

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.

**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**Section 1.** Section 21-10 of the Code of Ordinances of the City of Gainesville is repealed in its entirety as follows: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 areas, maintenance areas and similar areas which might reasonably be subject to burglary.~~

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

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

8  
9           ~~(4) — The surveillance equipment will be used during nonbusiness hours only,~~  
10          ~~unless an installation is made in a warehouse or storage type facility where~~  
11          ~~normal routine business is not carried on during the day or during normal business~~  
12          ~~hours.~~

13  
14          ~~(5) — The surveillance equipment will be placed in accordance with criteria~~  
15          ~~developed under the computer burglary prediction program and police~~  
16          ~~information regarding possible burglaries. The decision as to whether the~~  
17          ~~equipment will be placed in a particular establishment will be made by the city~~  
18          ~~and not simply on the basis of a request by the owner or manager of the facility.~~

19  
20          ~~(6) The surveillance equipment will be used only for the purpose of its intended~~  
21          ~~design.~~

22  
23          ~~(7) The surveillance equipment will not be loaned to or permitted to be used by~~  
24          ~~other law enforcement agencies unless it is used in accordance with city~~  
25          ~~ordinances and policies and under the supervision of a member of the police~~  
26          ~~department. Under no other circumstances may the surveillance equipment be~~  
27          ~~used or permitted to be used by any person or agency.~~

28  
29          ~~(8) The city manager shall make quarterly reports to the city commission~~  
30          ~~regarding the use of the equipment to ensure compliance with the provisions of~~  
31          ~~this section.~~

32  
33          ~~(c) Penalties for violation. It shall be unlawful to use or permit the use of the~~  
34          ~~surveillance equipment in any manner not permitted by this section. Any person~~  
35          ~~convicted of violating the provisions of this section shall be punished as provided in~~  
36          ~~section 1-9.~~



ADVERTISEMENT  
NOTICE OF PROPOSED  
ENACTMENT OF  
ORDINANCE  
BY CITY COMMISSION,  
GAINESVILLE, FLORIDA

# AFFIDAVIT OF PUBLICATION

The Gainesville Sun  
Published - Daily  
Gainesville, Alachua County, Florida

2005 OCT 17 PM 3:04  
CITY OF GAINESVILLE  
CITY COMMISSION

Notice is hereby given that the proposed ordinances, whose titles appear below will be considered for First Reading on the 10th day of October, 2005, at the City Commission meeting and if then adopted on First Reading will be considered for Second and Final Reading and adoption on the 24th day of October, 2005, at the City Commission meeting. The meetings begin at 6:00p.m. and the ordinances will be read as soon thereafter as may be heard. The meetings are held in the City Commission Auditorium, on the First Floor of City Hall, 200 East University Avenue, Gainesville, Florida. A copy of said ordinances may be inspected by any member of the public at the office of the Clerk of the Commission on the First Floor of City Hall during regular business hours located at 200 East University Avenue, Gainesville, Florida, and at the Public Library, Main Branch, located at 401 East University Avenue. On the dates mentioned above all interested parties may appear at the meeting and be heard with respect to the proposed ordinances. Persons with disabilities, who require assistance to participate in the meetings, are requested to notify the Equal Opportunity Office at 334-5051 or call the TDD phone line at least 2 business days in advance.

## STATE OF FLORIDA COUNTY OF ALACHUA

Before the undersigned, a Notary Public of Said County and State, Ernest III, who on oath says that he is Legal Advertising Coordinator of THE GAINESVILLE SUN, a daily newspaper published at Gainesville, in Alachua County, Florida; that the attached copy of advertisement, being a notice in the

of **ADVERTISEMENT NOTICE OF PROPOSED ENACTMENT OF ORDINANCE BY CITY COMMISSION, GAINESVILLE, FLORIDA** Notice is hereby given that the said ordinances, whose titles appear below will be considered for First Reading on the 10th day of October, 2005, at the

published in said newspaper in the issues of:

### ORDINANCE TITLE

**ORDINANCE NO. 050373**  
An ordinance of the City of Gainesville amending Chapter 9 Elections by amending Sections 9-5 and creating Section 9-6.5 by providing for voting in municipal elections; providing directions to the codifier; providing a severability clause; providing a repealing clause and providing an immediate effective date.

**ORDINANCE NO. 050228**  
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.

Note: "All persons are advised that, if any person decides to appeal any decision made at any of these meetings, they will need a record of the proceedings and, for such purpose, they need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based."

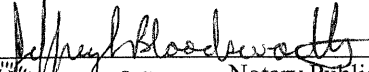
October 14, 2005  
Publish Date

Kurt M. Lannon  
Clerk of the Commission

29102, 10/14/05  
#A000076486

Affiant further says that the said THE GAINESVILLE SUN is a daily newspaper published at Gainesville, in said Alachua County, Florida, and that the newspaper has heretofore been continuously published in said Alachua County, Florida, daily, and has been entered as second class mail matter at the post office in Gainesville in said Alachua County, Florida, for a period of one year preceding the first publication of the attached copy of advertisement; that further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the person of securing the advertisement for publication in the said newspaper.

and subscribed before me this 14<sup>th</sup> day of October, A.D., 2005

  
Jeffrey L. Bloodworth  
Notary Public  
MY COMMISSION # DD159430 EXPIRES  
October 20, 2006  
BONDED THRU TROY FAIN INSURANCE, INC.  
(Print, Type or Stamp Name of Notary Public)

My commission expires 20 day of Oct, 2006

Ad #: A000076486

#050228



# CITY OF GAINESVILLE

*Clerk of the Commission*

I hereby certify that a true record of this ordinance was made by me in

Ordinance Book No. 72 on this 17th day of

November, 2005 and that the title of this ordinance was published in

the Gainesville Sun.

Kurt M. Lamon, Jr.  
Clerk of the Commission