

ORDINANCE 2002-19

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GILROY, CALIFORNIA, AMENDING ARTICLE IV, CHAPTER 6, ENTITLED "BUILDING SECURITY" IS AMENDED BY ADDING NEW SECTIONS REGARDING "PUBLIC SAFETY RADIO REQUIREMENTS FOR NEW BUILDINGS."

WHEREAS, the City Council of the City of Gilroy (City) has the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizens;

WHEREAS, the City Council finds that any impediment to the effective, efficient radio communications among public safety personnel presents an imminent threat to the general public health, safety and welfare;

WHEREAS, the City Council further finds that the City's ability to respond to the public safety needs of the community requires that radio coverage be addressed through reasonable building and structure regulations; and

WHEREAS, the City Council further finds that present provisions of the City Code require additional regulations regarding public safety radio requirements for new buildings.

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

SECTION I

Chapter 6, Article IV, entitled "Building Security" is hereby amended to read as follows:

"6.27. Buildings to Support Adequate Public Safety Radio Coverage.

Except as otherwise provided, no person shall erect, construct, change the use of or provide an addition of more than twenty percent (20%) to any building or structure with over 10,000 square feet, which fails to support adequate radio coverage for the City's Public Safety Communication Systems, which shall include but not be limited to voice and data communications for police and fire division personnel.

For purposes of this section, adequate radio coverage shall include all of the following:

- (a) A minimum signal strength of 95 dBm available in ninety percent (90%) of the area of each floor of the building when transmitted from the closest City Public Safety Communications System site;
- (b) A minimum signal strength of 95 dBm received at the closest City Public Safety Communications System Site when transmitted from ninety percent (90%) of the area of each floor of the building;
- (c) The frequency range which must be supported shall be 150-174MHz (voice) and unknown MHz (data); and
- (d) A ninety percent (90%) reliability factor.

6.28. Amplification Systems Allowed.

Buildings and structures which cannot support the required level of radio coverage shall be equipped with any of the following in order to achieve adequate coverage:

- (a) A radiating cable system; or
- (b) An internal multiple antenna system with FCC type accepted bi-directional amplifiers as needed.
- (c) If any part of the installed system or systems contains an electrically powered component, the system shall be capable of operating on an independent battery and/or generator system for a period of at least twelve (12) hours without an external power input. The battery system shall automatically charge in the presence of an external power input.

6.29. Acceptance Test Procedure.

- (a) When an in-building radio system is required, and upon completion of installation, it will be the owner's responsibility to have the radio system tested to ensure that two (2) way coverage on each floor of the building is a minimum of ninety percent (90%). Each floor of the building shall be divided into a grid of approximately twenty (20) equal areas. A maximum of two (2) of the areas will be allowed to fail the test.
- (b) In the event that three of the areas fail the test, in order to be more statistically accurate, the floor may be divided into forty (40) equal areas. A maximum of four (4) areas will be allowed to fail the test. After the forty (40) area test, if the system continues to fail, it will be the building owner's responsibility to have the system altered to meet the ninety percent (90%) coverage requirement.

(c) The voice test shall be conducted using a Motorola MT2000, or equivalent portable radio, talking through the City Public Safety Communication System.

(d) The data system test shall be conducted using a laptop computer communicating with the computer aided dispatch system. A spot approximately in the center of the grid area will be selected for the test, then the radio will be keyed to verify two (2) way communications to and from the outside of the building through the City Public Safety Communications System. Once the spot has been selected prospecting for a better spot in the grid area will not be permitted.

(e) The gain values of all amplifiers shall be measured and the test measurement results shall be kept on file with the building owner so that the measurements can be verified each year during the annual tests. In the event that the measurement results become lost, the building owner will be required to rerun the acceptance test to reestablish the gain values. Copies of all tests shall be forwarded to the attention of the 911 Communications Supervisor of the City.

6.30 Annual Test.

When an in-building radio system is required, it shall be the building owner's responsibility to have all active components of the system (such as amplifiers, power supplies and backup batteries) tested a minimum of once every twelve (12) months. Amplifiers shall be tested to ensure that the gain is the same as it was upon initial installation and acceptance. Backup batteries and power supplies shall be tested under the load for a period of one (1) hour to verify that they will properly operate during an actual power outage. If within the one (1) hour test period, and in the opinion of the testing technician, the battery exhibits symptoms of failure the test shall be extended for additional one (1) hour periods until the integrity of the battery can be determined. All other active components shall be checked to determine that they are operating within the manufacturer's specifications for the intended purpose.

6.31. Five Year Test.

In addition to the annual test, it shall be the building owner's responsibility to perform a radio coverage test a minimum of once every five (5) years to ensure the radio system continues to meet the requirements of the original acceptance test. Copies of the five (5) year tests shall be forwarded to the 911 Communications Supervisor of the City.

6.32. Qualification of Testing Personnel.

(a) Personnel conducting radio system tests shall be qualified to perform the work. All tests shall be documented and signed by

a person in possession of a current FCC license, a current technician certification issued by the Associated Public Safety Communications Officials International (APCO), or the Personal Communications Industry Association (PCIA).

(b) All test records shall be retained on the inspected premises by the building owner and shall be subject to inspection by Public Safety and Building, Life and Environmental Safety Personnel upon request.

6.33 Field Testing.

Public Safety Personnel shall have the right to enter onto the property to inspect and to conduct field-testing at all reasonable times to be certain that the required level of radio coverage is present.

6.34 Exemptions.

Sections 6.27 through 6.33 shall not apply to buildings less than 10,000 square feet or to any R-3 occupancy.

SECTION II

This ordinance shall take effect and be in full force thirty (30) days from and after its adoption and approval.

SECTION III

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Gilroy hereby declares that it would have passed and adopted this ordinance, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases may be declared invalid or unconstitutional.

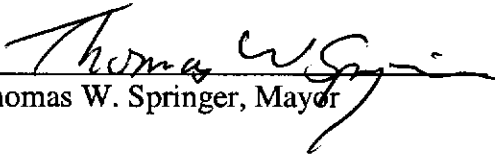
PASSED AND ADOPTED this 7th day of October, 2002 by the following vote:

AYES: COUNCILMEMBERS: ARELLANO, DILLON, GARTMAN,
MORALES, PINHEIRO, VELASCO and
SPRINGER


NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: NONE

APPROVED:

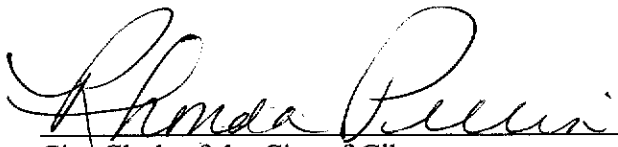

Thomas W. Springer, Mayor

ATTEST:


Rhonda Pellin, City Clerk

I, RHONDA PELLIN, City Clerk of the City of Gilroy, do hereby certify that the attached Ordinance No. 2002-19 is an original ordinance, duly adopted by the Council of the City of Gilroy at a regular meeting of said Council held on the 7th day of October, 2002, at which meeting a quorum was present.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of the City of Gilroy this 1st day of November, 2002.


City Clerk of the City of Gilroy

(Seal)