

**ORDINANCE NO. 1170**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO MIRAGE, CALIFORNIA, ADDING CHAPTER 8.65 (GATED RESIDENTIAL EMERGENCY ACCESS) TO TITLE 8 (HEALTH AND SAFETY) OF THE RANCHO MIRAGE MUNICIPAL CODE REGARDING EMERGENCY ACCESS FOR GATED RESIDENTIAL COMMUNITIES**

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**WHEREAS**, the City of Rancho Mirage ("City") is a charter city and municipal corporation and recognized for certain purposes as a political subdivision of the State of California; and

**WHEREAS**, the City contracts with the Riverside County Sheriff's Department ("Sheriff") to provide law enforcement services within the City; and

**WHEREAS**, numerous gated communities are located within the jurisdictional boundaries of the City, and the Sheriff currently does not have independent access to such gated communities without assistance of non-Sheriff personnel; and

**WHEREAS**, procedures to access such communities vary widely, which delays response times; and

**WHEREAS**, the proposed ordinance provides Sheriff independent access to such communities via standardized method of entry, without reliance on any non-Sheriff personnel; and

**WHEREAS**, pursuant to California Constitution Article XI, Section 7, the City's police powers authorize it to regulate private activity to promote the public's health, safety and welfare; and

**WHEREAS**, City has the authority to adopt and implement this ordinance under police powers, and powers to promote public health, safety and welfare.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF RANCHO MIRAGE, CALIFORNIA, DOES ORDAIN AS FOLLOWS:**

**Section 1. RECITALS**

That the above Recitals are true and correct and are incorporated as though fully set forth herein.

**Section 2. ADDING CHAPTER 8.65 (GATED RESIDENTIAL EMERGENCY ACCESS) TO TITLE 8 (HEALTH AND SAFETY) OF THE RANCHO MIRAGE MUNICIPAL CODE**

That Chapter 8.65 is hereby added to Title 8 of the Rancho Mirage Municipal Code as follows:

## Chapter 8.65

### Gated Residential Emergency Access

#### 8.65.010 Definitions.

For purposes of this chapter, the following definitions apply:

“Chief of police” means the police chief serving the City or his or her designee.

“Emergency” means actual, threatened or perceived existence of conditions of a disaster or of detriment to the safety of persons or to property within the City of Rancho Mirage caused by any natural or human-induced event or events, including, but not limited to, actual, threatened or perceived existence of conditions related to a crime or alleged criminal conduct punishable by law. An Emergency may, but need not, be reported to law enforcement by means of an emergency call (“911 call”), alarm system, or any other means of notification to the city or public safety officers of conditions that constitute an Emergency under this Chapter.

“Emergency access policy” means a policy implemented by the police department which sets forth standards and/or criteria for gated communities to provide opportunity for immediate access.

“Existing gated community” means a gated community with restricted access that, prior to the effective date of this Chapter, meets any one of the following:

1. Physical construction of the development has commenced or been completed;
2. A complete application(s) for all necessary development permits has been submitted and approved by the City’s approving authority, in accordance with the Rancho Municipal Code and standard city policies and practices; and/or
3. Development of the community has been approved by issuance of a grading permit, building permit, conditional use permit, development agreement, subdivision map, or other permit or entitlement.

“Fire chief” means the fire chief serving the City or his or her designee. The fire chief may be that person so designated by the Riverside County fire department pursuant to a contract for fire services entered into with the City.

“Gated community” means any residential or mixed use development consisting of at least two residential units that limits free and open access to law enforcement and/or the general public because of on-site security provisions, including, but not

limited to, “manned” or “un-manned” guard gates, barriers, locked common areas that provide the means of ingress to or egress from a residence’s door, or other restrictions. For purposes of this chapter, a single-family residence with a gated driveway which is not located within a gated community does not fall within this definition.

“Law enforcement” means any officer or official of the police department, including the chief of police.

“Opportunity for immediate access” means a method, including, but not limited to, an emergency key system or locked key box, by which the police may immediately access a gated community without the assistance of any person.

“Police department” means the department providing police services to the City, which may be the Riverside County Sheriff’s Department pursuant to a contract for police services entered into with the City.

“Responsible party” means the person(s) charged with the responsibility for managing a gated community, including, but not limited to, the owner of the real property that has a gated community, the owner or manager of the gated community, or the board of directors of the homeowner’s association for the gated community or representative thereof.

#### 8.65.020 Access to Gated Communities

Each gated community shall provide opportunity for immediate access to law enforcement at all times for emergencies. It is the responsibility of each gated community to ensure its method of providing such access complies with standards approved by the police department as may be set forth in an emergency access policy. It shall be the responsibility of each gated community to ensure that the method of access is in good working order at all times.

#### 8.65.030 Opportunity for immediate access criteria

The chief of police, upon consultation with the fire chief, shall implement a policy for acceptable methods of providing the opportunity for immediate access to law enforcement to gated communities.

#### 8.65.040 New gated communities

Upon the effective date of the ordinance implementing this chapter, development of any gated community will be subject to a condition of approval to provide an opportunity for immediate access to the gated community consistent with any emergency access policy, and to provide the city manager or his or her designee a certification from the chief of police that the gated community has complied with this chapter. The city manager or his or her designee shall implement the requirement and enforcement of this condition of approval.

#### 8.65.030 Existing gated communities

A. Within one year of the effective date of the ordinance implementing this chapter, it shall be the responsibility of each existing gated community to provide the opportunity for immediate access to law enforcement at all times for emergencies, and to provide to the city manager or designee, a certification from the chief of police that the gated community has complied with this chapter, consistent with any emergency access policy.

B. If, as of the effective date of the ordinance implementing this chapter, an existing gated community already has implemented a method of providing an opportunity for immediate access to law enforcement, it shall be the existing gated community's responsibility to consult with the chief of police to ensure that its method of compliance conforms to law enforcement's standards. The chief of police shall have the authority to determine whether a method of providing an opportunity for immediate access conforms to law enforcement's standards as may be set forth in an emergency access policy.

C. An existing gated community may submit an application for relief from the requirements in subsection A or an adverse decision from the chief of police under subsection B of this section, or both, to the city manager. The city manager's decision shall be final.

#### 8.65.040 Implementing policy

The city manager, after consultation with the chief of police, may adopt a policy for the implementation of the requirements of this chapter. The policy may include an opportunity for an existing gated community to propose an alternative method for providing an opportunity for immediate access to law enforcement that complies with this chapter, and the policy may include available alternatives to existing gated communities that would assist an existing gated community in complying with this chapter.

#### 8.60.050 Penalties

Any responsible party shall be subject to an administrative citation and fine in an amount not to exceed five hundred dollars (\$500) for a first violation, one thousand dollars (\$1,000) for a second instance of the same offense within a twelve month period commencing on the date of the first violation, and one thousand five hundred dollars (\$1,500) for the third instance of the same offense within a twelve month period commencing on the date of the first violation. In addition to any other enforcement permitted by the Rancho Mirage Municipal Code, the city attorney may bring a civil action for injunctive relief and civil penalties against any person who violates any provision of this chapter. A violation of any provision of this chapter shall be, and is hereby declared to be, a public nuisance. Remedies under this chapter are in addition to and do not supersede or limit any and all other remedies, civil or criminal. The remedies provided for herein shall be cumulative and not exclusive.

**Section 3. CITY ATTORNEY REVIEW**

That the City Attorney prepared and framed this Ordinance pursuant to Section 1.04.010 of the Municipal Code and finds that the City Council has the authority to adopt this Ordinance, that the Ordinance is constitutionally valid and that the Ordinance is consistent with the general power and purposes of the City as set forth in Section 1.04.031 of the Municipal Code.

**Section 4. SEVERABILITY**

That the City Council declares that, should any provision, section, paragraph, sentence or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Ordinance as hereby adopted shall remain in full force and effect.

**Section 5. REPEAL OF CONFLICTING PROVISIONS**

That all the provisions of the Rancho Mirage Municipal Code as heretofore adopted by the City of Rancho Mirage that are in conflict with the provisions of this Ordinance are hereby repealed.

**Section 6. AMENDING OF BAIL SCHEDULE**

That the City Attorney's Office is hereby directed to determine whether this Ordinance necessitates amendment of the City's Bail Schedule and to cause such necessary amendments to be made and filed with the local branches of the Superior Court of the County of Riverside.

**Section 7. EFFECTIVE DATE**

That this Ordinance shall take effect on the 30th day following its second reading by the City Council.

**Section 8. CERTIFICATION**

That the City Clerk shall certify to the passage hereof, and cause it to be posted as required by law.

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

The foregoing Ordinance was approved and adopted at a meeting of the City Council held on March 19, 2020, by the following vote:

AYES: Hobart, Kite, Smotrich, Townsend, Weill.  
NOES: None.  
ABSENT: None.  
ABSTAIN: None.


**CITY OF RANCHO MIRAGE**

  
Iris Smotrich, Mayor

**ATTEST:**

  
Kristie Ramos, City Clerk

**APPROVED AS TO FORM:**

  
for Steven B. Quintanilla, City Attorney  
Celia D. Kirkpatrick  
Deputy City Attorney

**ORDINANCE CERTIFICATION**

STATE OF CALIFORNIA )

COUNTY OF RIVERSIDE )

CITY OF RANCHO MIRAGE )

I, Kristie Ramos, City Clerk of the City of Rancho Mirage, California, do hereby certify under penalty of perjury, that the foregoing Ordinance No. 1170 was introduced by first reading at a regular meeting of the City Council held on March 5, 2020, by the following vote:

AYES: Hobart, Kite, Smotrich, Townsend, Weill.  
NOES: None.  
ABSENT: None.  
ABSTAIN: None.

Ordinance No. 1170 was adopted at a regular meeting of the City Council held on March 19, 2020, by the following vote:

AYES: Hobart, Kite, Smotrich, Townsend, Weill.  
NOES: None.  
ABSENT: None.  
ABSTAIN: None.

I further certify that I have caused Ordinance No. 1170 to be posted and/or published, as required by law (GC Sect. 36933).



Kristie Ramos  
City Clerk