

**ITEM 8 ATTACHMENT A
ORDINANCE NO. 2023-403**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
CALABASAS, CALIFORNIA, ADDING CHAPTER 5.22 –
PROVISION OF SECURITY BY COMMERCIAL LANDLORDS
AND RETAILERS TO THE CALABASAS MUNICIPAL CODE.**

WHEREAS, the City of Calabasas (the “City”), under the police powers delegated to it by the California Constitution, has the authority to enact laws that promote the public health, safety and general welfare of its residents; and

WHEREAS, commercial business in the City are experiencing a rash of thefts; and

WHEREAS, the City Council finds that in the absence of appropriate security at businesses, the City’s citizens, visitors and business employees are vulnerable to abductions, robberies, and other similar criminal acts, despite the provision of law enforcement services; and

WHEREAS, it is the intent of the City to protect its residents and property owners from the potential adverse impacts of crime; and

WHEREAS, the City Council desires to amend certain sections of the Municipal Code to require commercial retailers to provide adequate security; and

WHEREAS, the City Council desires to protect the public health, safety, general welfare, and quiet enjoyment of property in the City by the adoption of this ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds that all the facts, findings, and conclusions set forth above in this Ordinance are true and correct.

SECTION 2. Environmental Determination. The City Council hereby finds and determines that it can be seen with certainty that there is no possibility that the adoption of this ordinance adding certain retail security requirements will have a significant effect on the environment. Accordingly, under the provisions of § 15061(b)(3) and § 15378(b)(5) of Division 6 of Title 14 of the California Code of Regulations, the CEQA Guidelines, the adoption of this ordinance is not subject to the requirements of the California Environmental Quality Act.

SECTION 3. The City Council hereby adds Section 5.22 to the Calabasas Municipal Code to read as follows:

Chapter 5.22 – Provision of Security By Commercial Landlords and Retailers

5.22.010. Purpose. The purpose of this article is to protect the public health, safety, and general welfare by requiring retail commercial landlords and retailers to provide adequate security.

5.22.020. Application. Commercial landlords with more than six Retail, Entertainment and Recreation, Services, or Eating/Drinking Places and Food Services tenants, and commercial retailers operating stores with greater than 5,000 square feet, located in any Commercial Mixed-Use zone, Commercial Retail zone, or Commercial Old Town zone of the City are required to provide adequate security for their tenants and customers. Commercial landlords and retailers subject to this Section 5.22.020 are required to develop and implement a security plan, as approved by the City Manager. The security plan shall detail how the commercial retailer will provide adequate security for their tenants and customers, will respond to future criminal acts, and may require the commercial retailer to hire private security or install physical security improvements. Commercial retailers subject to this chapter shall not be required to develop and implement a security plan, if their commercial landlord has already done so and it has been approved by the City Manager.

5.22.030. Responsibility for Cost of Security Response. Commercial landlords and retailers subject to Section 5.22.020 who fail to submit a security plan to the City Manager within 30 days of a written demand by the City, or who fail to comply with their security plan’s requirements, are responsible for the cost of any police or City security response to robberies, thefts, and other criminal acts at the property.

Unless provided otherwise by the City Manager in writing, Commercial landlords and retailers subject to section 5.22.020 shall additionally be responsible for the cost of any police or City security response to robberies, thefts, and other criminal acts at their property after:

1. having been given written notice by the City stating that the commercial landlord or retailer will be held liable for the costs of providing police response and City security response personnel over and above the normal services provided by the City via the Sheriff’s Department to those premises; and
2. three or more calls for service related to property crimes have occurred in a month or three or more documented property crimes have occurred at the property in a month.

Commercial landlords and retailers subject to section 5.22.020 shall be jointly and severally liable for the costs of each subsequent police response and city security response necessary to respond to calls for service until one year has passed after the City issued the written notice.

5.22.040. Reporting of Crime. Commercial landlords and retailers subject to section 5.22.020 shall report all suspected crimes, including any thefts of merchandise worth at least \$500, to the Sheriff’s Department and City within fifteen days. Commercial landlords and retailers subject to section 5.22.020 shall pay a fine of \$100 for each day that any such mandatory report is delayed.

5.22.050. Misdemeanor to Terminate an Employee for Reporting a Crime. Any employer in the City is prohibited from disciplining or terminating an employee from employment for reporting a suspected crime to law enforcement or the City that occurred at a commercial business in the City. Any person or business that terminates an employee from employment or who disciplines them for reporting a suspected crime to law enforcement or the City that occurred at a commercial business in the City is guilty of a misdemeanor and shall be subject to punishment as provided in this Code, including, but not limited to, under Section 1.16.020 of this Code.

5.22.060 - Violation—Penalty.

A. Every person violating any provision of this chapter is guilty of a misdemeanor, punishable, after lawful conviction, by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment.

B. Every violation of any provision of this chapter shall constitute a public nuisance and shall be subject to civil nuisance abatement proceedings as allowed by this Code and under applicable law.

C. Nothing in this chapter shall be construed to prevent a person from being prosecuted, convicted, or sentenced for a violation of any lesser or related city, state, or federal statutes which might impose different penalties.

D. The enforcement authority provided in this chapter shall be cumulative and in addition to any other procedures provided by the laws of the city or the state for the abatement or enforcement of any of the conditions described in this chapter, and abatement or enforcement pursuant to the provisions of this chapter shall not prejudice or affect any other action, civil or criminal, for the abatement or enforcement of any such condition.

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Calabasas hereby declares that it would have adopted this Ordinance and each

section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

SECTION 5. Effective Date: This Ordinance shall take effect 30 days after its passage and adoption pursuant to California Government Code Section 36937 and shall supersede any conflicting provision of any City of Calabasas ordinance.

SECTION 6. Certification: The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

PASSED, APPROVED AND ADOPTED this _ day of _ 2023.

David J. Shapiro, Mayor

ATTEST:

APPROVED AS TO FORM:

Maricela Hernandez, City Clerk
Master Municipal Clerk
California Professional Municipal Clerk

Matthew T. Summers
Colantuono, Highsmith & Whatley, PC
City Attorney