

GOLDEN BEACH, FLORIDA
ORDINANCE NO. 414.96 Revised 3-19-96

AN ORDINANCE OF THE TOWN COUNCIL OF GOLDEN BEACH, FLORIDA; CREATING SECTION 18-3 OF THE TOWN CODE TO BE TITLED "PRE-AUTHORIZATION OF POLICE OFFICERS TO ENFORCE TRESPASS STATUTE ON PRIVATE PROPERTY"; DECLARING A PUBLIC PURPOSE FOR SUCH ACTIVITY; PROVIDING FOR PRE-AUTHORIZATION TO BE IN WRITING BY THE OWNER OR TENANT OF THE PREMISES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:

Section 1. That Section 18-3 of the Town Code to the titled "Pre-authorization of police officers to enforce trespass statute on private property" is hereby created to provide as follows:

"Section 18-3 Pre-authorization of police officers to enforce trespass statute on private property.

(a) Declaration of public purpose. The Town Council hereby declares and finds that pre-authorizing police officers to enforce the state trespass statute, Section 810.08 and .09), Florida Statutes, on private property serves a valid public purpose. Specifically, the Town Council finds that the Florida Legislature has made it a criminnal offense for a person to defy an order from the owner or tenant of private property, or an authorized person, to leave the owner's property other than a structure or conveyance. Pre-designating police officers to issue warnings to leave on behalf of private property owners will protect the public from breaches of the peace which might occur if property owners are required to protect their property and expel trespassers by force. Additionally, the protection of private property is one of the primary missions of any police agency and in pursuit of that mission the Town has proposed a program whereby private property owners may pre-authorize police officers to issue warnings to trespassers on their behalf in order to safeguard their property.

(b) Pre-authorization authority. Town police officers may be pre-authorized in writing by a private property owner, tenant or other authorized person re property within the Town to issue orders to trespassers directing them to leave the property.

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When police officers have been pre-authorized by a private property owner, tenant or other authorized person, the police officers shall be considered authorized persons for the purpose of invoking the provisions of Section 810.08 and .09, Florida Statutes.

(c) It is unlawful for any person, who enters on private property without being authorized licensed or invited, to refuse to obey an order to leave the premises given by a police officer who is pre-authorized to issue such an order under the provisions of this section. A violation of this section, in addition to being a first degree misdemeanor or a third degree felony under Chapter 810, Florida Statutes, shall be a Town Code violation punishable as provided in Section 1-16 of the Code."

Section 2. Conflict That all ordinances or parts of ordinances, all Town Code sections or parts of Town Code sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 3. Severability That 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 4. Inclusion In The Code. That it is the intention of the Town Council, and it is hereby ordained that the provisions of this Ordinance, as well as the pension plan ordinance, shall become and made a part of the Code of the Town of Golden Beach; that the sections of the Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" may be changed to "Section" or other appropriate word.

Section 5. Effective Date. That this Ordinance shall become effective immediately upon its adoption on second reading.

PASSED AND ADOPTED on first reading this 20th day of February, 1996.

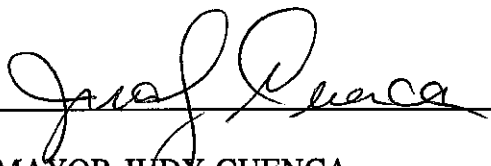
The Motion to adopt the foregoing Ordinance on first reading was offered by , Vice Mayor Lowrance, seconded by Councilmn Fistel and on roll call the following vote ensued:

Mayor Cuenca	Aye
Vice Mayor Lowrance	Aye
Councilman Addicott	Aye
Councilman Fistel	Aye
Councilman Rosenthal	Aye

PASSED AND ADOPTED on second reading this 19th day of March, 1996.

The Motion to adopt the foregoing Ordinance on second reading was offered by Councilwoman Lowrance, seconded by Councilman Rosenthal and on roll call the following vote ensued:

Mayor Cuenca	Aye
Vice Mayor Lowrance	Aye
Councilman Addicott	Aye
Councilman Fistel	Aye
Councilman Rosenthal	Aye



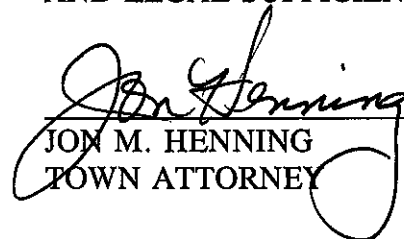
 MAYOR JUDY CUENCA

ATTEST:



 TOWN CLERK PAT MONGIELLO

APPROVED AS TO FORM AND LEGAL SUFFICIENCY



 JON M. HENNING
 TOWN ATTORNEY