

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2014-25

AN EMERGENCY ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES CREATING SECTIONS 26-44 THROUGH 26-46 OF THE CITY CODE ESTABLISHING A CRIME PREVENTION PROGRAM CONCERNING ALARM SYSTEMS FOR THE BENEFIT OF THE RESIDENTS OF THE CITY OF CORAL GABLES; PROVIDING IMMUNITY FOR THE CITY AND ITS OFFICIALS, POLICE OFFICERS, EMPLOYEES, AND AGENTS, FROM ANY LIABILITY RELATED TO THE ESTABLISHMENT, IMPLEMENTATION, OR OPERATION OF THE PROGRAM, AND REQUIRING WAIVER OF LIABILITY RELATED THERETO; ALLOWING RESIDENTS TO AUTHORIZE ALARM BUSINESSES TO IMMEDIATELY CONTACT THE CORAL GABLES POLICE DEPARTMENT FOR ALARM DISPATCH FOLLOWING AN UNANSWERED CENTRAL MONITORING VERIFICATION CALL; FURTHER AMENDING FALSE ALARM FEE PROVISION ENCODED IN SECTION 26-37(A) OF THE CITY CODE IN RELATION TO THIS PROGRAM; AND URGING THE LEGISLATURE AND GOVERNOR TO ADOPT LEGISLATION ALLOWING PROPERTY OWNERS TO BYPASS THE REQUIREMENTS OF FS 489.529; AND PROVIDING FOR SEVERABILITY, CODIFICATION, REPEALER, AND AN EFFECTIVE DATE.

WHEREAS, residential burglaries pose a significant public safety concern for the City Commission and the residents of the City, and thereby creates a public nuisance; and

WHEREAS, the City Commission wishes to increase the ability of law enforcement to respond quickly and effectively to incidents of residential burglary throughout the City; and

WHEREAS, the City Commission has determined that verification calls by alarm businesses create an artificial delay in law enforcement response times to residential burglaries, thereby hindering the apprehension of criminals; and

WHEREAS, the City Commission wishes to establish a Crime Prevention Program to allow residents to authorize alarm businesses to immediately contact the Coral Gables Police Department for alarm dispatch following an unanswered central monitoring verification call; and

WHEREAS, the City Commission views this as an emergency matter that must be addressed as soon as possible based on public safety; and

WHEREAS, the City Commission urges the Legislature and Governor to adopt legislation amending F.S. 489.529;

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

SECTION 1. The forgoing “WHEREAS” clauses 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. That sections 26-44 through 26-47 of the Code of the City of Coral Gables, Florida, are hereby created to read as follows:

Sec. 26-44. - Authority.

In the creation of the Quick Response Burglary Prevention Program, the city commission is exercising its Charter home rule powers and its local authority, including police powers, pursuant to Article VII, sections 1(f), 1(g) and 2(b) of the Florida Constitution; the Municipal Home Rule Powers Act, ch. 166, F.S., as amended. The aforementioned provisions, in relevant part, authorize the City to provide for the health, safety and general welfare of the city. The provisions of this article shall not be construed to limit the scope of the City's power necessary to accomplish these purposes.

Sec. 26-45. - Quick Response Burglary Prevention Program.

- a) Alarm businesses shall provide to alarm users the option of authorizing the alarm business to immediately contact the Coral Gables Police Department for alarm dispatch following an unanswered central monitoring verification call made to the premises generating the alarm signal pursuant to F.S. 489.529.

b) An alarm business having previously been authorized in writing by an alarm user in accordance with this section, shall immediately contact the Coral Gables Police Department for alarm dispatch following an unanswered central monitoring verification call made to the premises generating the alarm signal pursuant to F.S. 489.529.

c) Alarm users providing such authorization will be enrolled in the Quick Response Burglary Prevention Program, and are therefore entitled to the benefits and remedies described herein.

Sec. 26-46. – Immunization and Waiver of Claims.

The City, as well as City officials, police officers, employees and agents, are immunized from any liability related to the establishment, implementation, or operation of the Quick Response Burglary Prevention Program. In addition, agreement by an alarm user to participate in this voluntary program constitutes a waiver of any claim by the alarm user against the City and its officials, police officers, employees, and agents related to the establishment, implementation, or operation of the Quick Response Burglary Prevention Program.

SECTION 3. Section 26-37(a) of the Code of the City of Coral Gables, Florida, is hereby amended to read as follows:

a) No fee will be assessed to residents enrolled in the Quick Response Burglary Prevention Program for the first four false alarms in one calendar year, and for all other alarm users, for the first two false alarms in one calendar year. A fee as established by the city commission will be assessed to the alarm user for each false alarm thereafter. Notification shall be by regular mail.

SECTION 4. The Legislature and Governor are urged to amend section 489.529 of the Florida Statutes to allow a central monitoring verification call to be bypassed, so that the alarm company may directly call the police department, which would lead to faster response times.

SECTION 5. SEVERABILITY.

The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause, or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Ordinance, but they shall remain in effect it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 6. REPEALER.

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

SECTION 7. 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 re-lettered 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 8. EFFECTIVE DATE.

This Ordinance shall become effective when passed and adopted.

PASSED AND ADOPTED THIS TWENTY-THIRD DAY OF SEPTEMBER,
A.D., 2014.

(Moved: Lago / Seconded: Keon)
(Yeas: Kerdyk, Lago, Quesada, Keon, Cason)
(Unanimous: 5-0 Vote)
(Agenda Item: E-6)

APPROVED:


JIM CASON
MAYOR

ATTEST:


WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:


CRAIG E. LEEN
CITY ATTORNEY