

ORDINANCE NO. 55

**AN ORDINANCE AMENDING ORDINANCE NO. 40 TO PROVIDE FOR
EMERGENCY VEHICLE AND EMERGENCY PERSONNEL ACCESS
TO GATED COMMUNITIES IN GOSHEN, ARKANSAS; AND TO
DECLARE AN EMERGENCY AND FOR OTHER PURPOSES**

WHEREAS, the City Council of the City of Goshen adopted Ordinance No. 40 on November 1, 2003, and thereby set the uniform standard for gated communities in Goshen, Arkansas to ensure the immediate access to the gated communities by law enforcement, fire and emergency service agencies; and

WHEREAS, it is the desire of the City Council of the City of Goshen to establish penalties for violations hereof and to declare an emergency and for other purposes.

NOW, THEREFORE, BE IT ORDAINED by the City Council for the City of Goshen, Arkansas:

SECTION 1. Ordinance 40, adopted on November 11, 2003, specifically Section 2 thereof, is amended to add the following language: "The emergency codes for all gated communities shall be the same."

SECTION 2. Ordinance 40, adopted on November 11, 2003, is hereby amended to add the following Sections which shall be inserted to follow Section 6, shall be numbered Section 7 and Section 8 and the Emergency Clause of Ordinance 40 shall be renumbered Section 9.

SECTION 7. Any person, firm or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than (\$30.00) and not more than (\$250.00) for each offense.

SECTION 8. Upon approval and publication of this ordinance, all gated communities' gates and, at any time a gate of one of the gated communities is known to be non-operational, such gate, shall be required to be left open at all times until certification is provided by an electrician or fence company representative that the gate of that gated community is in compliance with this ordinance. Each gated community shall provide such certification every six months thereafter.

SECTION 3. Ordinance 40, adopted November 11, 2003, is hereby reaffirmed and ratified.

SECTION 4. EMERGENCY CLAUSE: It is hereby declared that based on the conditions set forth herein, an emergency exists and this ordinance, being necessary for the

immediate protection of the health, safety, and welfare of the citizens in Goshen, Arkansas, shall be in effect immediately upon its passage, approval and publication.

PASSED AND APPROVED this 12th day of April, 2005.



Andy Bethel, Mayor

ATTEST:



Fara Ferguson, City Recorder

APPROVED AS TO FORM:



Charles L. Harwell, City Attorney

ROLL CALL

Names Of Those Voting YEA

Joe Benson
Jamie Boyd
Chuck Huskey
John Meek
Max Poye
Dick Seddon

Names Of Those Voting NAY

ORDINANCE NO. 40

AN ORDINANCE TO PROVIDE FOR EMERGENCY VEHICLE
AND EMERGENCY PERSONNEL ACCESS TO GATED
COMMUNITIES IN GOSHEN, ARKANSAS; AND TO DECLARE
AN EMERGENCY AND FOR OTHER PURPOSES

WHEREAS, due to the number of gated communities existing in Goshen, Arkansas; and

WHEREAS, residents of said gated communities may require the immediate access by law enforcement and emergency service agencies; and

WHEREAS, there is a need for a uniform standard for gated communities in Goshen, Arkansas to ensure the immediate access to the gated communities by law enforcement, fire and emergency service agencies.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Goshen, Arkansas:

SECTION 1. All entrance gates to gated communities in Goshen, Arkansas will be siren activated for immediate access by fire and EMS personnel.

SECTION 2. All entrance gates, in addition to being siren activated will have a key pad with a code accessible by the Washington County Sheriff's Department personnel or law enforcement personnel for the City of Goshen so that entry can be gained without using a siren.

SECTION 3. Upon activation by siren or keypad, the gate shall remain open to allow access by additional responding emergency personnel.

SECTION 4. Every property owners association or developer of a gated community in Goshen, Arkansas is to provide for modification of any existing entrance gate and provide that all future installations of entrance gates be designed to comply with the provisions of Sections 1, 2 and 3 hereto as to activation by siren or keypad. In addition to the activation by siren or keypad, the entrance gates are to be designed with shear-pins or other breakaway devices which would provide for manual opening of the gates should a power failure exist at the time of the needed access to the gated communities. In the alternative to a manual system, a back-up battery operation can be provided.

SECTION 5. The entrance gates, at the option of the property owners association or developer, may provide for a visual indicator such as a strobe light to be activated when any emergency entry to the gated community is made. Further, the property owners association or developer may provide for a device to reset the gates to normal operation by the emergency personnel upon leaving the gated community.


SECTION 6. All property owners, associations or developers of gated communities in Goshen, Arkansas are given 60 days from the date of this ordinance to modify the entrance gates of their respective gated communities in the manner and fashion as set out in this ordinance or provide after 60 days that the entrance system remain open at all times until the modification occurs. In the alternative to requiring that the entrance system remain open after 60 days, the property owners association or developer can provide that the gates be manned at whatever times that the gates are closed.

SECTION 7. EMERGENCY CLAUSE: It is hereby declared that based on the conditions set forth herein, an emergency exists and this ordinance, being necessary for the immediate protection of the health, safety, and welfare of the citizens in gated communities of Goshen, Arkansas, shall be in effect immediately upon its passage, approval and publication.

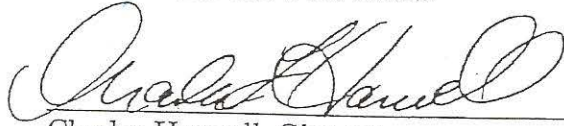
PASSED AND APPROVED this 11th day of November, 2003.


Andy Bethell, Mayor

Attest:


Sharon Baggett, City Recorder

APPROVED AS TO FORM:


Charles Harwell, City Attorney

ROLL CALL

Names of Those Voting YEA

Joe Benson
Bob Brake
Dean Hull
Chuck Huskey
Dick Seddon
Albert Skiles

Names of Those Voting NAY