

ORDINANCE NO. 10-1940

AN ORDINANCE OF THE CITY OF LAKE JACKSON, TEXAS, AMENDING CHAPTER 42 FIRE PREVENTION AND PROTECTION TO THE LAKE JACKSON CODE OF ORDINANCES TO REQUIRE THAT OWNERS OF ELECTRONICALLY GATED PROPERTIES INSTALL A KEY OVERRIDE SWITCH AND A RADIO OPERATED CONTROLLER; PROVIDING THAT ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH SHALL BE REPEALED TO THE EXTENT OF THE CONFLICT ONLY; PROVIDING FOR A PENALTY; PROVIDING A SAVINGS CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FIVE DAYS AFTER PUBLICATION

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LAKE JACKSON, TEXAS:

Section 1: That Section 42-101 of the Code of Ordinances of the City of Lake Jackson is hereby added to read as follows:

DIVISION 5. ELECTRONIC GATES

Sec. 42-101. Electronic gates.

- (a) The owner of a commercial or multifamily building designed for human occupancy in which employees or residents are located behind electronic gates shall provide for emergency vehicle access using a key override switch and a radio operated controller.
- (b) The Fire Marshal shall inspect all gates to ensure emergency vehicles have access prior to gate activation or use.
- (c) All such buildings in existence prior to the effective date of this ordinance shall have 12 months from the effective date of this ordinance to install the key override switch and radio operated controller.
- (d) The owner of the property shall be responsible for all costs associated with the purchase, installation, and maintenance of the system.
- (e) If the key override switch or radio operated controller become inoperable, the owner of the property shall ensure that the gates are left unlocked until the override switch or radio operated controller are repaired.

Section 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict only.

Section 3: A violation of this ordinance shall be a Class C misdemeanor and the penalty for violating this ordinance shall be as provided for in Sec. 1-5 of the Code of Ordinances of the City of Lake Jackson.

Section 4: If any part or portion of this ordinance shall be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair any remaining portions or provisions of this ordinance.

Section 5: The City Secretary shall publish the caption of this ordinance within ten (10) days of final passage in the official newspaper of the City. This ordinance shall take effect and be in force five (5) days after publication in accordance with Section 3-15 of the Charter of the City of Lake Jackson, Texas.

PASSED on the first reading this 17th day of May 2010.

PASSED AND APPROVED on second reading this 7th day of June, 2010.

Bob Sipple, Mayor

ATTEST:

Alice A. Rodgers
City Secretary

APPROVED AS TO FORM:

Sherri Russell
City Attorney