

Chapter 100. Gated Communities

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§100.01 DEFINITIONS

For the purposes of this section, the following words shall have the following meanings:

KNOX BOX. An approved secure, tamper-proof device with a lock operable only by a fire department, police department, or emergency services department master key, and containing building entry keys and other such devices that may be required for access in an emergency. Knox is the only approved key lock box.

GATED PROPERTY. A development, whether single-family, multi-family, commercial, industrial, or accessory uses that are enclosed within a geographical area by restrictive gates.

GATES. A gate, crossbar, door, or other obstructive device which is utilized for the purpose of restricting, controlling, or obstructing entry or exit by motor vehicles or pedestrians to or from a private roadway.

INGRESS/EGRESS. The point where vehicles or pedestrians enter and exit a development.

PRIVATE STREETS. Internal streets that are not owned or maintained by the Town of Matthews and/or the North Carolina Department of Transportation and that are owned and maintained by an entity responsible for upkeep and maintenance, such as a homeowners association, community group, property management company, or similar type of organization.

PUBLIC STREETS. Internal streets that are owned and maintained by the Town of Matthews, and/or the North Carolina Department of Transportation.

§100.02 INTENT

The intent of this section is to regulate the installation and construction of all electronic access gates into private developments, commercial properties where entrance is restricted by a gate, and/or other uses specifically for emergency response access. The Fire and EMS Department shall inspect the gates annually, and at the same time inspect the Knox Box as part of the annual maintenance and inspection program. The Town of Matthews currently uses the Click-2-Enter system.

§100.03 REQUIREMENTS

The following are requirements for new and existing developments regarding the construction of gates around a development and commercial properties with the entrance restricted by a gate:

- (A) The development inside the gated property shall contain no public streets.

(B) The location of the gate(s) shall comply with §100.05 regarding the development requirements for the Town of Matthews.

(C) The ingress/egress gates should be in working order and inspected annually. (See §100.06)

(D) Existing gates constructed before this chapter was approved are grandfathered into the Town until such gates need to be replaced and/or modified. After such gates are replaced and/or modified, they lose their grandfathered status and shall conform to the requirements of this chapter.

(E) This ordinance will apply to commercial properties where the entrance is restricted to any/all areas of the site by a gate(s).

§100.04 ACCESS DIMENSIONS

(A) DIMENSIONS. Fire apparatus access route shall have an unobstructed width of not less than 20 feet except as specified in Section 100.05(B), for approved security gates in accordance with Sections 503.6 of the North Carolina Fire Code and an unobstructed vertical clearance of not less than 13 feet 6 inches.

(B) SECURITY GATES. The installation of security gate(s) across a fire apparatus access road shall be approved by the Fire Chief. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained to be operational at all times.

§100.05 GATED DEVELOPMENT SPECIFICS

Gated developments, whether for an existing community or proposed community, and gated commercial properties need to adhere to dimensional requirements that are set forth in this chapter.

(A) The ingress/egress for fire department, and emergency vehicles should be at least 20 feet (20') wide, where there is only one driveway

(B) The ingress/egress area at the location where there are separated lanes for ingress and egress should have a gate width of at least 12 feet for each lane and should be separated by a minimum five foot (5') landscape island.

(C) The gates shall be electrical in operation. All electrical vehicular gates shall be provided with access control using a radio transceiver for public safety and authorized users. This transceiver will allow emergency vehicles to open the gate from a mobile or portable radio. The Town of Matthews currently uses the "Click2Enter" company to provide this device. Any other type of device than the "Click2Enter" must be approved by the Town of Matthews Fire and EMS Department.

(D) All electrical vehicular gates must be provided with a fail-open device to open it during power failures. During a power failure, the gates will open and remain open. These devices usually restore the gate(s) to the closed position after the power is restored. In the event a mechanical malfunction prevents a gate from opening as intended, sufficient access to any mechanism allowing a manual over ride must be provided.

(E) Gates need to be opened for appropriate personnel to enter the community during an emergency. A Knox dual key activating switch or padlock shall be installed to allow emergency personnel access through vehicular gates.

(F) An approved Knox dual key lock box shall be installed to allow emergency personnel access through all pedestrian gates.

(G) If the vehicular gate is a swing-type or roll-type gate, it should be designed so that when the gate is fully opened it does not obstruct the path of travel for vehicles or pedestrians.

(H) If there are two or more gates in any single development, all gates must be operated in the same fashion. The egress gate should be constructed so that when the apparatus approaches the gate it will automatically open. If this option is not feasible then the gate must be activated by the Click-2-Enter (C2E) system. The control box

shall be positioned so the exiting emergency apparatus can easily see the C2E activation device in order to activate the gate without having to come close to the retaining bar.

(I) Gate activation shall not be altered or placed out of service without prior notification to the Matthews Fire & EMS Department.

(J) Any existing and/or proposed communities or commercial properties that cannot meet these specifics cannot construct gates around the development or at the ingress/egress points.

(K) The owner/or property manager releases, and shall indemnify and hold harmless the department and the Town of Matthews and its officers and employees from any liability, loss and cost including, but not limited to, liability for property damage, loss of income, personal injury, and reasonable attorney's fees, arising or allegedly arising from the condition, operation, testing or inspection of the gates and related improvements.

§100.06 PROCESS

The required steps in the process for Town of Matthews' approval of new or modified gates are listed in order below.

(A) The applicant must submit a detailed plan, including but not limited to, scaled drawings showing the location of the gates, turn radius, dimensions of the gates, pavement, sidewalks, curbs, etc. Information such as topography lines, vegetation, sight triangles, etc., will also need to be included with the submittal.

(B) The applicant must submit these plans for review by the Planning Department, Police Department, Fire & EMS Department, and Public Works Department. Approval by all of these departments is required before a permit can be applied for in Mecklenburg County.

(C) All applicable permits for the construction of gates will be required to be obtained from Mecklenburg County. Mecklenburg County will be required to verify with the Town of Matthews Planning Department that departments listed in §100.6(B) have approved the gate plan. Applicant must obtain approval by all the Town departments or a permit will not be issued.

(D) The applicant must obtain a yearly permit through the Fire and EMS Department for the annual inspection of the gates.

§100.07 MAINTENANCE

(A) The gated ingress/egress areas, along with the exterior gates encompassing the development, shall be kept in working order and shall be repaired and/or replaced in the event they are disabled and/or damaged. The Fire and EMS Department shall be notified immediately when the gate is inoperable and after the repairs have been completed. It is not the responsibility of the Town to maintain these gates.

(B) It is also a requirement that the gates be inspected by the Town of Matthews Fire and EMS Department annually to verify the gates are in operable condition in the event of an emergency. A permit will need to be issued by the Matthews Fire and EMS Department and be kept on file within that department.

(C) The Matthews Fire and EMS Department shall conduct an annual inspection of the gates and at the same time inspect the Knox Box on the property and insure that the Knox Box system will open the gate as required.

§100.08 VIOLATIONS

The following are violations and the penalties of this chapter:

(A) It shall be unlawful for any person to construct, install, or maintain any blocking device, such as a gate or any other type of barrier, without first review and approval from the Town of Matthews and obtaining a permit from the Fire and EMS Department.

(B) Violators will be notified in writing by the Town of Matthews and will be required to remedy the problem immediately. Any violation that has not been remedied within seven (7) business days shall be subject to a Civil

Penalty to be assessed at the rate of \$200.00 per day until the violation has been corrected. After the passage of fifteen (15) days of non-compliance, the assessed fine will be increased \$50 per day, each day, thereafter until the violation has been corrected.

(C) Violations may be appealed to the Town Commission within ten (10) days of a written violation notice and a hearing will be scheduled at a regular Board of Commissioners meeting.

(Ord. No. 1765, passed 12-13-10)