

MEMORANDUMPhone: 334-5011/Fax 334-2229
Box 46**Office of the City Attorney**

FIRST READING

TO: Mayor and City Commissioners**DATE:** August 26, 2002**FROM:** Marion J. Radson, City Attorney**SUBJECT: ORDINANCE NO.: 0-01-11;
EMERGENCY ACCESS ORDINANCE**

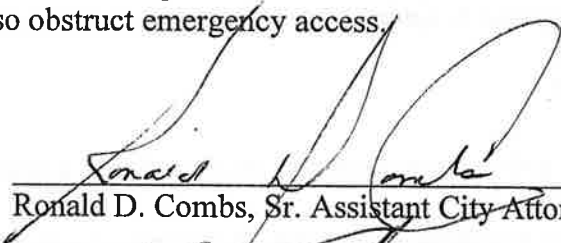
An ordinance of the City of Gainesville creating a new Article III, under Chapter 10, of the Gainesville Code of Ordinances to require emergency access for emergency vehicles and personnel to new and existing gated communities, certain business occupancies and other locations where vehicle gates and restricted access used for security obstruct emergency access; providing definitions, providing time for compliance; providing directions to the codifier, providing a severability clause; providing a repealing clause; and providing an immediate effective date.

RECOMMENDATION: The City Commission adopt the proposed ordinance.

At its meeting on January 22, 2001, the City Commission has authorized the City Attorney to prepare and the Clerk of the Commission to advertise an ordinance, as recommended by Gainesville Fire Department, creating a new Article III, under Chapter 10, requiring emergency access to designated properties outside of normal operating hours and entry into gated communities.

The requested ordinance requires the access devices in new and existing gated communities, commercial access gates, and other locations where vehicle gates are used for security but which also obstruct emergency access.

Prepared by



Ronald D. Combs, Sr. Assistant City Attorney
Approved and
Submitted by


Marion J. Radson, City Attorney

RDC:MJR:bs

Attachment

1
2 Ordinance _____
3 0-01-11
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6 An ordinance of the City of Gainesville creating a new Article III,
7 under Chapter 10, of the Gainesville Code of Ordinances to require
8 emergency access for emergency vehicles and personnel to new
9 and existing gated communities, certain business occupancies and
10 other locations where vehicle gates and restricted access used for
11 security obstruct emergency access; providing definitions,
12 providing time for compliance; providing directions to the codifier,
13 providing a severability clause; providing a repealing clause; and
14 providing an immediate effective date.
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18 **WHEREAS**, pursuant to Section 633.025(2), Florida Statutes, each municipality, county, and
19 special district with fire safety responsibilities shall enforce the Florida Fire Prevention Code specified
20 by the Florida Legislature as its minimum fire safety code: and

21 **WHEREAS**, the Florida Fire Prevention Code, 2001 edition gives the fire official the authority
22 to require a key box to be installed in an accessible location where access to or within a structure or area
23 is difficult because of security.

24 **WHEREAS**, it is vital to the public health, safety and welfare of the citizens of Gainesville that
25 emergency vehicles gain timely entry into developments and buildings with access limited by security
26 gates and other security devices; and

27 **WHEREAS**, currently each gated development or restricted access building may have its own
28 unique method of providing access to emergency vehicles, including remote control devices, keys, cards
29 and emergency phone numbers; and

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1 **WHEREAS**, buildings equipped with fire alarm and/or fire sprinkler systems must be
2 investigated without delay following an alarm activation; and

3 **WHEREAS**, due to the growing prevalence of gated developments and restricted access
4 buildings in the area, it has become burdensome and confusing for emergency personnel to carry
5 different access devices for all of such developments and buildings; and

6 **WHEREAS**, the consequences of delay or confusion over how to gain entry into a particular
7 development or building could be tragic; and

8 **WHEREAS**, it is in the interest of public health, safety and welfare to ensure that gated
9 developments provide a uniform method of access by emergency vehicles which will reduce confusion
10 and shorten response times to emergencies and thereby potentially saving lives;

11 **WHEREAS**, at least 10 days notice has been given once prior to adoption by publication
12 in a newspaper of general circulation notifying the public of this proposed ordinance and or a
13 Public Hearing in the City commission Auditorium in City Hall, City of Gainesville; and

14 **WHEREAS**, a Public Hearing was held pursuant to the published notice described at
15 which hearing the parties in interest and all others had an opportunity to be and were, in fact,
16 heard;

17 **NOW THEREFORE**, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF
18 GAINESVILLE, FLORIDA:

19 **Section 1.** A new Article III, consisting of Sections 10-15 through 10-20 inclusive, is hereby
20 created and added to the Code of Ordinances of the City of Gainesville, to read as follows:

1 **ARTICLE III. EMERGENCY ACCESS TO GATED DEVELOPMENTS AND RESTRICTED**
2 **ACCESS OCCUPANCIES.**

3 **Sec. 10-15. Definitions.**

4 Emergency vehicle means any marked or unmarked police cars or vans, fire trucks, fire rescue vehicle,
5 emergency rescue vehicles, fire staff vehicles, ambulances and ambulance staff vehicles, Gainesville
6 regional utility vehicles.

7 Gated development means any residential development that may be fenced and has a secured gate at the
8 roadway entrance to the facility preventing free access by the public.

9 Residential development does not include individual homes or one and two-family occupancies with
10 individual gates.

11 Restricted access occupancy means any multiple residential occupancy with interior corridors for access
12 to the individual residential units and restricted access which prevent the general public from accessing
13 the interior corridors.

14 **Sec. 10-16. Uniform emergency access to gated developments and restricted access occupancies.**

15 a. Each new or existing residential development, or business occupancy, access to which is limited
16 by security gates or gates which are not attended on a 24-hour basis, shall install an emergency vehicle
17 access system as herein designated.

18 b. Each new or existing restricted access occupancy, which does not have a person on premises 24
19 hours a day to provide access, shall install an emergency access system as herein designated.

20 **Sec. 10-17. Emergency access system.**

21 a. Equipment. An emergency access system shall consist of:

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1 1. An alarmed lock box which contains a key to the building shall be affixed to the building in a
2 location approved by the fire official; or

3 2. Opticom Technology or compatible technology.

4 b. Personnel. The fire official shall develop and administer procedures to assure the security
5 of the emergency access system.

6 **Sec. 10-18. Time for compliance.**

7 a. An existing gated development shall install an emergency vehicle access system on or before
8 October 1, 2004. Gated developments that are completed after October 1, 2002 shall install an
9 emergency vehicle access system prior to or concurrent with the installation of a security gate.

10 b. An existing restricted access occupancy shall install an emergency lock box access system on or
11 before October 1, 2003. Restricted access occupancy that is completed after October 1, 2002 shall
12 install an emergency lock box access system prior to or concurrent with installation of the restricted
13 access device.

14 c. For purposes of this article, a gated development or restricted access occupancy shall be
15 considered an existing development or building if it has obtained "final site plan approval" as defined in
16 Chapter 30 of the Code of Ordinance, prior to September 10, 2002.

17 **Sec. 10-19. Approval, maintenance and inspections.**

18 No security gate required to incorporate an emergency access system shall be installed prior to, or
19 maintained absent, obtaining written certification from the fire official that it meets the requirements of
20 this article. Each emergency vehicle access system shall be maintained in working condition at all times

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1 so that timely access by emergency vehicles is provided during an emergency. Authorized emergency
2 personnel may conduct inspections at any reasonable time to insure reliable operation of a system.

3 **Sec. 10-20. Minimum access.**

4 The provisions of this article are intended to insure a minimum level of access for emergency vehicles
5 and personnel during emergencies and shall not be construed to warrant or guarantee the safety of a
6 gated development or restricted access occupancy during an emergency.

7 **Sec. 10-21 – 10-31. Reserved.**

8 **Section 2.** It is the intention of the City Commission that the provisions of Section 1 of
9 this Ordinance shall become and be made a part of the Code of Ordinances of the City of
10 Gainesville, Florida, and that the Sections and Paragraphs of this Ordinance may be renumbered
11 or relettered in order to accomplish such intentions.

12 **Section 3.** If any section, sentence, clause or phrase of this ordinance is held to be invalid or
13 unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the
14 validity of the remaining portions of this ordinance.

15 **Section 4.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of such
16 conflict hereby repealed.

17 **Section 5.** This ordinance shall become effective immediately upon adoption.

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19 **PASSED AND ADOPTED** this _____ day of _____, 2002.
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23 _____
24 THOMAS D. BUSSING
MAYOR

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ATTEST

APPROVED AS TO FORM AND LEGALITY

KURT M. LANNON
CLERK OF THE COMMISSION

MARION J. RADSON
CITY ATTORNEY

This Ordinance passed on first reading this _____ day of _____, 2002.

This Ordinance passed on second reading this _____ day of _____, 2002.

