

STATE OF GEORGIA  
 COUNTY OF DEKALB  
 CITY OF BROOKHAVEN

ORDINANCE

ORD 2017-07-02

**AN ORDINANCE TO AMEND SECTION 12-63, SECURITY GATE/BARRIER INSTALLATION REQUIREMENTS,  
 OF THE CODE OF THE CITY OF BROOKHAVEN**

- WHEREAS, Section 1.03(b)(10) of the Charter of the City of Brookhaven grants the City of Brookhaven the authority to establish fire regulations; and
- WHEREAS, Section 1.03(b)(12) of the Charter of the City of Brookhaven grants the City of Brookhaven the authority to protect the general, health, safety, and welfare the inhabitants of the city; and
- WHEREAS, Section 1.03(b)(26) of the Charter of the City of Brookhaven grants the City of Brookhaven the authority to provide police and fire protection; and
- WHEREAS, the Mayor and Council of the City of Brookhaven are desirous of ensuring that public safety staff have sufficient access to gated developments in the event of an emergency.

**BE IT ORDAINED** by the Mayor and Council of the City of Brookhaven, Georgia and it is hereby ordained by the authority of same:

**SECTION I:**

Section 12-63, Security Gate/Barrier Installation Requirements, is amended to read as follows:

Sec. 12-63. - Security gate/barrier installation requirements other than one- and two-family dwellings.

(a) *Definitions.*

- (1) *RFID* means radio frequency identification and, for the purpose of this section, refers to a mode of access to open a gate in a gated community utilizing radio frequency waves to activate the gate's locking mechanism and opening the gate.
- (2) *SOS* means siren operating sensor and, for the purpose of this section, refers to a sensor that triggers the opening of gated access as a result of the emergency vehicle siren.
- (3) *Emergency vehicle* means any marked or unmarked law enforcement vehicle, fire truck, fire rescue staff vehicle, ambulance and/or ambulance staff vehicle and rescue units.
- (4) *Existing gated development* means a gated development that has obtained construction plan approval prior to the effective date of this ordinance.
- (5) *Gated development* means any residential development which may be fenced and has a secured gate located at the roadway entrance to the facility, preventing free access by the public.
- (6) *New gated development* means a gated development that has obtained construction plan approval after the effective date of this ordinance.

(a) *Installation requirements for all gates.*

- (1) All gates shall have a minimum width of 20 feet to allow for fire apparatus access.
- (2) All gates shall have signage indicating gate direction of travel.
- (3) All objects on a gate that may obstruct the path of emergency vehicles must be covered with reflective paint, tape or lights sufficient to guide vehicles around the obstruction.
- (4) The owner of the property shall ensure that all hydraulic gates are disabled and left in the open position when the temperature is expected to drop below 25 degrees Fahrenheit.
- (5) If a gate is located on a turn, the turn must have a 35-foot clear inside radius and a 50-foot clear outside radius.
- (6) Gate installers shall provide information on the operational features of the gate to the fire marshal prior to the installation of any security gate.
- (7) The fire marshal prior to installation of any security gate must approve its operational features.
- (8) When gates are opened for emergency access, they shall remain open until reactivated.
- (9) Construction plans or blueprints shall be submitted to the community development department for approval by the fire marshal prior to an owner or applicant beginning work on the installation of a gate.
- (10) Each new or existing gated development, to which access is limited by security gate(s) that are unmanned or otherwise not physically attended by a person on a 24-hour basis shall be required to install an RFID/SOS gate access system on each roadway entrance gate to allow for silent radio frequency or siren-activated access by emergency vehicles. This requirement shall apply to all such gates that are part of a gated development, whether leading outside the development or internal to the development.
- (11) The City of Brookhaven shall bear the cost of the RFID/SOS system for existing gated developments. Gated Development approved after the effective date of this section shall bear the cost of the RFID/SOS system. Gated developments, whether existing or new, shall bear the cost of continuous maintenance of their RFID/SOS system.
- (12) Existing gated developments shall have 12 months from the effective date of this ordinance to comply with the provisions of this section. Gated developments developed after the effective date of this ordinance shall comply with this section prior to or concurrent with installation of an unmanned security gate.
- (13) Failure to install and continuously maintain the required RFID/SOS gate access system in conformance with the provisions of this section shall be a violation of this ordinance. This section shall be administered by the Brookhaven Fire Marshal.
- (14) The provisions of this section are intended to ensure a minimum level of access by emergency personnel during emergencies and shall not be construed to guarantee the safety of a gated development during an emergency.

(b) *Installation requirement for power-assisted gates.*

- (1) Property owners shall ensure that Gamewell lock boxes or any means of security approved by the fire marshal shall conform to the requirements of this chapter.
- (2) Power assisted gates shall contain a toggle switch to manually operate the gate and override the power.
- (3) The property owner shall install in gates operated by electrical means a battery backup to keep the toggle switch operational.
- (4) The property owner shall also ensure that the power-assisted gate is equipped to operate manually.
- (5) Property owners shall ensure that hydraulic gates have an emergency button or knob to release pressure. The button or knob shall be located at the hydraulic arm, and one shutoff is required

for each arm. If the emergency shutoff is used, the gate must be capable of being secured to prevent it from swinging back to the closed position.

(c) *Installation requirements for gravity gate locking devices.*

- (1) Pad locks may be used to secure a gate only if the pad lock is not constructed of case hardened metals.
- (2) Gates shall be installed to allow fire apparatus to access the property and not impede the flow of traffic. This includes a sufficient distance to allow gates to open if swinging in the direction of the fire apparatus.

(d) *Installation requirements for chain and pole security barriers.*

- (1) Property owners must seek approval from the fire marshal prior to the use of chain and pole barriers.
- (2) Chains and pole barriers must not be constructed of case hardened metal.

(e) *Installation requirements for break away security gates.*

- (1) When the security gate arm is raised, the property owner must ensure that the arm remains raised until reset for normal operation.
- (2) The mechanism for overriding the gate shall be accessible to the employees of the fire rescue service provider.
- (3) When in use, the gate arm should be open to an angle greater than 90 degrees to the terrain of the driveway.

(Ord. No. 2014-12-03, § 1(12-25), 12-16-2014)

## **SECTION II:**

**Severability:** Should any section of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

## **SECTION III:**

**Repeal of Conflicting Provisions:** All ordinances, part of ordinances, maps, or regulations in conflict herewith are repealed.

## **SECTION IV:**

**Effective Date:** This ordinance shall be effective immediately upon adoption.

**SO ORDAINED**, this 25<sup>th</sup> day of July, 2017.

Approved by:

Approved as to Form and Content

\_\_\_\_\_  
John Arthur Ernst Jr., Mayor

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Christopher Balch, City Attorney

Attest:

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Susan Hiott, City Clerk

SEAL