

Don Adams

From: Michael Forbis
Sent: Tuesday, August 01, 2017 3:15 PM
To: donadams@jacksonnc.org
Cc: Todd Dillard
Subject: Proposed Gate Ordinance

Mr. Adams,

Although our County Emergency Services occasionally run into issues regarding locked gates, I am unaware of any discussions on the need for such an ordinance.

Jackson County Code of Ordinances Chapter 28, Section 28-62 (1)(b) states that: Regardless of the designation of the road, every lot shall have access to a road that is sufficient to provide a means of ingress and egress for emergency vehicles as well as all those likely to need or desire access to the property for its intended use. This section refers to the ingress and egress of emergency vehicles. As long as a road is not fully blocked with some form of immovable barricade it is "sufficient" for the access of emergency vehicles.

The 2012 North Carolina Fire Prevention Code designates the *approval* of gates and barricades across fire apparatus access roads to the *fire chief*. Our County Chiefs do a great job of keeping their respective departments informed of situations like this. I assure you, if there is ever an emergency situation where access is not readily accessible, our responders may gain access by whatever means they deem necessary at the time.

Respectively,

Michael S. Forbis
*Fire Marshal, Jackson County Emergency Management
Chairman, Safe Kids Jackson County*

Mobile: (828) 269-9445
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Don Adams

From: Angie Winchester
Sent: Wednesday, July 26, 2017 8:42 AM
To: 'Brian McMahan - Commissioner'; charleselders@jacksonnc.org; 'Boyce Deitz - Commissioner'; 'Mickey Luker - Commissioner'; 'Ron Mau - Commissioner'
Cc: 'Don Adams'
Subject: FW: [Non-DoD Source] RE: Introduce a Local Ordinance
Attachments: Gated Communitis Ordinance.docx

Request I received for the Commissioners to review and consider.

Thanks,
Angie

-----Original Message-----

From: Battaglia LtCol Dax C [mailto:dax.battaglia@usmc.mil]
Sent: Tuesday, July 25, 2017 2:57 PM
To: Angie Winchester
Subject: RE: [Non-DoD Source] RE: Introduce a Local Ordinance

Angie,

Attached is the proposed ordinance. I have never introduced an ordinance before so I am unfamiliar with the process so please let me know if you need any other supporting documentation.

Thanks for your help,

Dax

V/R
LtCol Dax Battaglia
Camp H.M. Smith
Marine Forces Pacific
G-8 Branch Head
Ground Financial Management
PH: 808-477-8557
DSN: 315-477-8557

-----Original Message-----

From: Angie Winchester [mailto:angiewinchester@jacksonnc.org]
Sent: Tuesday, July 25, 2017 2:33 AM
To: Battaglia LtCol Dax C <dax.battaglia@usmc.mil>
Subject: [Non-DoD Source] RE: Introduce a Local Ordinance

Good morning. If you would like to forward the ordinance to me, then I could forward it to the correct department and/or Commissioners for review.

Thanks,

Angie Winchester, NCCCC
Clerk to the Board
Jackson County
828-631-2213
angiewinchester@jacksonnc.org

-----Original Message-----

From: Battaglia LtCol Dax C [mailto:dax.battaglia@usmc.mil]
Sent: Monday, July 24, 2017 8:06 PM
To: angiewinchester@jacksonnc.org
Subject: Introduce a Local Ordinance

Mrs. Winchester,

I would like to introduce a local ordinance for consideration but I do not know the formal process. Would you be able to put me in touch with someone that could outline the process for introducing an ordinance?

V/R
LtCol Dax Battaglia
Camp H.M. Smith
Marine Forces Pacific
G-8 Branch Head
Ground Financial Management
PH: 808-477-8557
DSN: 315-477-8557

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GATED COMMUNITIES: PUBLIC SAFETY ACCESS ORDINANCE

It happens all too often. An emergency vehicle pulls up to an electronic gate and fumbles through myriad pass code lists, keys, cards, fobs, and transmitters to gain emergency access to a gated property. The crew punches, swipes, pushes, or turns the prescribed device to gain entry, and nothing happens.

Seconds tick away as these first responders sit powerless, blocked by a mechanical gate designed to keep out intruders. But unimpeded scene access could mean the difference between life and death.

With few options, crews resort to tailgating a resident through the gate or asking the dispatch center for help. Calling back the original reporting party and getting the person to buzz the crew in is not expedient, and asking for the updated pass code over the air poses security concerns for the entire community, since the public has access to radio transmissions.

As communities continue to grow and gates become more prevalent, keeping everything up-to-date becomes more cumbersome and risks the health and safety of those living inside gated communities.

Section 100.01. Definitions

For the purposes of this section, the following words shall have the following meanings:

Key Box - A secure, tamper-proof device with a lock operable only by a fire department, police department, or emergency services department master key, and containing building entry keys and other such devices that may be required for access in an emergency.

Gated Community - A Residential Development consisting of 5 or more land or housing units, Commercial or Industrial Development consisting of one or more units, or accessory uses which are enclosed within a geographical area by restrictive gates.

Gates - A gate, crossbar, door, or other obstructive device which is utilized for the purpose of restricting, controlling, or obstructing entry or exit by motor vehicles or pedestrians to or from a private roadway.

Ingress/Egress - The point where vehicles or pedestrians enter and exit a development.

Private Streets - Internal streets that are not owned or maintained by the North Carolina Department of Transportation and that are owned and maintained by an entity responsible for upkeep and maintenance, such as a homeowners association, community group, property management company, or similar type of organization.

Radio Frequency Identification system - A patented receiver monitors fifty different frequencies programmed into memory by the user or installer. Radio signal identification is quick (less than four seconds) and secure. Receiver range can be set from within

inches to about one-quarter mile away and handheld or vehicle-mounted radios can be used to open the gate. An internal log in the receiver maintains details on what agency gained access and when, retaining 50 of the most recent transactions. A significant feature that this system offers over others is that it supports mutual aid operations for multiple public safety agencies.

Section 100.02. Intent

The intent of this section is to regulate the installation and construction of all electronic access gates into private developments and/or uses, while also allowing for the safe and efficient ingress and egress for fire, police, emergency, and public works personnel.

Section 100.03. Requirements

The following are requirements for new and existing developments regarding the construction of gates around a development:

- A. The development inside the gated community shall have private streets.
- B. The location of the gate(s) shall comply with §100.04 regarding the development requirements for Jackson County.
- C. The ingress/egress gates should be in working order and inspected annually.

Section 100.04. Gated Development Specifics

Gated developments, whether for an existing community or proposed community, shall adhere to dimensional requirements that are set forth in this chapter.

- A. The ingress/egress for fire department, and emergency vehicles shall be a minimum 12 feet (12') wide. All gates existing prior to the adoption date of this ordinance shall be grandfathered regarding width of the gate. Any significant changes to the structure of the gates after the adoption date of this ordinance will require that gate width be brought up to the 12 foot standard.
- B. Each electrical vehicular gate must be provided with a fail-open device to open during power failures. During a power failure, the gates will open and remain open. These devices usually restore the gate(s) to the closed position after the power is restored. Emergency Services shall be allowed to change gate codes as often as deemed necessary.
- C. Gates need to be opened for appropriate personnel to enter the community during an emergency. A radio frequency identification systems shall be installed to allow emergency personnel access through vehicular gates.
- D. An approved lock box shall be installed to allow emergency personnel access through all pedestrian gates.
- E. If the vehicular gate is a swing-type gate, it should be designed so that when the gate is fully opened it does not obstruct the path of travel for vehicles or pedestrians, both emergency and non-emergency.

F. If the vehicular gate is a roll-type gate, it cannot be designed in a way that it would block vehicular and pedestrian paths of travel, both emergency and non-emergency, when fully opened.

G. If there are two or more gates in any single development, all gates must be operated in the same fashion.

H. Gate activation shall not be altered or placed out of service without prior notification to the local Fire Department, Jackson County Emergency Services and the Jackson County Sheriff's Department.

I. All gates must have 2 automated means of opening, as well as 1 manual means to open the gate in the event of a power failure.

J. In instances where a gate fails to operate in its intended operational capacity and such failure results in damage to the gate or causes the responding emergency agency to alter normal entrance procedures, the responding agency, mutual aid departments, and Jackson County shall not be held liable for damages incurred.

Section 100.05. Process

All gates must come in compliance within 12 months of adoption of the ordinance. The process for obtaining approval from Jackson County on new or modified gates shall be as follows:

A. The applicant must submit a detailed plan, including but not limited to, scaled drawings showing the location of the gates, turn radius, dimensions of the gates, pavement, sidewalks, and curbs.

B. All applicable permits for the construction of gates will be required to be obtained from Jackson County Building Inspections.

Section 100.06. Maintenance

The gated ingress/egress areas, along with the exterior gates encompassing the development, shall be kept in working order and shall be repaired and/or replaced in the event they are disabled and/or damaged. It is not the responsibility of Jackson County to maintain these gates. It is also a requirement that the gate be reviewed by Jackson County Personnel annually to verify the gate is in operable condition in the event of an emergency.

Section 100.07. Violations

The following are violations and the penalties of this chapter:

A. It shall be unlawful for any person to construct, install, or maintain any blocking device, such as a gate or any other type of barrier, without first review and approval from Jackson County Personnel.

B. If it is found that a gated community is in violation of this ordinance, the Home Owner's Association (HOA) or Property Owners Association (POA), will be contacted via registered mail by Jackson County and will be required to remedy the problem or submit a plan of action immediately. Any violations that have not been remedied or a plan of action submitted after seven (7) business days will be fined every day thereafter. Fines will be assessed at \$200.00 per day until the violation has been fixed.

C. Violation determinations and requests for variance of the requirements of this Ordinance may be appealed to the Jackson County Board of Adjustments at a regularly scheduled meeting.