

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2015-23

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA, PROHIBITING THE UNAUTHORIZED ENTRY INTO AN AUTOMOBILE WITHIN THE CITY OF CORAL GABLES, FLORIDA, ALLOWING FOR A STAY AWAY ORDER AND MINIMUM MANDATORY SENTENCE AND PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City recognizes that in recent years residents and visitors have experienced repeated incidents of unauthorized individuals entering into their automobile(s); and

WHEREAS, these acts are often committed by individuals who have previously committed the same act, including within a 24-hour period; and

WHEREAS, the City of Coral Gables has undertaken numerous initiatives to make the community safer, including establishing the Victim Advocate Program, offering home security surveys, police personnel attending weekly crime watch meetings, and the “lock it or lose it” informational campaign; and

WHEREAS, the City of Coral Gables Commission seeks to deter this type of behavior thereby creating a safer environment for its residents and visitors;

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.

ARTICLE I. IN GENERAL

Sec. 38-8 Unauthorized Automobile Entry

- (a) Definitions: “Unauthorized automobile entry” is defined as knowingly entering into a vehicle, in the City of Coral Gables, without having the authority to do so. “Repeated unauthorized automobile entry” is defined as knowingly entering into two or more automobiles in the City of Coral Gables, when unauthorized to do so, in a period of one year. The year begins on the date that the first violation is committed.

- (b) Unauthorized automobile entry is hereby prohibited within the City of Coral Gables.
- (c) Any person who is found to have committed unauthorized automobile entry is subject to a minimum mandatory sentence of 30 (thirty) days in jail or may opt for a fine of \$500 and a Stay Away Order forbidding the individual from entering or remaining in any Single Family Residential Zone in the City of Coral Gables for a period of 2 (two) years.
- (d) An individual who violates said Stay Away Order may be subject to a minimum mandatory sentence of 60 (sixty) days in jail. Stay Away Orders will not be issued for the area where the individual resides.
- (e) Any person who is found to have committed repeated unauthorized automobile entry is subject to a minimum mandatory sentence of 60 (sixty) days in jail.

SECTION 2. 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 3. 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 appropriate work or phrase in order to accomplish such intentions.

SECTION 4. EFFECTIVE DATE.

This Ordinance shall become effective upon adoption.

PASSED AND ADOPTED THIS EIGHTH DAY OF SEPTEMBER, A.D., 2015.

(Moved: Lago / Seconded: Slesnick)

(Yeas: Lago, Quesada, Slesnick, Keon, Cason)

(Unanimous: 5-0 Vote)

(Agenda Item: E-3)

APPROVED:



JIM CASON
MAYOR

ATTEST:



WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



CRAIG E. LEEN
CITY ATTORNEY