

**COMMISSIONERS COURT ORDER ADOPTING RULES  
FOR THE REGULATION OF ELECTRIC-OPERATED GATES  
PURSUANT 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 Bexar County finds it is in the interest of the health and safety of the residents of unincorporated Bexar 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 Bexar County, Texas:

**ARTICLE I  
DEFINITIONS**

1.01 In this Order:

- (a) "Gated Community" means 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.
- (b) "Multiunit-Housing Project" means 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.
- (c) "Siren-Operated Sensor" or "SOS" means a device that will automatically activate the opening of a vehicle access gate upon the sounding of an emergency vehicle siren.
- (d) "Emergency Vehicle" means any law-enforcement, fire-service, or emergency-medical-service vehicle operated by a governmental agency or as authorized by a volunteer emergency-service provider.
- (e) "Multiple-gates" means each electrically-operated vehicle access gate to a Gated Community or Multiunit-Housing Project.

**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 Bexar 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 Bexar 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 County Fire Marshal shall administer this Order.
- 3.02 The 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 Bexar 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 Fire Marshal with information required for registration of the location of the gate with the Bexar County Public Safety 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 electrical power;
  - (d) Name, business address, business phone number, and 24-hour emergency-contact phone number of the gate-installation company; and
  - (e) Fire Department response area.
- 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 County Fire Marshal; the gate shall be inspected by the Fire Marshal or his designee in accordance with Section 5.01 below.

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

- 5.01 The County Fire Marshal or his designee shall inspect any electrically-operated vehicle-access gate installed and operated in the unincorporated areas of Bexar 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 County Fire Marshal inspect the gate operation for compliance with this Order.

- 5.03 County Fire Marshal or his designee shall begin the inspection within 5 business days of receipt of the written inspection request; 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 under this Order is attached hereto and incorporated herein as Appendix "A."
- 6.02 All monies collected by the County Fire Marshal under this Order shall be deposited in the County General Fund under the control of the County Auditor to pay the cost of administering the permits.

## **ARTICLE VII APPEALS PROCESS**

- 7.01 Appeals of orders, decisions or determinations made by the Fire Marshal or his designee relative to issuance of a permit or the application and interpretation of this Order may be appealed to the County Fire Marshal's Appeals Board (the "Appeals Board") as detailed in the Bexar County Fire Code.
- 7.02 Within 10 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 Bexar County Fire Marshal. Upon notification, the Fire Marshal or his designee shall, within 10 days, schedule an Appeal Board hearing where the applicant may appeal the permit denial or code enforcement action. Absent a timely written notice of appeal, the decision of the Fire Marshal is final and subject to enforcement as set forth in Articles VIII and IX below.
- 7.03 Within 10 days of receipt of an Appeals Board Opinion, the applicant may appeal the Appeal Board Opinion by filing written notice of appeal with the Bexar County Commissioners Court. Within 30 days of receipt of a notice of appeal, the Commissioners Court shall conduct a hearing at which the applicant will be given an opportunity to present his case and Commissioners Court will determine whether to uphold or overturn the decision of the Appeal Board.

## **ARTICLE VIII INJUNCTION**

- 8.01 The Bexar County District 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.

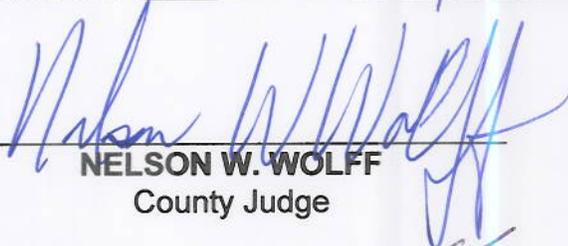
**ARTICLE X  
SEVERABILITY**

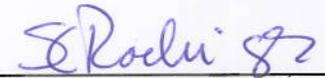
10.01 If any provision of this Order or its application to any person or circumstances is held invalid for any reason, the invalidity does not affect any other provision or application of this Order which can be given effect without the invalid provision or application, and to this end the provisions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

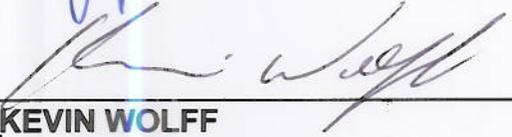
**ARTICLE XI  
EFFECTIVE DATE**

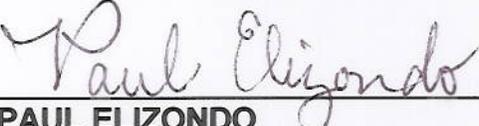
11.01 This Order shall become effective 180 days after approval and adoption.

PASSED AND APPROVED THIS THE 9<sup>th</sup> DAY OF March, 2010,

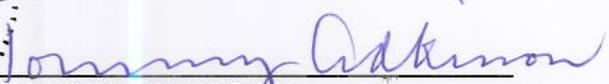
  
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**NELSON W. WOLFF**  
County Judge

  
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**SERGIO "CHICO" RODRIGUEZ**  
Commissioner Precinct 1

  
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**KEVIN WOLFF**  
Commissioner Precinct 3

  
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**PAUL ELIZONDO**  
Commissioner Precinct 2



  
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**TOMMY ADKISSON**  
Commissioner Precinct 4