

ORDINANCE NO. 2014-09

AN ORDINANCE OF THE CITY OF BELLEVIEW, FLORIDA, CONCERNING LAW ENFORCEMENT OFFICER AUTHORITY WITHIN THE CITY OF BELLEVIEW OF OFFICERS OF OTHER MARION COUNTY LAW ENFORCEMENT AGENCIES; AMENDING CHAPTER 50 LAW ENFORCEMENT, TO ADD ARTICLE III CONCERNING AUTHORITY WITHIN BELLEVIEW, FLORIDA OF OTHER MARION COUNTY LAW ENFORCEMENT OFFICERS; ADDING SECTION 50-50, PROVIDING FOR THE PURPOSE OF ARTICLE III; ADDING SECTION 50-51, PROVIDING FOR DEFINITIONS; ADDING SECTION 50-52, PROVIDING FOR ENFORCEMENT AUTHORITY OF LAW ENFORCEMENT OFFICERS FROM OTHER MARION COUNTY JURISDICTIONS; ADDING SECTION 50-53, PROVIDING FOR DUTY AND INTENTION NOT TO WAIVE SOVEREIGN IMMUNITY; RESERVING SECTIONS 50-54 THROUGH 50-100 FOR FUTURE USE PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission has determined that it is in the best interest of the public welfare to amend Chapter 50 of the City Code of Ordinances to add Section III regarding the authority of law enforcement officers of other Marion County Law Enforcement Agencies within the City of Belleview, Florida.

NOW THEREFORE, BE IT ORDAINED by the City Commission of the City of Belleview, Florida, that Chapter 50 of the City Code of Ordinances is hereby amended to add Section III regarding the authority of law enforcement officers of other Marion County Law Enforcement Agencies within the City of Belleview, Florida, which shall read as follows, to wit:

Section 1: “ARTICLE III. AUTHORITY OF LAW ENFORCEMENT OFFICERS OF SISTER AGENCIES, WITHIN THE CITY OF BELLEVIEW, FLORIDA.

Section 50-50 Purpose. The purpose of this article is to authorize law enforcement officers employed by sister agencies located within Marion County to enforce penal and criminal city ordinances, state statutes and federal statutes which are violated in their presence within the City of Belleview, Florida and to render assistance, if necessary, to City of Belleview police officers attempting to enforce such statutes and ordinances.

Section 50-51 Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Law enforcement officer means any person who is elected, appointed, or employed full time by any municipality within Marion County, Florida or by the Marion County Sheriff's Office who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. This definition includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency.

Sister agency shall mean the Marion County Sheriff's Office, the Ocala Police Department and the Dunnellon Police Department.

Sec. 50-52. Enforcement authority. Any law enforcement officer employed by any sister agency shall have the power to enforce and, if necessary make arrests, for violations of penal and criminal city ordinances, state statutes and federal statutes violated in their presence within the City of Belleview and to render assistance, if necessary, to city police officers attempting enforcement of such ordinances or statutes.

Sec. 50-53. Intent; duty and liability.

No law enforcement officer employed by any sister agency shall have the duty to enforce or assist any city police officer outside of a mutual aid agreement. The city does not waive any of the protections of Florida Statute, §768.28 as the result of any law enforcement officer electing to take any enforcement activity within the city nor does it intend to waive for the sister agency its own protections under Florida Statute, §762.28. To the maximum extent provided for by law, it is the intention of the city to allow for law enforcement officer assistance from sister agencies within the city without waiving sovereign immunity protections provided by law to the city, the sister agencies and its law enforcement officers.”

Secs. 50-54 --- 50-100. Reserved.

Section 2: Should any provision or section of this ordinance be held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.”

Section 3: All ordinances or parts thereof in conflict herewith are hereby repealed.

Section 4: This Ordinance shall become effective immediately upon adoption.

BE IT FURTHER ORDAINED by the City Commission of the City of Belleview, Florida that Sections 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 other appropriate designation.

CERTIFICATE OF ADOPTION AND APPROVAL

The above and foregoing ordinance was duly read and approved upon **First Reading** by a 5-0 vote of the City Commission of the City of Belleview, Florida, at a Regular Meeting held on the 6th day of May 2014. Said ordinance was duly read, passed, and adopted upon **Final Reading** by a 5-0 vote of the City Commission of the City of Belleview, Florida at a Public Hearing held on the 3rd day of June 2014.

For the City:

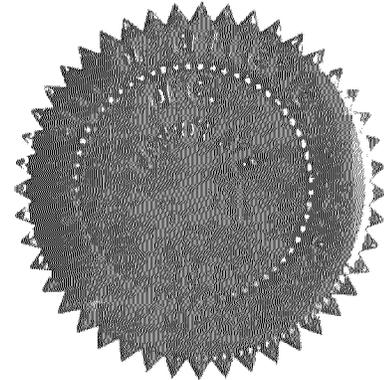


CHRISTINE K. DOBKOWSKI
Mayor/Commissioner

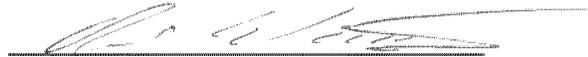
Attest:



SANDI McKAMEY, MMC, CPM
City Clerk/Administrator



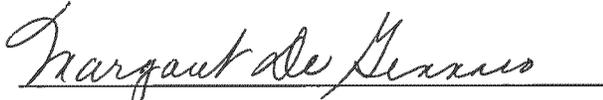
Approved as to Form and Legality for the
Use and Benefit of the City of Belleview only:



FREDERICK E. LANDT, III
City Attorney

CERTIFICATE OF ADVERTISING

I HEREBY CERTIFY that foregoing Ordinance was advertised for a Public Hearing in the May 22, 2014 edition of the *Voice of South Marion* newspaper in accordance with Florida Statutes.



Margaret DeGennaro, MMC, CPS
Deputy City Clerk