

## **ORDINANCE NO. 2022-09**

**AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING THE CODE OF ORDINANCES AT CHAPTER 5, FIRE PREVENTATION AND PROTECTION, BY ADDING SECTION 5-11, PUBLIC SAFETY ACCESS TO GATED COMMUNITIES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE**

**WHEREAS**, the City of Greenacres, Florida (the “City”) is a duly constituted municipality having such home rule power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

**WHEREAS**, the City’s Fire Department currently utilizes community-installed Knox Rapid Entry Systems (“Knox boxes”) to gain entry to gated communities in response to emergency calls; and

**WHEREAS**, Knox boxes sometimes delay the Fire Department’s ability to access gated communities because not every emergency responder has access to the Knox boxes; and

**WHEREAS**, Click2Enter is newer technology that allows access to such gated communities through a radio transmission system configured to the assigned Fire Department radio frequency; and,

**WHEREAS**, the Fire Department desires gated communities in the City to utilize both gate access systems (Knox box and Click2Enter) to enhance the Fire Department’s ability to respond to emergency calls as quickly as possible; and

**WHEREAS**, it has been determined, in accordance with the Development Review Committee Staff Report and Recommendation, “Exhibit A” dated March 10, 2022 (attached) that the amendments to the City’s Code of Ordinance as set forth herein are necessary for the protection of life-safety and are appropriate; and

**WHEREAS**, the City Council deems approval of this Ordinance to be in the best interest of the residents and citizens of the City of Greenacres and serve a valid public purpose.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, THAT:**

**SECTION 1.** Chapter 5 of the City of Greenacres Code of Ordinance, entitled “Fire Prevention and Protection”, is hereby amended as follows (additions are indicated by underscoring and deletions are indicated by ~~strikeout~~):

**Chapter 5 – FIRE PREVENTION AND PROTECTION**

**Sec. 5-11 – Public Safety Access to Gated Communities**

(a) In all new and existing developments where the fire department’s access is through a gate, barrier arm, or other secured access, there shall be installed a Knox rapid entry system (“Knox box”) and a Click2Enter radio transmission system at the development’s expense. The Click2Enter system shall be a “C2E” radio transmission system configured to the assigned fire department radio frequency.

(b) New developments, which are developments that have not received a certificate for occupancy for all planned dwelling units and/or the common areas, shall have six (6) months from the date of adoption of this section to install the required Knox box and Click2Enter system as required by this section. Existing developments shall have two (2) years from the date of adoption of this section to install a Knox box and Click2Enter system as required by this section with the right to request a one (1) year extension from the City’s Fire Chief.

(c) For installation of the Click2Enter system, the development shall obtain a building permit and pass final inspection, which shall include approval from the City’s Fire Marshall.

(d) Any entity or person who violates any provision of this section or fails to comply therewith shall be subject to a fine not to exceed five hundred dollars (\$500.00) for each day said violation shall exist or be permitted to exist and each day shall constitute a separate violation. The City may utilize any legal means available to enforce the provisions of this section including, without limitation, code compliance procedures.

**SECTION 2. Repeal of Conflicting Ordinances.**

All ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

**SECTION 3. Severability**

If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein; or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

**Section 4. Inclusion in Code**

It is the intention of the City Council, entered as hereby ordained, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Greenacres, Florida; that the Section(s) of this Ordinance may be renumbered or re-lettered to accomplish such intention, and that the word "Ordinance" may be changed to "Section", "Article" or another word.

**SECTION 5. Effective Date**

The provisions of this Ordinance shall become effective upon adoption.

Passed on the first reading this 2<sup>ND</sup> day of May 2022.

PASSED AND ADOPTED on the second reading this 16th day of May, 2022.

Voted:

\_\_\_\_\_  
**Joel Flores**, Mayor

\_\_\_\_\_  
**John Tharp**, Deputy Mayor

Attest:

Voted:

\_\_\_\_\_  
**Quintella Moorer**, City Clerk

\_\_\_\_\_  
**Peter Noble**, Council Member, *District II*

Voted:

\_\_\_\_\_  
**Judith Dugo**, Council Member, *District III*

Voted:

\_\_\_\_\_  
**Susy Diaz**, Council Member, *District IV*

Voted:

\_\_\_\_\_  
**Paula Bousquet**, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

\_\_\_\_\_  
**Glen J. Torcivia**, City Attorney