

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2015-27 (AS AMENDED)

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA, GRANTING GUARDHOUSE OPERATORS THE AUTHORITY TO REQUEST INFORMATION FROM INDIVIDUALS DRIVING INTO COMMUNITIES WHERE A GUARDHOUSE IS PRESENT DURING CERTAIN HOURS, AND PROVIDING FOR IMMUNITY FOR ACTIONS IN ACCORDANCE WITH THESE PROVISIONS; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the residents of gated communities in the City of Coral Gables are concerned about cars driving through the neighborhood late in the evening; and

WHEREAS, it is believed that the individuals in those vehicles may not have a legitimate purpose for driving around the neighborhood at these hours, posing a danger to the public; and

WHEREAS, guardhouses are presently allowed to have gates that temporarily delay access to a gated community so that a photograph may be taken of the vehicle's license plate; and

WHEREAS, the residents desire to deter those with criminal intentions from entering the community; and

WHEREAS, a public safety concern exists for these residents; and

WHEREAS, the residents desire for the City to establish an appropriate protocol for requesting destination information from individuals desiring to enter the community during certain hours; and

WHEREAS, an additional, temporary delay in opening the gate so that this information may be requested during late night hours in order to protect public safety is no different in kind than the temporary delay that is presently allowed for photographing the license plate to protect public safety;

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

SECTION 1. That the foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. Sections 38-12 and 38-13 of the Code of the City of Coral Gables, Florida, is hereby created to read as follows:

Sec. 38-12. Guardhouses – Duty of Driver

A driver wishing to enter into an area of the City of Coral Gables serviced by a guardhouse, between the hours of 11 p.m. to 6 a.m., upon request of the guardhouse operator, has a legal duty to open the window of the vehicle and provide the destination. The guardhouse operator may temporarily delay opening the gate to the driver in order to make this request. A driver need not provide a specific address to comply with the requirement to provide a destination. It is sufficient for the driver to state a general destination, including that the driver intends to drive around the neighborhood. Failure of the driver to open the window or provide the destination constitutes a municipal ordinance violation.

Sec. 38-13. Immunity

Guardhouse operators, neighborhood associations, and the City, as well as City officials, police officers, employees, and agents, are immunized from civil or criminal liability for actions taken in accordance with section 38-12 of the City Code.

SECTION 3. SEVERABILITY.

If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 4. REPEALER.

All ordinances or parts of ordinances in conflict herewith, are hereby repealed.

SECTION 5. CODIFICATION.

It is the intention of the Commission of the City of Coral Gables, Florida, that the provisions of this Ordinance shall become and be made a part of the City of Coral Gables Code of Ordinances; and that the sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word “ordinance” may be changed to “section”, “article”, or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 6. EFFECTIVE DATE.

This ordinance shall become effective upon adoption.

PASSED AND ADOPTED THIS THIRTEENTH DAY OF OCTOBER, A.D., 2015.
(Moved: Quesada / Seconded: Lago)
(Yeas: Slesnick, Keon, Lago, Quesada, Cason)
(Unanimous: 5-0 Vote)
(Agenda Item; E-1)


APPROVED:


JIM CASON
MAYOR

ATTEST:


WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:


CRAIG E. LEEN
CITY ATTORNEY