

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2015-___

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; AND PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the residents of a gated community 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, 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 information from individuals desiring to enter the community during certain hours.

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. Authority of Guardhouse Operator

A guardhouse operator within the City of Coral Gables has the authority to request that the driver of a vehicle desiring to enter into an area of the City serviced by that guardhouse, between the hours of 11 p.m. and 6 a.m, lower the window to the vehicle and provide certain information. Such information may include the driver's name, the reason why the driver desires

to enter the area, and the particular residence or location the driver is visiting. If the driver refuses either to roll down the window or to provide the information requested, the guardhouse operator may call the police department and request that a police officer look into the matter. The guardhouse operator may temporarily decline to open the gate to the vehicle while waiting for the police response, although the vehicle is free to leave without waiting for the police response.

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 _____ DAY OF _____, A.D., 2015.

APPROVED:

JIM CASON
MAYOR

ATTEST:

WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:

CRAIG E. LEEN
CITY ATTORNEY