

AMENDED ORDINANCE OF THE
RANKIN COUNTY BOARD OF SUPERVISORS
ESTABLISHING A POLICY FOR GATED ENTRIES TO
THE PUBLIC STREETS OF RESIDENTIAL SUBDIVISIONS

WHEREAS, the Rankin County Board of Supervisors adopted an Ordinance on September 15, 2017, establishing a policy for gated entries to public streets of residential subdivisions in Rankin County; and

WHEREAS, the Rankin County Board of Supervisors is vested with jurisdiction over the roads, bridges and ferries located in Rankin County by virtue of Miss. Code Ann. § 19-3-40 (1972), as amended; and

WHEREAS, the streets of residential subdivisions of Rankin County that have been dedicated to the County and accepted by the County for public maintenance are subject to the jurisdiction of the Rankin County Board of Supervisors; and

WHEREAS, the Rankin County Board of Supervisors has been approached on numerous occasions by members of the real estate community, residents of residential subdivisions, members of the residential contracting community, and residential developers to authorize or allow the installation of automatic gates at the entrance or entrances of residential subdivisions in Rankin County, Mississippi; and

WHEREAS, the Board of Supervisors finds that for reasons of the health, safety and welfare of the citizens of Rankin County it is necessary to establish policies and procedures in order to authorize the installation of automatic gate structures and devices at the entrance or entrances of residential subdivisions in Rankin County, Mississippi;

NOW, THEREFORE, BE IT ORDAINED that the Ordinance Establishing a Policy for Gated Entries to Public Streets of Residential Subdivisions dated September 15, 2017, is amended and replaced to read as follows:

A. Definitions:

Public Street or Street(s) - A public vehicular access way (street) shared by and serving two or more lots, which is dedicated to the public and is publicly maintained.

B. Minimum Requirements:

Gates controlling entry to residential subdivisions on public streets shall meet the following minimum requirements:

1. Streets must be fully and equally accessible to the public, by reasonable and obvious means. No gating plan will be approved which is designed, marked with signs or otherwise laid out so as to give an impression that the street is a private one.

At a minimum, this would mean a clearly visible sign identifying the access mechanism.

2. The Rankin County Board of Supervisors may reject any request for a gating system pursuant to this Ordinance for any or no reason.
3. Any gating request should include specific plans and specifications for the gate.
4. Neither the Board of Supervisors nor its designee will be in a position to authorize the gate unless the Road Manager, the Rankin County Consulting Engineer and the Director of the Office of Community Development have had an opportunity to review all technical and design aspects of the proposed gate system. Specific gate systems requirements include, but are not necessarily limited to:
 - a. A design professional, preferably a registered Landscape Architect, shall design every element of the gated entry including, gate design, location, pedestrian access, lighting, landscaping, signage, etc. The design shall be presented to the Director of the Office of Community Development, the Road Manager and the Rankin County Consulting Engineer for preliminary review. Further, it shall be necessary for all gating plans to be reviewed by representatives of the Rankin County fire services community responsible for emergency response to the proposed residential subdivision. It may be necessary for proposed gating systems to be reviewed by representatives of the Rankin County Sheriff's Office and by representatives of the ambulance service under contract to provide emergency response in Rankin County.
 - b. Specific elements of the design shall include:
 - i. The entry gate will be designed in such way as to avoid any damage to any public infrastructure including road surface, base and curbing. The cost of any damage to public infrastructure caused by a gating system shall be reimbursed to Rankin County by the party or parties submitting the written request for the gating system to Rankin County.
 - ii. A turn around shall be required before the gate to allow an average size car, SUV, etc. to be able to turn around in no more than two turning movements in order to leave without accessing the gate.
 - iii. All gates will be required to open away from, not toward, a vehicle.
 - iv. A "BE PREPARED TO STOP" caution sign (see Exhibit "2") shall be installed at least 100 feet before the gate on both the entry and exit side. If one hundred feet is not feasible the sign shall be located at the discretion of the Road Manager. The sign shall be 36 inches square for installations where the traffic speed is 30 miles per hour

or greater and 30" square for installations on roadways less than 30 miles per hour consistent with the current edition of the Manual of Uniform Traffic Control Devices (MUTCD).

- v. A "PULL HERE FOR ENTRY" and "PULL HERE FOR EXIT" sign (see Exhibit "2") shall be installed at a location near the access control trigger mechanism along with a 12" min. width white painted line to indicate the appropriate stopping point. All signage should make it plain and obvious that anyone can enter the subdivision.
- vi. Pedestrian access shall also be provided. Pedestrian access can be gated or open. Pedestrian access may be connected to existing sidewalks or constructed to allow for connection to planned future sidewalks on either side of the gate.
- vii. Emergency access will be provided for emergency response in a manner acceptable to Rankin County.
- viii. Free access loops will be provided at least 5 feet back from the center line of the gate and a free exit loop will be provided 5 feet back from the swing of the gate. The loops shall be set sensitive enough to detect a carbon frame bicycle with a standard metal drivetrain. If this is not feasible, another type of system may be required to ensure that bicyclists can access the public street.
- ix. Gate equipment will be either pre-finished in an approved color or painted with an approved color and screened with plant material as required.
- x. Lighting - The gate will be lighted sufficiently to be easily seen at night without any added external light source, i.e., from car or bicycle headlights.
- xi. An element of reflectivity shall be part of the main body of the gate centered on the access way. This reflectivity shall be obtained by using a diamond grade or diamond cut reflective material.
- xii. The location of the gating system shall be configured in such a way as to prevent obstruction of traffic by vehicles stopped and awaiting entry to the subdivision.
- xiii. Battery back-up systems will be required for any proposed gating system installation where there is no non-gated alternate means of gaining entry to the residential subdivision. Battery back-up systems shall be properly maintained and kept operable by either the

subdivision developer, the homeowners association or the residents of the subdivision as the case may be. All gate systems wherein the county determines that a battery back-up power source is required shall be configured such that, upon power failure, the entry gate shall open automatically and remain open until such time that power is restored.

5. For new developments, the subdivision developer must initiate a written request to install the gate and the subdivision developer shall assume all costs associated with the design, approval, permitting and installation of the gate. It shall be the responsibility of the subdivision developer to properly install and maintain the gate until such time as the County accepts the final wearing surface application for all phases of development served by the gated entrance. The subdivision developer shall provide for a means of perpetual maintenance and upkeep of the gated entrance by means of a separate fund collected through the subdivision's homeowners' association.
6. For existing developments, either the Board of Directors of the subdivision's homeowners' association or, in the event there is no homeowner's association, a 75% majority of the property owners (not tenants), must execute a written request to install a gating system. The request shall be submitted to the Office of Community Development for consideration and review. Unless a written request is received, no gating system will be approved.
7. Either the subdivision developer, the homeowners' association, or the residents of the subdivision, as the case may be, shall be fully responsible for all costs associated with the gating system, including, but not limited to, repair or replacement costs in the event of damage to the gate or mechanical failure.
8. The County retains the right to remove the gate at any time for any reason or for no reason whatsoever. The County will have no responsibility to retain the gating system, or any component part thereof, and shall bear no responsibility of any kind for the value or cost thereof.
9. The parties requesting the gate shall sign an agreement (Exhibit 1) to indemnify and hold harmless the County from any and all costs and expenses associated with defending any claims associated in any way with the approval of such request and the installation and maintenance of the gate. The County may require proof of insurance or other evidence of ability to provide indemnification.

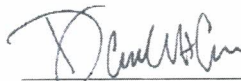
C. General Information:

1. Any approval of a gating system under this ordinance is based upon a finding by the Board that approval of the request is necessary to preserve the health, welfare and safety of the citizens of Rankin County or to prevent injury to public or private

property.

2. All signage, mounting posts, or other component parts of any gating system shall be paid for by the party requesting authority to install the gating system.
3. This policy applies only to gated public streets of residential subdivisions. Gated private streets are not subject to this Ordinance, but are subject to a separate evaluation process controlled by the Rankin County Consulting Engineer and/or the Rankin County Road Manager.
4. All gate installations are to be reviewed and approved by the Road Manager and/or the Rankin County Consulting Engineer before the gates are made operational and placed into service.
5. All signs required by this Ordinance which are damaged, defaced, or missing for any reason must be replaced by the subdivision developer, the homeowners' association or the residents of the subdivision in the event there is no homeowners' association, within a reasonable time following discovery of any damaged or missing sign(s).
6. There shall be a mandatory fee of \$300.00 paid to cover the cost to Rankin County for review and consideration of a request for installation of a gating system pursuant to this ordinance which shall be paid upon submission of the written request. The amount of the fee may be adjusted from time to time without notice.

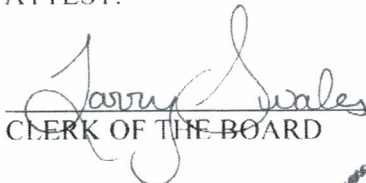
SO AMENDED and ADOPTED this the 13th day of October, 2017.



BOARD PRESIDENT

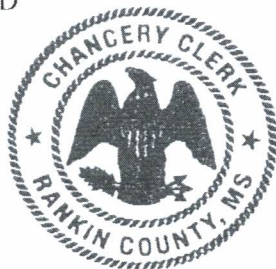
Rankin County Board of Supervisors

ATTEST:



CLERK OF THE BOARD

by: Q Flood OC



September 18, 2017

Rankin County Board of Supervisors
211 East Government Street, Suite A
Brandon, MS 39042

Dear Supervisors:

As part of the request of the undersigned party to install a traffic control gate on a public street, we hereby acknowledge the receipt of and agree to abide by the terms of the County's Ordinance Establishing a Policy for Gated Entries to Public Streets of Residential Subdivisions.

We specifically agree to indemnify and hold harmless the County from any and all costs associated with defending any claims associated in any way with the approval of this request and the installation and maintenance of the gate or gates.

We understand and agree that before any gate or gates are installed, we will furnish proof of insurance, in a form acceptable to the County, in an amount not less than \$1,000,000.00, with the County as a named insured.

We understand that any failure to abide by the terms of this agreement, or any terms of the County's policy identified above, may result in removal of the gate with no compensation or damages of any type paid to us. We further acknowledge that the gate may be removed at any time in accordance with the provisions of the policy.

Applicant

Accepted by:

On behalf of Rankin County, Mississippi

EXHIBIT 1



**PULL
HERE
FOR
ENTRY**

**PULL
HERE
FOR
EXIT**

EXHIBIT 2