley

A Local Law in relation to establishing a small business security measures pilot program, and providing for the repeal of such provisions upon the expiration thereof

Be it enacted by the Council as follows:

Section 1. a. Definitions. For purposes of this local law, the following terms have the following meanings:

Security measures. The term “security measures” means digital video surveillance cameras, plexiglass windows, and other precautionary measures against retail theft as deemed appropriate by the commissioner of small business services.

Small business. The term “small business” means a retail establishment that has annual gross revenues of less than \$5,000,000 and employs less than 25 employees. For purposes of determining whether an entity qualifies as a small business, the revenues of any parent entity, any subsidiary entities, and any entities owned or controlled by a common parent entity shall be aggregated.

b. Small business security measures pilot program. Subject to appropriation, the commissioner of small business services, in consultation with the police commissioner, shall establish a pilot program to install security measures at small businesses. Such program shall involve such installation in zip codes of New York city with high rates of crimes associated with retail theft as determined by the police commissioner.

c. Digital video surveillance cameras. 1. Digital video surveillance cameras that are installed pursuant to subdivision b of this section shall be installed at all entrances and exits of a small business that are used by patrons.

2. Digital video surveillance cameras that are installed pursuant to subdivision b of this section and paragraph 1 of this subdivision shall be subject to the following provisions:

(a) Such cameras shall be of sufficient number, type, placement, and location to view and record all activity in front of and within 15 feet of either side of each entrance or exit of a small business that is used by patrons;

(b) Such cameras shall be sufficiently light-sensitive and provide sufficient image resolution, supported by additional lighting if necessary, to produce easily discernible images recorded at all times;

(c) Such cameras shall record at a minimum speed of 15 frames per second;

(d) The images produced by such cameras shall be capable of being viewed through use of appropriate technology, including but not limited to a mobile phone, computer screen, or closed circuit television monitor;

(e) Such cameras or the system affiliated with such cameras shall be capable of transferring the recorded images to a portable form of media, including but not limited to compact disc, digital video disc, universal serial bus, secure digital card, or portable hard drive;

(f) Such cameras shall not have an audio capability;

(g) Such cameras shall be maintained in good working condition;

(h) Such cameras shall be in operation and recording continuously during all hours of operation and for 6 hours after a small business equipped with such cameras closes; and

(i) The recordings made by such cameras shall be indexed by dates and times and preserved for a minimum of 30 days so that they may be made available to the police department and other government agencies acting in furtherance of a criminal investigation or a civil or administrative law enforcement purpose.

d. Enrollment. 1. The commissioner of small business services shall develop an application for enrollment in the pilot program established pursuant to subdivision b of this section. Such application shall require small businesses wishing to enroll in such program to submit the following information to the

department of small business services:

- (a) The name of the small business;
- (b) The address of the small business;
- (c) The small business' preferred method of communication;
- (d) The desired security measure or security measures to be installed;
- (e) The hours of operation of the small business; and
- (f) Any other information deemed relevant by the commissioner of small business services.

2. The commissioner of small business services shall determine the duration of the enrollment period for such program.

3. Within 30 days after the cessation of such enrollment period, the department of small business services shall notify each small business that submitted an application pursuant to this subdivision whether the department of small business services will install security measures at such small business and which types of security measures will be installed. If the department of small business services has rejected any small business' enrollment application submitted pursuant to this subdivision, such department shall notify such small business and provide an explanation for the rejection.

e. Implementation. The pilot program established pursuant to subdivision b of this section shall commence no later than 180 days after the effective date of this local law. The duration of such program shall be 1 year.

f. Outreach campaign. The commissioner of small business services, in consultation with the police department, shall develop and conduct an outreach campaign to inform small businesses located in zip codes of New York city with high rates of crimes associated with retail theft as determined by the police commissioner about the pilot program established pursuant to subdivision b of this section. Such outreach campaign shall include, but need not be limited to, the use of the department's website, flyers in print, and radio.

g. Report. No later than 1 year after the cessation of the pilot program established pursuant to

subdivision b of this section, the commissioner of small business services, in consultation with the police commissioner, shall submit to the mayor and the speaker of the council a report regarding such program. Such report shall include, but need not be limited to, the following information:

1. The cost of such program;
  2. The total number of small businesses that participated in such program;
  3. The total number of security measures installed through such program, disaggregated by type of security measure;
  4. An analysis of the impact of such program on crime rates in zip codes of New York city with high rates of crimes associated with retail theft as determined by the police commissioner; and
  5. Any challenges experienced by the department of small business services during the implementation of such program.
- h. The commissioner of small business services shall promulgate rules necessary for the implementation of this local law.

§ 2. This local law takes effect 120 days after it becomes law and expires and is deemed repealed 3 years after it becomes law.

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