

MEMORANDUM

To: Mayor and City Council
From: Ronnie Kurtz
Planner II
Date: April 22, 2019
Subject: Amendment to City of Dunwoody Ordinances
Chapter 8 – Buildings and Building Regulations

ITEM DESCRIPTION

Request to consider text amendments to the building code regarding gate access (Chapter 8). The proposed changes serves to require RFID gate access for all gated developments.

DISCUSSION

As the Dunwoody Municipal Code currently reads:

Each new or existing gated development, access to which is limited by security gate(s) which 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 exist or are installed as part of the gated development, whether leading outside the development or internal to the development.

“Gated development” is currently defined as:

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 [emphasis added].

RFID gate access systems allow for faster and more efficient response by the City’s first responders and law enforcement officers. Recent commercial developments in the City have highlighted the utility RFID systems would have with all gated developments, as opposed to just residential ones.

The proposed amendment changes the definition of gated development by replacing the phrase “residential development” with the word “property.”

Furthermore, the proposed amendment provides for the deletion of Sec. 8-90(c), which calls for the City to assume the cost for installation of RFID systems at existing gated developments, and Sec. 8-90(d), which requires existing developments come into compliance within 12-months of the adoption of the ordinance. These sections were included with the original adoption of the ordinance when it referred to residential properties only. At that time, it was determined that the public benefit of having immediate access to residential properties in emergency situations justified the cost of bringing existing developments into compliance. Given that the ordinance has not required RFID access of any commercial developments up to this point, requiring the City to pay for RFID installation on all existing gated commercial developments does not seem warranted. Additionally, as this ordinance was adopted in March 2015, the referenced 12-month compliance period has already lapsed, and thus deleting this section will have not have any material impact.

The operational effect of this change is that all new gated developments, residential, commercial, or otherwise, would be required to install an RFID system.

RECOMMENDATION

Staff recommends Mayor and City Council approve the attached draft changes to Chapter 8 – Buildings and Building Regulations, as prepared.

Attachments:

Chapter 8 – Buildings and Building Regulations, with edits

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE NO. 2019-__

AN ORDINANCE TO AMEND CHAPTER 8 (BUILDING AND BUILDING REGULATIONS); TO AMEND ARTICLE IV (MISCELLANEOUS PROVISIONS); TO AMEND THE REGULATIONS FOR EMERGENCY GATE ACCESS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, the Mayor and Council of the City of Dunwoody (“City Council”) are charged with the protection of the public health, safety, and welfare of the citizens of the City of Dunwoody; and

WHEREAS, The Dunwoody municipal code currently requires that gated residential properties install and maintain RFID equipment which allows emergency responders to enter the gated property; and

WHEREAS, The Mayor and Council believe that amending the building regulations to mandate the installation and maintenance of such equipment upon gated commercial parcels would enhance the ability of first responders to respond to emergencies which may occur in commercial buildings; and

THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF DUNWOODY, GEORGIA HEREBY ORDAIN:

Section 1: Section 8-90 relating to gate access is hereby amended to read as follows:

- (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) *Gated development* means any ~~property 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.
- (b) Each ~~new or existing~~ gated development, access to which is limited by security gate(s) which 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 exist or are installed as part of the gated development, whether leading outside the development or internal to the development.
- ~~(c) — The cost of the RFID/SOS system for existing gated developments shall be borne by the City of Dunwoody; the cost for new gated developments approved after the date of this section shall be borne by the gated development. The cost of installation and continuous maintenance of the system shall be the responsibility of the gated development.~~
- ~~(d) — Existing gated developments shall have 12 months from the effective date of this ordinance [from which this section derives] to comply with the provisions of this section. Gated developments developed after the effective date of this ordinance [from which this section derives] shall comply with this section prior to or concurrent with installation of an unmanned security gate. For the purposes of this section, a gated development shall be considered an existing gated development if it has obtained construction plan approval prior to the effective date of this ordinance [from which this section derives].~~
- (ce) Failure to install the required RFID/SOS gate access system in conformance with the provisions of this section shall be a violation of this ordinance [from which this section derives]. This section shall be administered by the Dunwoody Police Department.

(d) The provisions of this section are intended to insure 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.

(Ord. No. 2015-03-07, § 1, 3-23-2015)

Section 2

a. It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

b. It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section paragraph, sentence, clause or phrase of this Ordinance.

c. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council

that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 3

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 4

This Ordinance shall be codified in accordance with state law and the Code of the City of Dunwoody, Georgia. This Ordinance shall become effective upon adoption.

SO ORDAINED, this ____ day of _____, 2019.

Approved by:

Approved as to Form and Content

Denis L. Shortal, Mayor

City Attorney's Office

Attest:

Sharon Lowery, City Clerk

SEAL