



MEMORANDUM

Office of the City Attorney

Legistar No.: 050228

Phone: 334-5011/Fax 334-2229
Box 46

SECOND READING

~~FIRST READING~~

TO: Mayor and Commissioners

DATE: ~~October 24, 2005~~

November 14, 2005

FROM: Marion J. Radson, City Attorney

SUBJECT: **ORDINANCE NO.: 0-05-97**

SECURITY CAMERAS IN PUBLIC PLACES

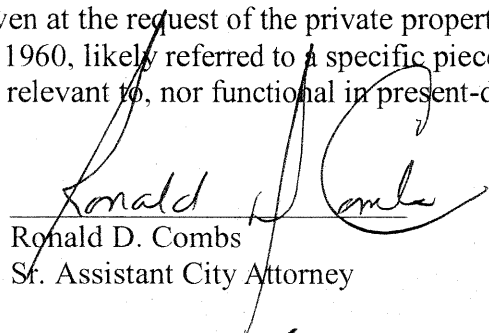
An ordinance of the City of Gainesville repealing Section 21-10, relating to use of television surveillance equipment in investigation and detection of crime; providing an immediate effective date.

RECOMMENDATION: The City Commission adopt the proposed ordinance.

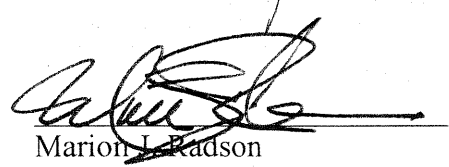
On September 26, 2005, the City Commission authorized the City Attorney to draft, and the Clerk of the Commission to advertise a rescission of ordinance Section 21-10.

The Public Safety Committee discussed this July 25, 2005 referral and request from the Gainesville Police Department to rescind Section 21-10 of the Code of Ordinance. This section of the ordinance prohibits police use of video surveillance in public places and in common areas of private property, even at the request of the private property owner. Staff believes that this ordinance, enacted in 1960, likely referred to a specific piece of equipment for a specific purpose at that time and is not relevant to, nor functional in present-day situations.

Prepared by:


Ronald D. Combs
Sr. Assistant City Attorney

Approved and
Submitted by:


Marion J. Radson
City Attorney

RDC/bs

Ordinance _____
0-95-97

An ordinance of the City of Gainesville repealing Section 21-10, relating to use of television surveillance equipment in investigation and detection of crime; and providing an immediate effective date.

WHEREAS, at least 10 days notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a Public Hearing in the City Commission Auditorium in City Hall, City of Gainesville; and

WHEREAS, a Public Hearing was held pursuant to the published notice described at which hearing the parties in interest and all others had an opportunity to be and were, in fact, heard;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA;

Section 1. Section 21-10 of the Code of Ordinances of the City of Gainesville is repealed in its entirety as follows:

~~Sec. 21-10. Use of television surveillance equipment in investigation and detection of crime.~~

~~(a) — Statement of purpose. The city manager has been authorized to acquire for use by personnel of the city police department, certain electronic equipment consisting of closed circuit television apparatus and appurtenances (collectively referred to in this section as surveillance equipment) to be used in the course of investigation and detection of crime, such as burglary or similar type crime, through means of surveillance by the use of such equipment. This section is passed to ensure that the equipment will be used only for its intended purposes.~~

~~(b) — Uses, prohibitions and procedures:~~

~~(1) — The surveillance equipment shall be used only in the surveillance of business or professional facilities and shall not, under any circumstances, be used on public streets or for the surveillance at any place of domestic relations, nor shall the surveillance equipment be used for any purpose in any residential location, including apartments, motels, hotels, single family residences or multifamily residences. The surveillance equipment shall not be used for surveillance of classrooms, meeting rooms or hallways of public facilities, such as schools or colleges, but the same may be used for the surveillance of storage~~



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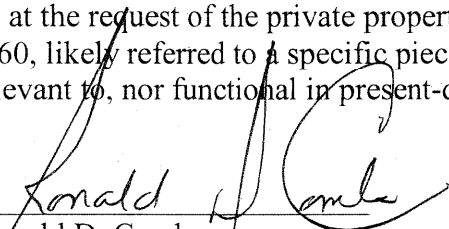
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Ronald D. Combs
Sf. Assistant City Attorney

Approved and
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Marion J. Radson
City Attorney

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~~(b) — Uses, prohibitions and procedures:~~

~~(1) — The surveillance equipment shall be used only in the surveillance of business or professional facilities and shall not, under any circumstances, be used on public streets or for the surveillance at any place of domestic relations, nor shall the surveillance equipment be used for any purpose in any residential location, including apartments, motels, hotels, single family residences or multifamily residences. The surveillance equipment shall not be used for surveillance of classrooms, meeting rooms or hallways of public facilities, such as schools or colleges, but the same may be used for the surveillance of storage~~

D R A F T

09/27/05

1 ~~areas, maintenance areas and similar areas which might reasonably be subject to~~
2 ~~burglary.~~

3 ~~(2) The surveillance equipment shall not be placed in any location without the~~
4 ~~prior written consent of the owner or person in charge, if other than the owner.~~
5

6 ~~(3) Key employees of a facility where the surveillance equipment is placed~~
7 ~~will be informed of the police operations unless reasonable grounds indicate an~~
8 ~~employee may be a suspect. Other employees will be notified on a need to know~~
9 ~~basis as determined by the city police department.~~

10
11 ~~(4) The surveillance equipment will be used during nonbusiness hours only,~~
12 ~~unless an installation is made in a warehouse or storage type facility where~~
13 ~~normal routine business is not carried on during the day or during normal business~~
14 ~~hours.~~

15
16 ~~(5) The surveillance equipment will be placed in accordance with criteria~~
17 ~~developed under the computer burglary prediction program and police~~
18 ~~information regarding possible burglaries. The decision as to whether the~~
19 ~~equipment will be placed in a particular establishment will be made by the city~~
20 ~~and not simply on the basis of a request by the owner or manager of the facility.~~

21
22 ~~(6) The surveillance equipment will be used only for the purpose of its intended~~
23 ~~design.~~

24
25 ~~(7) The surveillance equipment will not be loaned to or permitted to be used by~~
26 ~~other law enforcement agencies unless it is used in accordance with city~~
27 ~~ordinances and policies and under the supervision of a member of the police~~
28 ~~department. Under no other circumstances may the surveillance equipment be~~
29 ~~used or permitted to be used by any person or agency.~~

30
31 ~~(8) The city manager shall make quarterly reports to the city commission~~
32 ~~regarding the use of the equipment to ensure compliance with the provisions of~~
33 ~~this section.~~

34
35 ~~(c) Penalties for violation. It shall be unlawful to use or permit the use of the~~
36 ~~surveillance equipment in any manner not permitted by this section. Any person~~
37 ~~convicted of violating the provisions of this section shall be punished as provided in~~
38 ~~section 1-9.~~
39
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D R A F T

09/27/05

1 **Section 2.** This ordinance shall become effective immediately on adoption.

2 **PASSED AND ADOPTED** this _____ day of _____, 2005.

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PEGEEN HANRAHAN
MAYOR

8 ATTEST

APPROVED AS TO FORM AND LEGALITY

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14

KURT M. LANNON
CLERK OF THE COMMISSION

MARION J. RADSON
CITY ATTORNEY

15 This Ordinance passed on first reading this _____ day of _____, 2005.

16 This Ordinance passed on second reading this _____ day of _____, 2005.