

ATTACHMENT #1
ORDINANCE NO. 765

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, ADDING CHAPTER 9.50 TO TITLE 9 (PEACE, SAFETY, AND MORALS) OF THE INDIAN WELLS MUNICIPAL CODE TO REQUIRE ACCESS BY MEANS OF APPROVED EMERGENCY VEHICLE PREEMPTION SYSTEMS AT VEHICULAR GATES, AND FINDING THE ORDINANCE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

WHEREAS, the City of Indian Wells, California ("City") is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, the City is authorized by California Constitution Article XI, Section 7 to make and enforce within its limits all local ordinances, and regulations not in conflict with general laws;

WHEREAS, the City has the authority under Article 11, Section 5 of the California Constitution and the City Charter to make, amend, and enforce all ordinances and regulations with respect to municipal affairs to protect the public health, safety, and welfare; and

WHEREAS, the City places high value on protecting community charter, land values, and the general public, health, safety and welfare, and has previously adopted numerous ordinances to help ensure such protection; and

WHEREAS, the City seeks to ensure that all emergency responders have timely and reliable access to gated properties throughout the community in order to improve emergency response times and public safety; and

WHEREAS, the purpose of this Ordinance is to require the installation of City-approved emergency vehicle preemption systems at all automated vehicular access gates within the City of Indian Wells, for both existing and newly constructed gated properties, and new gates install at existing properties, in a manner consistent with the public safety objectives of the city; and

WHEREAS, on May 15, 2025, the City Council approved a \$15,000 supplemental appropriation to implement a limited-term rebate program offering \$500 per qualifying gate to assist gated properties with the timely installation of approved emergency access sensor systems; and

WHEREAS, all legal prerequisites to the adoption of the Ordinance have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF INDIAN WELLS DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Incorporation of Recitals. The foregoing Recitals are true and correct and are incorporated herein by this reference.

Section 2. CEQA. This ordinance was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines (the "Guidelines"), and the environmental regulations of the City. The City Council hereby finds that this ordinance is not subject to CEQA because the adoption of this ordinance is not a "project" under Sections 15060(c)(2) and 15060(c)(3) of Title 14 of the California Code of Regulations.

Additionally, under Section 15061(b)(3) of the State CEQA Guidelines, this ordinance is exempt from the requirements of CEQA because it can be seen with certainty that the provisions contained herein would not have the potential for causing a significant effect on the environment.

Section 3. IWMC Addition. Chapter 9.50 [Emergency Access to Vehicular Gates] of the Indian Wells Municipal Code is hereby added to read in its entirety as provided in Exhibit "A," attached hereto and incorporated within

Section 4. Effective Date. This Ordinance takes effect 30 days following its adoption.

Section 6. Custodian of Records. The documents and materials that constitute the record of proceedings on which this Ordinance is based are located at the City Clerk's office located at 44950 Eldorado Drive, Indian Wells, CA 92210. The custodian of these records is the City Clerk.

Section 7. Severability. If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The City Council and the people of the City of Indian Wells hereby declare that they would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 8. Publication; Effective Date. The City Clerk shall certify the adoption of this Ordinance. Not later than 15 days following the passage of this Ordinance, the Ordinance, or a summary thereof, along with the names of the City Council members voting for and against the Ordinance, shall be published in a newspaper of general circulation in the City of Indian Wells.

PASSED APPROVED AND ADOPTED by the City Council of the City of Indian Wells, California, at a special meeting held on the 2nd day of July 2025.

BRUCE WHITMAN
MAYOR

**STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF INDIAN WELLS)**

CERTIFICATION FOR ORDINANCE NO. 765

I, Angelica Avila, City Clerk of the City Council of the City of Indian Wells, California, **DO HEREBY CERTIFY** that Ordinance , having been regularly introduced at an adjourned regular meeting of June 10, 2025 was again introduced, the reading in full thereafter unanimously waived, and duly passed and adopted at a special meeting of the City Council held on July 2, 2025 and said Ordinance was passed and adopted by the following stated vote, to wit:

AYES:
NOES:

and was thereafter on said day signed by the Mayor of said City of Indian Wells.

ATTEST:

APPROVED AS TO FORM:

**ANGELICA AVILA
CITY CLERK**

**TODD LEISHMAN FOR
BEST, BEST & KRIEGER
CITY ATTORNEY**

EXHIBIT "A"

Code Addition

Chapter 9.50 is hereby added to Title 9 Peace, Safety, and Morals, to read in its entirety as follows:

Chapter 9.50 Emergency Access to Vehicular Gates

§ 9.50.010 Purpose and Intent.

The purpose of this chapter is to enhance public safety by ensuring timely and unobstructed access for emergency response vehicles to all gated properties within the City of Indian Wells. This chapter established minimum emergency access requirements for automated vehicular gates, mandating the installation of approved emergency vehicle preemption systems that are compatible with equipment used by all agencies providing emergency services to the City. This requirement is in addition to and does not replace or supersede other emergency access obligations established by federal law, state law, adopted fire code or other applicable regulations.

§ 9.50.020 Definitions.

For the purposes of this chapter, the following words and terms shall apply:

- a) "Emergency Vehicle Preemption System" means a wireless device capable of receiving signals from authorized emergency vehicles to automatically open vehicular gates.
- b) "Vehicular Access Gate" means any gate, barrier, or access control point that restricts vehicular entry to a property, regardless of whether the access is automated, or staffed by on-site personnel.
- c) "Gated Property" means any residential community, commercial site, or other development that restricts vehicular access through mechanical or electronic gate systems.

§ 9.50.030 Applicability.

- a) All exiting automated vehicular access gates within the City, whether located at residential gated communities, commercial properties, or other gated developments;
- b) All new, replacement, or additional vehicular access gates installed after the effective date of this ordinance, including any new gates added to existing properties or developments;
- c) This chapter shall apply to all automated vehicular access gates described herein, including gates that are staffed by personnel.

§ 9.50.040 Installation Requirements.

- a) All automated vehicular gates subject to this chapter shall be equipped with an emergency access preemption system approved by the City and compatible with the emergency response vehicle equipment used by all agencies serving the City of Indian Wells.
- b) Installation of the required system shall occur:
 - 1) Within twelve (12) months of the ordinance's effective date for existing gates;
 - 2) Prior to final inspection or occupancy for new replacement gates.
- c) The systems must remain operational at all times. If the gate is installed prior to completion of development, the emergency access system shall be active during construction.

§ 9.50.050 Manual Override.

All gates shall retain a City-approved manual override mechanism as a secondary access method.

§ 9.50.060 Enforcement.

- a) The City may conduct inspections to verify installation and functionality.
- b) Responsible parties must submit documentation of system type and operational status upon request of the City Official.

§ 9.50.070 Violations.

- a) Failure to comply with this chapter constitutes a violation of the Indian Wells Municipal Code and is subject to enforcement under Chapter 1.20
- b) Each day that a violation continues shall constitute a separate offense.
- c) A violation of this chapter is declared to be a public nuisance and may be abated in accordance with Chapter 8.08 of the Indian Wells Municipal Code, including all applicable provisions for notice, hearing, enforcement, and cost recovery.

§ 9.50.080 Supplemental to Other Legal Requirements

This ordinance shall not be construed to relieve any property owner, responsible party, or other entity from complying with other emergency access requirements established under the California Fire Code, the California Penal Code, or any other applicable law or regulation governing emergency access.