

ORDINANCE NO. NS-XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA ADDING ARTICLE XXIV TO CHAPTER 8 OF THE SANTA ANA MUNICIPAL CODE REGULATING THE STAFFING OF SELF-SERVICE CHECKOUT OPERATIONS

The City Council of the City of Santa Ana hereby finds, determines and declares as follows:

WHEREAS, the City Council recognizes the need to promote public safety, reduce retail theft, and maintain safe and orderly shopping and working environments within grocery and drug retail establishments in Santa Ana; and

WHEREAS, self-service checkout stations have become increasingly common in retail establishments and, when inadequately staffed or supervised, may contribute to theft, customer disputes, and unsafe conditions for employees and the public; and

WHEREAS, the City Council finds that appropriate staffing standards for self-service checkout operations can help reduce retail theft, improve customer service, and promote safer working and shopping environments; and

WHEREAS, the City Council desires to establish reasonable operational standards for self-service checkout stations located in grocery and drug retail establishments within the City of Santa Ana.

THE CITY COUNCIL OF THE CITY OF SANTA ANA HEREBY ORDAINS AS FOLLOWS:

Section 1. The City hereby adds Article XXIV entitled "Grocery and Drug Store Staffing Standards for Self-Service Checkout Stations" to Chapter 8 of the Santa Ana Municipal Code to read as follows:

ARTICLE XXIV. GROCERY AND DRUG STORE STAFFING STANDARDS FOR SELF-SERVICE CHECKOUT STATIONS

Section 8-3700. Definitions

For the purposes of this article, the following terms have the following meanings:

- (a) "City" means the City of Santa Ana.
- (b) "Customer" means an individual who buys consumer goods from a Drug Retail Establishment or Food Retail Establishment.
- (c) "Drug Retail Establishment" means a retail store that sells a variety of prescription and nonprescription medicines and miscellaneous items, including drugs,

pharmaceuticals, sundries, fresh produce, meats, poultry, fish, deli products, dairy products, canned foods, dry foods, beverages, prepared foods, and other merchandise.

- (d) "Employee" means a worker employed directly by a hiring entity at a Drug Retail Establishment or Food Retail Establishment. Employee does not include managers, supervisors or confidential employees.
- (e) "Food Retail Establishment" means a retail store that is either: (1) over fifteen thousand (15,000) square feet in size and sells primarily household foodstuff for offsite including fresh produce, meats, poultry, fish, deli products, dairy products, canned foods, dry foods, beverages, baked foods and/or prepared foods (other household supplies or products are secondary to the primary purpose of food sales); or (2) over eighty-five thousand (85,000) square feet and with ten percent (10%) of their sales floor area dedicated to the sale of non-taxable merchandise including the sale of fresh produce, meats, poultry, fish, deli products, dairy products, canned foods, dry foods, beverages, baked foods and/or prepared foods.
- (f) "Non-Self-Service Checkout station" means a station that is not a Self-Service Checkout and at which an employee provides human assistance to a customer for scanning, bagging, and/or accepting payment for the customer's purchases.
- (g) "Self-Service Checkout" means the automated processes that enable customers to scan, bag, and pay for their purchases without human assistance, including, but not limited to, fixed self-checkout, scan-and-go self-checkout, or mobile self-checkout.
- (h) "Self-Service Checkout station" means a station at a fixed location within a Drug Retail Establishment or Food Retail Establishment at which a customer can engage in a Self-Service Checkout for the customer's purchases.

Section 8-3701. Self-Service Checkout requirement.

- (a) Drug Retail Establishments and Food Retail Establishments that provide Self-Service Checkout options shall provide at least one Non-Self-Service Checkout station staffed by an Employee that is available during the times that a Self-Service Checkout option is available to customers, and Drug Retail Establishments and Food Retail Establishments shall establish, implement, and advertise limits to Self-Service Checkout to purchases of no more than fifteen (15) items.
- (b) Drug Retail Establishments and Food Retail Establishments shall have an established workforce policy that prohibits customers from using a Self-Service Checkout station to purchase either of the following:
 - (1) Items that require customers to provide a form of identification, including, but not limited to, alcohol and tobacco products.

- (2) Items subject to special theft-deterrent measures that are affixed to the item, including, but not limited to, electronic article surveillance, ink, or other tags, or items placed in locked cabinets, that require the intervention of an Employee to remove them before purchase.
- (c) Drug Retail Establishments and Food Retail Establishments shall notify the public of this Ordinance by prominently posting signage in a location accessible to customers, which includes either a link or QR code to the City of Santa Ana website regarding this Ordinance, a summary of the public's rights under this Ordinance, and enforcement options available to the public.
- (d) Self-Service Checkout stations shall be located to enable observation and surveillance from both employees of Drug Retail Establishments and Food Retail Establishments and local law enforcement.

Section 8-3702. Self-Service Checkout staffing requirement.

- (a) Drug Retail Establishments and Food Retail Establishments that provide Self-Service Checkout options shall assign at least one (1) Employee to supervise the Self-Service Checkout operation at all times that Self-Service Checkout is in operation during business hours. The assigned Employee shall have no other work responsibilities that would interfere with their ability to maintain direct visual inspection and surveillance of the Self-Service Checkout operations.
- (b) In the event a Drug Retail Establishment or Food Retail Establishment operates two (2) or more Self-Service Checkout stations, the Drug Retail Establishment or Food Retail Establishment shall maintain a staffing ratio of at least one (1) Employee for every three (3) Self-Service Checkout Stations. The manner in which this standard is implemented may take into account operational and logistical feasibility.

Section 8-3703. Enforcement.

- (a) Any Customer or Employee of a Drug Retail Establishment or Food Retail Establishment may bring a private right of action in the Superior Court of the State of California against a Drug Retail Establishment or Food Retail Establishment for violating this Chapter and, upon prevailing, may be awarded:
 - (1) A civil penalty for each violation of this Chapter of one hundred dollars (\$100) for each employee of the Drug Retail Establishment or Food Retail Establishment. Each day the violation is not cured, the penalty shall increase an additional one hundred dollars (\$100) per employee per day up to a limit of one thousand dollars (\$1,000) per employee per day for each day in which the violation remains uncured.

(2) Attorneys' fees and costs.

Section 8-3704. Retaliatory action prohibited.

No Drug Retail Establishment or Food Retail Establishment shall terminate, reduce in compensation, or otherwise discriminate against any Employee for seeking to enforce their rights under this Chapter by any lawful means, for participating in proceedings related to this Chapter, for opposing any practice proscribed by this Chapter, or for otherwise asserting rights under this Chapter.

Section 2. If any section, subsection, sentence, clause or 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 Santa Ana hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause or phrase or portion thereof irrespective of the fact that any one or more section, subsection, sentence, clause or phrase or portions be declared invalid or unconstitutional.

Section 3. This ordinance shall become effective thirty (30) days after its adoption.

Section 4. The City Clerk shall certify the adoption of this ordinance and shall cause the same to be published as required by law.

ADOPTED this ____ day of _____ 2026.

Valerie Amezcua
Mayor

APPROVED AS TO FORM:
Sonia R. Carvalho, City Attorney

By: _____

AYES: Councilmembers _____

NOES: Councilmembers _____

ABSTAIN: Councilmembers _____

NOT PRESENT: Councilmembers _____

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, JENNIFER L. HALL, City Clerk, do hereby attest to and certify that the attached Ordinance No. NS-XXX to be the original ordinance adopted by the City Council of the City of Santa Ana on _____, and that said ordinance was published in accordance with the Charter of the City of Santa Ana.

Date: _____

City Clerk
City of Santa Ana