Additions ~~**Deletions**~~

§ Chapter 96: Entry Gates

§ 96-01. Definitions

The following terms are defined for purposes of this Chapter:

1. Access Control Device - Equipment and/or machinery that opens and closes an entry gate.
2. Entry Gate - A movable partition for controlling access and egress.
3. Vehicle - Any motor vehicle which is allowed to use the public roadways in North Carolina but not including vehicles which include trailers or semi-trailers.
4. Emergency Vehicle – A publicly owned motor vehicle authorized to respond to calls for service and provide essential emergency services. Emergency vehicles include, but are not limited to, fire department vehicles, law enforcement vehicles, ambulances, emergency medical service (EMS) vehicles, rescue vehicles, and other vehicles officially designated by a government authority. An emergency vehicle may operate in emergency response, routine response, training, or standby capacities and may be equipped with audible and visual warning devices as permitted by law.

§ 96-02. Design

A. All subdivision or development entry gates constructed after the adoption of this ordinance shall be set back a sufficient distance from the public road or street to allow a minimum stacking capacity of three (3) vehicles outside of the public travel lanes.
B. All entry gates installed after the adoption of this ordinance shall provide an additional setback between the access-control device and the gate to allow any vehicle denied access to safely turn around and re-enter the public street without obstruction
C. The approach and departure areas on both sides of a gated entrance shall provide adequate setbacks and proper alignment to ensure free, unobstructed access for emergency vehicles through the entrance.

§ 96-03. Size of Entry Gate Area

Entry gates shall have sufficient minimum gate widths and openings to allow safe passage of all vehicles. Overhead barriers or obstructions shall provide a minimum 13 feet 6 inches of vertical clearance at their lowest point.

§ 96-04. Inspection and Approval of Plans

All plans for entry gates for which construction is not complete as of the adoption hereof shall be subject to inspection by the Fletcher Fire Department for compliance with the provisions. Once such plans are approved, the entry gate shall be constructed in compliance with such plans.

§ 96-05. Retrofitting of Existing Gates

All entry gates for which construction is complete as of the adoption hereof shall be retrofitted in such manner as to be in compliance with the Access Control Device requirements of this chapter within 6 months of the date of adoption hereof.

§ 96-06. Access for Emergency Vehicles

The developer and homeowners' association shall provide unfettered access to all private streets by emergency vehicles. Access procedures must ensure immediate access through the entry gates for all emergency vehicles responding to calls for service. This may be done by an access control device approved by the Fletcher Fire Department. The developer and homeowners' association shall provide and annually update documentation necessary to provide access to all emergency vehicles and that entry gates and access procedures meet all Town standards for access by emergency vehicles. If the homeowners' association fails to maintain reliable access for the provision of emergency services, the emergency services may enter the gated residential development and open, disable or remove any gate or device which is a barrier to access, at the sole expense of the homeowners' association. The declaration of covenants, conditions and restrictions and any other relevant documents of the homeowners' association shall include a statement to this effect.

§ 96-07. Access for Town and State Employees and Public Utility Companies

The developer and homeowners' association shall guarantee reasonable access to all private streets by Town of Fletcher, Emergency Services and State of North Carolina employees operating within the scope of their official duties, and to all public utility companies to the gated residential development to perform zoning inspections and other governmental regulatory activities, and to all public utility companies or to perform installation and maintenance activities of public utility infrastructure. A statement to this effect shall be filed with the Fletcher Fire Department and appear on the final plan or final plat of all new development.