

(Motion was made by KIRK JONES, seconded by JOHN FOX, that the following ordinance be passed.)

ORDINANCE NO. 2011-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, REQUIRING PRIVATE STREET GATED COMMUNITIES TO MAINTAIN A KNOX KEY SWITCH OR LOCK BOX FOR EMERGENCY ACCESS, IN ACCORDANCE WITH MONTGOMERY COUNTY FIRE MARSHAL REQUIREMENTS; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, the City Council of the City of Montgomery has determined that an ordinance is necessary to require certain private street gated communities and subdivisions to install and maintain Knox key switches or lock boxes for emergency access, and to require gate installations to conform to certain requirements; and

WHEREAS, the benefits of installing Knox key switches or lock boxes on such gates include providing immediate emergency access to firefighters leading to increasing fire department efficiency; preventing costly forced entry damage to gates, and allowing undamaged doors to be re-secured after an emergency, and protecting property, inventory, equipment and supplies as well as firefighters against possible injury or harm; and

WHEREAS, the City of Montgomery has determined that adoption of Montgomery County's Gate Access Program would be in the City's best interest and would be most effective to comply with the aforementioned objectives.

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

SECTION 1. General Provisions for Private Street Gated Communities.

The general provisions of the City of Montgomery Subdivision Ordinance, and other City ordinances, as they relate to development, streets, and utilities will apply to all such developments. All plats and construction plans concerning private street gated subdivisions and communities are subject to review and approval by the Montgomery County Fire Marshal.

SECTION 2. Gate Installation.

- a. *Fire Marshal Approval Required* - All gate installations must be approved by the Montgomery County Fire Marshal prior to installation. The installation must be completed and tested prior to the City's acceptance of the subdivision. Gate installation shall be in accordance with the Montgomery County Gate Access Program, which is attached hereto and incorporated herein by reference.
- b. *Good Working Order Required* - All components of the gate system must be maintained in an approved operating condition, with all components serviced and maintained on a regular basis as needed to insure proper gate operation. A proper power supply shall be maintained to all electrical and electronic components at all times.
- c. *Failure to Meet Requirements* - Each security gate regulated under this section will be subject to a performance test on a regular basis. Upon failure of a performance test, the security gate system shall be disabled and maintained in an open position until repaired, and shall not be placed back in service until tested and authorized by the Montgomery County Fire Marshal.
- d. *Authority Maintained by City* - All streets, gates, and other fire protection features, signage, and equipment are subject to periodic inspection by the City and must be repaired immediately if found to be in a condition of disrepair. The City shall have the right to enter the subdivision and disable, open or remove any gate, device or other feature that impedes or controls vehicle access at the sole expense of the homeowner's association.
- e. *Owners Responsibility* - The person or corporation in control of the property is responsible for, and liable for, any violations of this section. This includes, but is not limited to, the developer, property owner, the property owners association, and its officers, if applicable, or others who may own or exercise control over the property.

SECTION 3. Fine for Violating Ordinance.

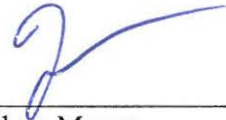
Any person violating the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by fine not to exceed Five Hundred (\$500.00) Dollars.

SECTION 4. All provisions of the ordinances of the City of Montgomery in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Montgomery, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

SECTION 5. If any provision, section, exception, subsection, paragraph, sentence, clause or phrase of this Ordinance or the application of same to any person or set of circumstances, shall for any reason be held unconstitutional, void, invalid or otherwise unenforceable, the invalidity or unenforceability shall not affect other provisions of this Ordinance or their application to other sets of circumstances and to this end all provisions of this Ordinance are declared to be severable.

SECTION 6. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED on the 25th day of January, 2011.



Travis Mabry, Mayor

ATTEST:

By: Carol Langley
Carol Langley, City Secretary



APPROVED AS TO FORM:

By: Bryan P. Fowler
Bryan P. Fowler, City Attorney

Gate Access Program

Purpose

To provide rapid emergency access to property protected with gates, without damaging access gate equipment.

Gates -- General

1. Approval by the Montgomery County Fire Marshal's Office of gate plans is required prior to construction or installation of an access gate for a multifamily residential property or gated subdivision. Under the Montgomery County Fire Code new building projects protected by security gates will be required to submit gate plans under the program to maintain emergency access. Existing gates in multi-family residential complexes and gated communities must be equipped as well with the required access device under this program.
2. Gates may be of the sliding, swinging, or cross-arm types.
3. Clearance - When the gate is open, there cannot be any overhead cross-arms, braces or other structures. It shall provide an overhead clearance of at least 14 feet. When open, gates shall provide a clear width of not less than 14 feet. Although the minimum clearance width of the gate is 14 feet, the overall minimum width of the entire emergency access way shall not be less than 20 feet.

Electric Operated Gates

The electric gate access feature shall require one of the following options:

1. A County Gate Knox Key switch incorporated into the gate or lockbox on all new installations
2. Existing gates with an existing lock box may equip with a County Gate Knox padlock (see the specifications on the next page).
3. The gate shall default to an open position and remain open in the event of power failure or;
4. A manual gate release shall be provided and accessible for emergency use.
5. All gates, when made active, shall move from completely closed to fully open, taking no more than 15 seconds. Once the gate is activated via the lock box, the gate shall remain open for 5 minutes minimum.
6. All electrical devices shall be UL listed.
7. All exit gates shall open when a vehicle is prepared to exit the area without the use of a key, card or special knowledge.

Option # 1 (All new installations) - Install Knox 3501 or 3502 Key Switch

1. Install a County Gate Knox key switch at or near the gate access keypad
2. Activation of the key switch operates the gate as required

Option #2 - Lock Box with padlock - existing only with prior approval by MCFMO

1. An existing box with padlock capability may employ a County Knox padlock.
2. The color of the box shall be red with "FIRE DEPT" or "911" painted on the door.
3. The entry gate is to remain open while the lock box door is open.
4. The lock box must be located on the gate in such a manner that is easily located but protected from vehicular damage..

Chain Drop Systems

Chain drop systems may not be used as the primary access system on electric gates. The primary access system should be located at or near the keypad or entry station, and when activated, it should open the gate using the electric operating system.

Chain drop systems can be used to provide a secondary mechanical release in the event of power failure, thus eliminating the need for battery backup. In an effort to avoid confusion, the chain drop box should not be mounted next to the electric emergency access switch or box.

Plan Submission, Purchase and Installation of Knox Access Equipment

Contact the Montgomery County Fire Marshal's Office for a purchase authorization form. A gate plan (8 ½ x 11) should be submitted to the MCFMO and approved before installation. After submitting gate plans, and receiving authorization, purchase and install the equipment. Any gate contractor may perform the installation.

Contact the MCFMO for inspection and securing of the finished installation.

For Further Information or to request an authorization form, contact Gate Program Coordinator Debra Bock at MCFMO.

(936) 538-8288 or debra.bock@mctx.org

Gate Access Equipment

<http://www.knoxbox.com/store/>