

**COMMISSIONERS COURT ORDER ADOPTING RULES  
FOR THE REGULATION OF ELECTRIC-OPERATED GATES  
PURSUANT TO THE TEXAS LOCAL GOVERNMENT CODE, CHAPTER 352**

**WHEREAS**, the 81<sup>st</sup> Texas Legislative Session amended Subchapter E of Texas Local Government Code Chapter 352 to add Section 352.1145; and

**WHEREAS**, that amendment authorizes the Commissioners Court of a County to require that electric gates to gated communities and multiunit housing projects be equipped with siren-activated, gate-operating devices for emergency vehicle access; and

**WHEREAS**, the Commissioners Court of Guadalupe County, Texas finds it is in the interest of the health and safety of the residents of unincorporated Guadalupe County to exercise that authority in order to improve emergency-vehicle access to gated residential areas;

**NOW THEREFORE**, it is ordered by the Commissioners Court of Guadalupe County, Texas:

**ARTICLE I  
DEFINITIONS**

1.01 In is order:

- (a) "Emergency Vehicle": any law-enforcement, fire-service, or emergency medical service vehicle operated by a governmental agency or as authorized by a volunteer emergency service provider.
- (b) "Fire Code Official" constitutes the Guadalupe County Fire Marshal or their designee.
- (c) "Gated Community": any residential subdivision or area containing two or more individually-owned, single-family dwellings where the access to the subdivision or area is controlled by an electrically-operated gate.
- (d) "Multiple-gates": each electrically-operated vehicle access gate to a Gated Community or Multiunit Housing Project.
- (e) "Multiunit Housing Project": any apartment complex, town-home complex, or a group of separate two or three-family dwellings where the access to the area is controlled by an electrically-operated gate.
- (f) "Siren-Operated Sensor" or "SOS": a device that will automatically activate the opening of a vehicle access gate upon the sounding of an emergency vehicle siren, preferably using the YELP tone.

## **ARTICLE II**

### **APPLICATION OF THE RULES FOR THE REGULATION OF ELECTRIC OPERATED GATES**

- 2.01 Each electrically-operated, vehicle-access gate providing entry to a gated community or multiunit housing project in unincorporated Guadalupe County must be equipped with a siren-operated sensor in compliance with this Order.
- 2.02 A person may not install an electrically-operated, vehicle-access gate at a gated community or multiunit housing project in unincorporated Guadalupe County unless the gate is equipped with a siren-operated sensor in compliance with this Order.

## **ARTICLE III**

### **ADMINISTRATION OF THE RULES FOR THE REGULATION OF ELECTRIC OPERATED GATES**

- 3.01 The Guadalupe County Fire Marshal shall administer this Order.
- 3.02 The Guadalupe County Fire Marshal shall establish rules, application procedures, and registration regulations for electrically-operated, vehicle-access gates installed and operated in the unincorporated areas of Guadalupe County.

## **ARTICLE IV**

### **APPLICATION AND REGISTRATION PROCEDURE**

- 4.01 A person who is operating or desires to install an electrically-operated, vehicle-access gate must apply for a SOS system-installation permit authorized in this Order by providing the Fire Code Official with information required for registration of the location of the gate with Guadalupe County Sheriff's Dispatch Center.
- 4.02 An application for the installation of a SOS switch on an existing electrically-operated, vehicle-access gate must contain:
  - (a) Name of the gated community or multiunit housing project;
  - (b) Location of the gate-controlling device;
  - (c) Location and means of opening the gate if the gate loses electrically power;
  - (d) Name, business address, business phone number, and 24-hour emergency contact phone number of the gate-installation company; and
  - (e) Name of responding area fire department.
- 4.03 An application for the installation of a proposed electrically-operated, vehicle-access gate with a SOS switch must contain the same information listed in 4.02 above.

- 4.04 A person who is already operating an electrically-operated, vehicle-access gate with an SOS switch when this Order becomes effective must register the gate by providing the information listed in 4.02 above to the Fire Code Official; the gate shall be inspected by the Fire Code Official in accordance with Section 5.01 below.

**ARTICLE V**  
**INSPECTION; CERTIFICATION OF COMPLIANCE**

- 5.01 The Fire Code Official shall inspect any electrically-operated vehicle-access gate installed and operated in the unincorporated areas of Guadalupe County to determine compliance with this Order.
- 5.02 On or before the date an electrically-operated vehicle-access gate is placed into operation, the holder of the permit shall request in writing that the Fire Code Official inspect the gate operation for compliance with this Order.
- 5.03 The Fire Code Official shall begin the inspection within 5 business days of receipt of the written inspection request unless other arrangements are made in writing with the permittee; otherwise, the installation is considered approved for the purpose of this Order.

**ARTICLE VI**  
**FEES**

- 6.01 The fee schedule for services performed by the County Fire Marshal's Office under this Order is attached hereto and incorporated herein as Appendix A.
- 6.02 All monies collected by the County Fire Marshal's Office under this Order shall be deposited in the County Fire Code Fund under the control of the County Treasurer to pay the cost of administering the permits and inspections required by this Order.

**ARTICLE VII**  
**APPEALS PROCESS**

- 7.01 Appeals of orders, decisions or determinations made by the Fire Code Official relative to issuance of a permit or the application and interpretation of this Order may be appealed to the Appeals Board as detailed in the Guadalupe County Fire Code.

- 7.02 Within 10 calendar days of receipt of a written permit denial or code enforcement action, an applicant may appeal the decision by filing written notice of appeal with the Guadalupe County Fire Marshal as per the appeals process detailed in the Guadalupe County Fire Code. Absent a timely written notice of appeal, the decision of the Fire Code Official is final and subject to enforcement as set forth in Articles VIII and IX below.
- 7.03 Within 10 calendar days of receipt of an Appeals Board Opinion, the applicant may appeal the Appeal Board opinion by filing written notice of appeal with the Guadalupe County Commissioners Court. Within 30 calendar days of receipt of a notice of appeal under this section, the Commissioners Court shall conduct a hearing at which the applicant will be given an opportunity to present their case and the Commissioners Court will determine whether to uphold or overturn the decision of the Appeals Board.

**ARTICLE VIII**  
**INJUNCTION**

- 8.01 The Guadalupe County Attorney may seek injunctive relief to prevent the violation or threatened violation of this Order.

**ARTICLE IX**  
**CRIMINAL PENALTY**

- 9.01 A violation of this Order is a Class C misdemeanor.

**ARTICLE X**  
**SEVERABILITY**

- 10.01 If any provision of this Order or its application to any person or circumstance is held invalid for any reason, the invalidity does not affect any other provision or application of this Order which can be given effect without the invalid provision or application, and to this end the provisions of these Regulations are declared to be severable.

**ARTICLE XI**  
**EFFECTIVE DATE**

11.01 This Order shall become effective on August 1, 2020.

PASSED AND APPROVED THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

\_\_\_\_\_  
KYLE KUTSCHER  
County Judge

\_\_\_\_\_  
GREG SEIDENBERGER  
Commissioner, Precinct 1

\_\_\_\_\_  
DREW ENGELKE  
Commissioner, Precinct 2

\_\_\_\_\_  
JIM WOLVERTON  
Commissioner, Precinct 3

\_\_\_\_\_  
JUDY COPE  
Commissioner, Precinct 4

ATTEST:

By: \_\_\_\_\_  
TERESA KIEL  
County Clerk