

**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 CAPTAIN; 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.
  - (1) All new and existing gated communities and commercial properties with automatic entry/exit gates within the city shall install, at the expense of the developer, builder, community association or other responsible party, an emergency vehicle access control system and backup emergency vehicle access system at each vehicle access entry/exit point of the community or commercial property in compliance with this section. Existing community vehicle access gates and gated commercial properties shall be in compliance with this requirement no later than September 1, 2022.
  - (2) Gated communities and commercial properties that are staffed with security 24/7 are not exempt from the requirements of this section.
  - (3) Access system requirements for emergency vehicle access to gated communities and commercial properties with automatic entry/exit gates:
    - a. The emergency vehicle access system required by this section shall only be the type of system that has been approved by a resolution of the city commission.
    - b. The backup emergency vehicle access system required by this section shall only be the type of backup emergency vehicle access system that has been approved by a resolution of the city commission.

(4) *Personnel access authorization:*

- a. City vehicles, emergency vehicles and all City personnel shall be authorized to gain access to any gated community and gated commercial properties within the city to perform any lawful duties of the City, in accordance with applicable law.

(5) *System maintenance:*

- a. Maintenance of the installed emergency vehicle access and backup emergency system shall be the responsibility of the property owner.

(6) All access gates shall be designed to unlock with a readily accessible manual release device.

(7) All automatic entry/exit gates containing multiple sequential gates or barrier arms shall be programmed to allow the emergency vehicle access system to open all sequential gates and barrier arms simultaneously.

(8) During a power failure, all access gates shall be designed to fail in the open position.

(9) The City's ~~Fire Marshall~~Police-Chief 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 \_\_\_\_\_