

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
MARTIN COUNTY, FLORIDA**

**ORDINANCE NO. 1176**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARTIN COUNTY, FLORIDA AMENDING ARTICLE 2, EMERGENCY ACCESS INTO RESIDENTIAL GATED COMMUNITIES, CHAPTER 79, FIRE PREVENTION AND PROTECTION, GENERAL ORDINANCES, MARTIN COUNTY CODE; PROVIDING FOR CONFLICTING PROVISIONS; SEVERABILITY; APPLICABILITY; FILING WITH THE DEPARTMENT OF STATE; EFFECTIVE DATE; AND CODIFICATION.**

**WHEREAS**, the Board of County Commissioners of Martin County, Florida (Board) is authorized by Chapter 125, Florida Statutes, to adopt ordinances and resolutions necessary for the exercise of its powers; and

**WHEREAS**, efficient and rapid entry into residential gated communities and housing developments are necessary for the continuity of fire rescue and law enforcement operations; and

**WHEREAS**, every second counts for response by emergency first responders to 911 calls for the residents of Martin County; and

**WHEREAS**, the County currently utilizes Knox key systems to obtain entry through residential security gates; and

**WHEREAS**, studies have shown that the time obtaining access into gated communities can be cut in half by utilizing a remote control access system; and

**WHEREAS**, requiring gated communities to install a radio activated remote access system for first responders to gain access will provide quicker response times and save lives; and

**WHEREAS**, the Board has determined that it is in the public interest to implement this Ordinance.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MARTIN COUNTY, FLORIDA, THAT:**

**PART I. AMENDMENT OF ARTICLE 2, EMERGENCY ACCESS INTO RESIDENTIAL GATED COMMUNITIES, CHAPTER 79, FIRE PREVENTION AND PROTECTION, GENERAL ORDINANCES, MARTIN COUNTY CODE:**

**Sec. 79.31. – Emergency Access Into Residential Gated Communities.**

79.31.A. All residential gated communities, subdivisions, or developments within Martin County where fire, rescue, emergency medical services and fire prevention services are provided through one or more gates that are not manned 24/7/365, must be equipped with a radio activated remote access system to allow emergency access to the community, subdivision or development by emergency first responders, such as fire/rescue, law enforcement and other 911 emergency-response personnel. In addition, a key switch system shall be installed as a secondary access system. The systems shall simultaneously open all gates and/or traffic arms for the first responder access lane. The gates and/or traffic arms shall remain open until restored by the emergency first responder. If at any time the primary or secondary access system is not functioning, the gate(s)/traffic arm(s) shall be left in the open position until such time that they are repaired.

79.31.B. The radio activated remote access system utilized must be approved by the Fire Marshall prior to installation and then inspected by the Martin County Fire Rescue Department after installation.

79.31.C. Existing gated communities operating automatic security gates at the time this Ordinance becomes effective shall have three (3) years from the effective date to comply with the requirements of 79.31.A.

Secs. 79.32. – 79.60. - Reserved.

## **PART II. CONFLICTING PROVISIONS.**

Special acts of the Florida Legislature applicable only to unincorporated areas of Martin County, Martin County ordinances, County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict except for ordinances concerning either adoption or amendment of the Comprehensive Plan.

## **PART III. SEVERABILITY.**

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative, or void by a court of competent jurisdiction, such holding shall not affect the remaining portions of this ordinance. If the ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstance by a court of competent jurisdiction, such holding shall not affect its applicability to any other person, property or circumstance.

## **PART IV. APPLICABILITY OF ORDINANCE.**

This ordinance shall be applicable throughout the unincorporated area of Martin County.

## **PART V. FILING WITH DEPARTMENT OF STATE.**

The Clerk shall be and is hereby directed forthwith to scan this ordinance in accordance with Rule 1B-26.003, Florida Administrative Code, and file same with the Florida Department of State via electronic transmission.

**PART VI. EFFECTIVE DATE.**

This ordinance shall take effect upon filing with the Office of Secretary of State.

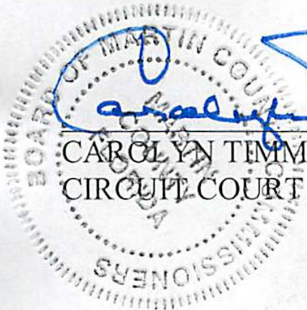
**PART VII. CODIFICATION.**


Provisions of this ordinance shall be incorporated into the General Ordinances, Martin County Code, except that Parts 2 through 7 shall not be codified. The word "ordinance" may be changed to "article," "section," or other word, and the sections of this ordinance may be renumbered or re-lettered.

**DULY PASSED AND ADOPTED THIS 22<sup>nd</sup> DAY OF March, 2022.**

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
MARTIN COUNTY, FLORIDA



  
CAROLYN TIMMANN, CLERK OF THE  
CIRCUIT COURT AND COMPTROLLER

  
DOUG SMITH, CHAIRMAN

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

  
SARAH W. WOODS, COUNTY ATTORNEY

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