

ORDINANCE NO. 22-25

AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, AMENDING CHAPTER 25, ARTICLE VI OF THE CITY'S CODE OF ORDINANCES, ENTITLED "ROADS AND RIGHTS-OF-WAY" BY SPECIFICALLY AMENDING SECTION 25-87, ENTITLED "PRIVATE STREETS;" PROVIDING FOR THE ENFORCEMENT OF SECTION 25-87 OF THE CITY CODE BY THE CITY'S POLICE CHIEF; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on March 8, 2022, the City Commission of the City of Cooper City adopted Ordinance No. 22-2 (the "Ordinance"), thereby establishing a procedure for City vehicles to access gated communities and gates commercial properties; and

WHEREAS, the Ordinance provides for enforcement by the City's Fire Marshal; and

WHEREAS, the Broward Sheriff's Office, as the City's contract law enforcement agency, has coordinated the implementation of the Ordinance, and the City Commission seeks to amend the Ordinance to provide for enforcement by the City's Police Captain; and

WHEREAS, ensuring access to all communities in the City by necessary City personnel continues to be essential to protect the health, safety and welfare of the community; and

WHEREAS, in accordance with state law, the City has conducted a public hearing and considered public input; and

WHEREAS, the City Commission finds that amending the City Code to provide for the enforcement of the access to gated communities and gated commercial properties by the City's Police Captain is in the best interests of the citizens and residents of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF COOPER CITY, FLORIDA:

SECTION 1. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

SECTION 2. City Code Amended. That Article VI, entitled “Roads and Rights-of-Way,” of Chapter 25, entitled “Development Standards,” of the City of Cooper City Code of Ordinances is hereby amended by specifically amending Section 25-87, entitled “Private Streets” as follows:

Section 25-87 Private Streets

Private streets shall be allowed within the city only at the absolute discretion of the city commission in individual circumstances and subject to the following terms and conditions and any other terms and conditions deemed necessary by the city commission to protect the health, safety and welfare of the citizens of the city.

...

(r) City vehicular access into gated communities and gated commercial properties.

...

9. The City’s ~~Fire Marshal~~ Police Captain shall be responsible for enforcing and ensuring compliance with this section. At the option of the City, this chapter may be enforced:

- a. As provided by City’s code enforcement procedures found in Chapter 13 of this code;
- b. As provided in Section 1-8 of this code; or,
- c. Through any legal remedy available to the City.

SECTION 3. All ordinances or parts of ordinances in conflict herewith shall be and hereby are repealed.

SECTION 4. If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. This Ordinance shall take effect immediately.

PASSED AND ADOPTED on First Reading this _____ day of _____, 2022.

PASSED AND FINAL ADOPTION on Second Reading this _____ day of _____, 2022.

GREG ROSS
Mayor

ATTEST:

TEDRA ALLEN, CMC

Approved As To Legal Form:

JACOB G. HOROWITZ
City Attorney

ROLL CALL

Mayor Ross _____
Commissioner Green _____
Commissioner Meltzer _____
Commissioner Pulcini _____
Commissioner Shrouder _____