

Exhibit G: Applicant Proposed Revision

BILL NO. _____

ORDINANCE NO. _ _ _ _ _

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,
AMENDING SECTION 15-2010 OF CHAPTER 15 OF THE
FRESNO MUNICIPAL CODE, AMENDING REGULATIONS
RELATED TO ELECTRIC FENCES

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 15-2010 of the Fresno Municipal Code is modified as follows:

SEC. 15-2010. ELECTRI[FIED]C-FENCES.

Electrified fences shall comply with the following regulations. [The requirements contained in Section 15-2009 do not apply to Electrified Fencing allowed pursuant to this Section.]

A. Permitted Locations.

1. In all non-residential zones ~~in which Security Fencing is permitted.~~ [including all Mixed-Use Districts, all Commercial Districts, all Employment Districts, the Public and Institutional (PI) District **(except for school sites)**, and all Downtown Districts with the exception of the Downtown Core (DTC).]
2. Electric fences shall not encroach into the public right-of-way.
3. **[When the subject property has a Mixed-Use or Downtown zoning designation and abuts vacant or existing residential uses within a Residential, Mixed-Use or Downtown district, additional requirements are outlined in Section K below.]**

B. Compliance with State and Federal Regulations.

1. Electri[fied]e fencing shall comply with the California Civil Code Section 835 and the California Building Code, as amended from time to time.
2. Only allowed to be installed with a permit issued under the requirements of applicable building and electrical codes, and only allowed to be activated after an approved final inspection of the installation.
3. Fire access, warning signs, electrical connections, etc., shall comply with the Building Code and Fire regulations.

C. Electricity.

1. Shall conform to the California Civil Code Section 835 and shall only be powered by a commercial storage battery not to exceed 12 volts of direct current (DC) or another approved 12 volt DC or lower voltage-power source.
 2. The electric charge produced by the fence upon contact shall not exceed energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of International Electrotechnical Commission (IEC) Standard No. 60335-2-76.
 3. Non-low voltage electrical components (e.g. controllers, transformers) of the electric fencing system shall be approved and listed by an Occupational Safety and Health Act (OSHA) Nationally Recognized Testing laboratory (NRTL).
- D. Perimeter Fence or Wall.** No electric fence shall be installed or used unless it is completely surrounded by a nonelectrical fence or wall that is a minimum ~~six~~ [five] feet in height. Should a non-electrical fence not exist, one shall be installed prior to the electric fence being operational. [When abutting an existing residential use, the protective barrier shall consist of a solid material (i.e. wooden fence, block wall, an approved mesh material, or equivalent material)].
- E. Setbacks.** Non-electrical fencing behind which electric fencing is installed shall comply with setbacks of the underlying zone district unless the non-electrical fence is legally non-conforming.
- F. Height.** Shall have a maximum height of ten feet regardless of location on the property.
- G. Warning Signs.** Shall be clearly identified with warning signs that read: "Warning-Electric Fence" at intervals of not less than 30 feet.
- H. Permit.** Property owner(s) shall apply for a permit with the City prior to installation.
- I. City Indemnification.** Prior to the installation of electric fencing, the fence owner shall obtain a permit and execute an agreement to defend, hold harmless, and indemnify the City against all claims related to the fencing.
- J. Emergency Access.**
1. An electrical disconnect device secured with a Police/Fire X-1 keyway or other approved means for emergency access by Police and Fire Departments shall be provided at a location approved by the Fire Department.
 2. The disconnect device shall include an LED pilot light to indicate the status of power to the electric fence.
 3. The emergency access disconnect device shall be located outside the primary drive gate entrance of the property and shall not be obscured in any manner from the street/private driveway access. The details and location of the disconnect device shall be shown on the site plan.

4. Approved signs stating the identification of such switches/controls in addition to informational instructions as to how to disable the electrical system shall be installed to the satisfaction of the Fire Marshal.
5. In the event that access by the City of Fresno Fire Department and/or Police Department is required due to an emergency or urgent circumstances and the emergency access disconnect device is absent or non-functional and no authorized property personnel is present to disable the electric fence. City of Fresno Fire or Police personnel shall be authorized to disable the electric fence in order to gain access to the property. All applicants issued building permits to install or use an electric fence as provided in this chapter agree to waive any and all claims for damages to the electric fence against the City of Fresno and/or its personnel under such circumstances.

[K. Additional Requirements Pertaining to Certain Property

1. When the subject property has a Mixed-Use or Downtown zoning designation and abuts vacant or existing residential uses within a Residential, Mixed-Use or Downtown district, the following special permit provisions apply.
 - a. Requests for Electrified Fences shall be processed as a Development Permit in accordance with Chapter 15, Article 52 of the Fresno Municipal Code.
 - b. Within 3 days of the Director's decision, a notice shall be sent from the Director or designee via e-mail to the Councilmember whose district the approved electrified fence is located.

SECTION 2: This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its passage.

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STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____ 2021.

AYES
NOES
ABSENT
ABSTAIN:

Mayor Approval: _____, 2021
Mayor Approval/No Return: _____, 2021
Mayor Veto: _____, 2021
Council Overrrde Vote: _____, 2021

City Clerk

BY: _____
Deputy Date

APPROVED AS TO FORM:
DOUGLAS T. SLOAN,
City Attorney

BY: _____
Talía Kolluri Date
Supervising Deputy City Attorney