

ORDINANCE NO. 2013-11-02

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HALLSVILLE, TEXAS, REGULATING CONSTRUCTION, INSTALLATION, OPERATION, AND MAINTENANCE, OF ENTRY GATES INTO CERTAIN NEIGHBORHOODS; PROVIDING FOR THE SEVERABILITY OF THE PROVISIONS HEREOF; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the City Council of the City of Hallsville, Texas, a Type A General Law municipality, has the authority to adopt ordinances, acts, laws, and/or regulations, not inconsistent with Texas state law, which are found to be necessary for the government, interest, welfare, and/or good order of the municipality as a body politic pursuant to § 51.012 of the *Texas Local Government Code* and other applicable provisions of Texas law; and

WHEREAS, the City Council of the City of Hallsville, Texas, a Type A General Law municipality, has the authority to adopt rules for the prevention and extinguishment of fires pursuant to § 342.003 of the *Texas Local Government Code* and other applicable provisions of Texas law; and

WHEREAS, the City Council finds and determines that the public interest, welfare, and good order of the municipality as a body politic is served by this ordinance, and that this ordinance is necessary for the prevention and extinguishment of fires, in order to assure reasonable access for fire-fighting vehicles and equipment, emergency medical services vehicles, and law enforcement officers to gated communities and multi-unit housing projects as defined below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HALLSVILLE, TEXAS, THAT:

- (a) **Applicability.** This ordinance applies to all gated communities, gated

neighborhoods, or multi-unit housing projects that control or seek to control access to the project by a pedestrian or vehicular gate located within municipal boundaries.

(b) **Definitions.**

(1) "Gated community" means a residential subdivision or housing development with a vehicular or pedestrian gate that contains two or more dwellings not under common ownership. The term does not include a multi-unit housing project.

(2) "Multi-unit housing project" means an apartment, condominium, or town home project that contains two or more dwelling units.

(c) **Permit Fee and Registration Requirement.**

(1) Permit Required. That no person, firm, corporation, or other entity, excluding the city, may construct, install, operate, or maintain a pedestrian or vehicular gate to control access to a residential subdivision or housing development or to a Multi-unit housing project without first having obtained a permit from the city.

(2) Violation. That if any person, firm, corporation, or other entity, excluding the city, constructs or installs a pedestrian or vehicular gate to control access to a residential subdivision or housing development or to a Multi-unit housing project without first having obtained a permit from the city as required by this ordinance, such act shall constitute a class C misdemeanor and subject such person to a fine of \$200.00 per violation. Each and every act shall constitute a separate offense.

(3) Application for Permit; Expiration; Permit Not Transferable. That to

obtain a permit, a person, firm, corporation, or other entity must submit an application on a form provided by the City Secretary. The applicant must be the person, firm, corporation, or other entity, who will construct, install, operate, or maintain the proposed pedestrian or vehicular gate.

- (4) That the permit application shall include the following information:
- (A) The applicant's name, address, and verified signature;
  - (B) The form of business of the applicant, and, if the business is a corporation or association, evidence of the authority of the person signing the application to represent the business;
  - (C) A description, including construction specifications, of the pedestrian or vehicular gate as may be required by the City's engineer for compliance with applicable building rules, codes, and regulations;
  - (D) The name, address, and a twenty four hour seven day a week telephone number of a person to be contacted if needed in the event of an emergency or violation of any part of this ordinance;
  - (E) That an application for the permit shall be accompanied by a fifty-dollar (\$50.00) non-refundable processing fee.
  - (F) That the permit required by this section shall not be transferable.
- (5) A permit issued under this ordinance may be suspended or revoked for violation of this ordinance after notice and a hearing. The hearing shall be held by the City Council or by a person or entity designated by the City Council. A permit may be reinstated or a new permit issued if each

violation that is a ground of the complaint is corrected within the time prescribed by the entity that holds the hearing.

(d) **Lockbox Requirement.**

- (1) Each vehicular gate to a gated community or multi-unit housing project must have a lockbox within sight of the gate and in close proximity outside the gate. The lockbox at all times must contain a key, card, or code to open the gate or a key switch or cable mechanism that overrides the key, card, or code that normally opens the gate and allows the gate to be opened manually.
- (2) If there are one or more pedestrian gates, at least one pedestrian gate must have a lockbox within sight of the gate and in close proximity outside the gate. The lockbox at all times must contain a key, card, code, key switch, or cable mechanism to open the gate.
- (3) If different pedestrian gates are operated by different keys, cards, or codes, the lockbox must contain either (a) each key, card, or code, properly labeled for its respective gate; or (b) a single master key, card, or code or a key switch or cable mechanism that will open every gate.
- (4) Access to a lockbox required by this section shall be limited to persons or agencies providing fire-fighting or emergency medical services or law enforcement for the city or county.
- (5) If a gate is powered by electricity, it must be possible to open the gate without a key, card, code, or key switch if the gate loses electrical power.
- (6) The City may require that each electric gate to a gated community or

multi-unit housing project be equipped with a gate-operating device that:

(1) is approved by the city or county fire marshal or other similar authority having jurisdiction over fire prevention within the City; and (2) will activate the electric gate on the sounding of an emergency vehicle siren.

- (e) **Width Requirement.** At least one vehicular gate must be wide enough for fire-fighting vehicles, fire-fighting equipment, emergency medical services vehicles, or law enforcement vehicles to enter.
- (f) **Free of Obstacles.** At least one driveway apron or entrance from the public right-of-way must be free of permanent obstacles that might impede entry by a vehicle or equipment for fire-fighting, emergency medical services, or law enforcement.
- (g) **Operation and Maintenance.** Any pedestrian or vehicular gate constructed or installed in accordance with this ordinance shall at all times be properly maintained and operational. Any person, firm, corporation, or other constructing, installing, operating, or maintaining a pedestrian or vehicular gate shall maintain a twenty four hour seven day a week telephone number of a person to be contacted if needed in the event of an emergency or violation of any part of this ordinance. Any pedestrian or vehicular gate constructed or installed in accordance with this ordinance shall remain open to allow the free flow of pedestrian or vehicular traffic between the hours of 6AM and 6PM, Central Standard Time.
- (h) **General Provisions.** If any section, paragraph, subdivision, clause, phrase, or provision of this ordinance is hereafter determined to be invalid or violative of the

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## ENTRY GATE PERMIT APPLICATION

To obtain a permit, the applicant must be a person, firm, corporation or other entity who will construct, install, operate or maintain the proposed pedestrian or vehicular gate.

APPLICANT'S NAME: \_\_\_\_\_

BUSINESS NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_



Driver's License Signature Verified



Evidence of person signing application to represent business



Corporation



Association



Description and construction specifications

Person to be contacted in the event of an emergency:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

24/7 Telephone Number(s): \_\_\_\_\_

\_\_\_\_\_

Application Fee: \$50.00

This permit issued for this particular business shall not be transferable.

laws of the State of Texas or the Constitution of the United States by a court of appropriate jurisdiction, such finding of invalidity shall affect the continued enforcement only of the provision or provisions so determined to be invalid, it being the intent of the City Council of the City of Hallsville that all other terms and provisions of this ordinance not affected thereby shall remain in full force and effect.

- (I) **Effective Date.** The provisions of this ordinance are effective as of December 1, 2013.

PASSED AND APPROVED by an affirmative vote of the members of the City Council is the 19 day of November 2013.

ATTEST:

Jessica Steed  
CITY SECRETARY

Jeni Lee Medrano  
MAYOR