



June 22, 2022

Dear Mayor Dyer, Council President Esparza and members of the Fresno City Council,

My Department is in full support of the text amendment to expand the allowance and utilization of low voltage electrified fencing for our local business community. This security technology has been protecting local Fresno businesses for many years and has shown to be highly effective at deterring criminal trespass, theft, burglary, and vandalism.

We support this text amendment for the following reasons:

- It aligns with our goals, objectives, and policies to enhance the security of the community through crime prevention.
- It helps reduce the strain on staff/officer resources and the criminal justice system.
- It will reduce calls for service for criminal trespass and associated property crimes such as theft, burglary, and vandalism.
- Safety and security are a priority - this text amendment expands the business community's ability to provide a safer and more secure workplace for employees.

For these main reasons, we support this text amendment to expand the allowance and utilization of electrified fencing for our local business community.

Thank you,

A handwritten signature in black ink, appearing to be "Paco Balderrama".

Paco Balderrama
Chief of Police

Amanda Martin

From: Carol Bausinger [REDACTED]
Sent: Monday, June 27, 2022 2:45 PM
To: Esmeralda Soria; Mike Karbassi; Miguel Arias; Tyler Maxwell; Luis Chavez; Garry Bredefeld; Nelson Esparza; Todd Stermer
Cc: Keith Kaneko; Bonique Emerson
Subject: 6/30 City Council - Electrified Code Amendment Item #22-989
Attachments: Ltr to CC R2.pdf; Draft Text Amendment for Electric fences-revised -post planning commission revisions2.pdf

External Email: Use caution with links and attachments

City of Fresno
City Council

Honorable Mayor and Councilmembers:

AMAROK is on the Thursday, 6/30 agenda for Item ID 22-989 to amend the Fresno Municipal Code for Electrified Fences.

To our surprise, Staff inserted additional language that far exceeds the recommendations made by Planning Commission. This added language was never discussed previously and was not discussed at Planning Commission on 6/15.

These changes are unwarranted and will be more restrictive than the City's current code for electrified fencing. This is very disturbing and unjustified, especially because this is being brought to City Council without prior discussion or review.

- AMAROK submitted revised language that specifically addressed Staff, District Committees and Planning Commission concerns.
- The revised draft was submitted in a timely manner per Staff direction; yet was not included in the distributed Council package on 6/24.

AMAROK fully understands that this hurts Fresno business's ability to keep their property and employees safe but then increases calls for Police service on an already stretched department.



Carol Bausinger
Sr. Compliance Manager
AMAROK, LLC

www.AMAROK.com

June 27, 2022

City of Fresno
City Council

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AMAROK fully understands that this hurts Fresno business's ability to keep their property and employees safe but then increases calls for Police service on an already stretched department.

Sincerely,

Keith Kaneko

Director, Government Relations

AMAROK, LLC





BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,
AMENDING CHAPTER 15 SECTION 15-2010, **TABLE 15-1102**, AND **TABLE 15-1402** 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 non-residential zones, ~~in which Security Fencing is permitted.~~ [including all Commercial Districts, all Employment Districts, all Downtown Districts with the exception of the Downtown Core (DTC), **and specified Use Classifications under Mixed-Use Districts and Public and Semi-Public Districts.**
2. Electrified 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, such properties are subject to additional requirements as outlined in Section 15-2010.K below.]
4. [When the subject property has a Mixed-Use or Public and Semi-Public zoning designation, only certain uses shall be permitted to have electrified fences as identified in Table 15-1102 (Mixed-Use) and 15-1402 (Public and Semi-Public)].
5. [When the subject property has a Mixed-Use zoning designation and contains legal non-conforming uses pursuant to Section 15-404, such uses shall be permitted to have electrified fences if such use is permitted in an Employment District.]

B. Compliance with State and Federal Regulations.

1. Electrified 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. Table 15-1102 of the Fresno Municipal Code is amended to read:

TABLE 15-1102: USE REGULATIONS—MIXED-USE DISTRICTS				
Use Classifications	NMX	CMX	RMX	Additional Regulations
Residential Use Classifications				
Residential Housing Types				
Single-Unit Dwelling, Attached	P(1)	P(1)	P(1)	§ 15-2754, Second Dwelling Units, Backyard Cottages, and Accessory Living Quarters
Multi-Unit Residential	P(1)	P(1)	P(1)	

Adult Family Day Care				
Small (6 clients or less)	P(1)	P(1)	-	
Large (7 to 12 clients)	P(1)	-	-	
Caretaker Residence	P(1)	P(1)	P(1)	
Domestic Violence Shelter				
Small (6 persons or less)	P(1)	P(1)	P(1)	
Large (7 persons or more)	P(1)	P(1)	P(1)	
Elderly and Long-Term Care	P(1)	P(1)	P(1)	
Family Day Care				
Small (8 or fewer children)	P(1)	P(1)	P(1)	§ 15-2725, Day Care Centers and Family Child Care Homes
Large (9 to 14 children)	P(1)	P(1)	P(1)	
Group Residential				
Small (6 persons or less)	P(1)	P(1)	P(1)	
Large (7 persons or more)	P(1)	P(1)	P(1)	
Lodging-to-Dwelling Conversion	C	C	C	§ 15-2737.5 Lodging-to-Dwelling Conversion Requirements
Residential Care Facilities				
Residential Care, Limited	P(1)	P(1)	P(1)	
Residential Care, Senior	P(1)	P(1)	P(1)	
Single Room Occupancy	C	C	C	
Public and Semi-Public Use Classifications				
Colleges and Trade Schools, Public or Private	C	C	C (3)	
Community and Religious Assembly (less than 2,000 square feet)	P	P	P	§ 15-2719, Community and Religious Assembly Facilities
Community and Religious Assembly (2,000 square feet or more)	P	P	P	
Community Garden	P	P	P	§ 15-2720, Community Gardens/Urban Farms
Conference/Convention Facility	C	C	C	
Cultural Institutions	P	P	P	
Day Care Centers	P	P	P	§ 15-2725, Day Care Centers and Family Child Care Homes
Emergency Shelter	-	-	P	§ 15-2729, Emergency Shelters
Government Offices	P(1)	P(1)	P(1)	
Hospitals and Clinics				
Hospital	-	C(11)	C(11)	
Clinic	P	P	P	
Substance Abuse Treatment Clinic	C(14)	C(14)	C(14)	
Instructional Services	P	P	P	
Park and Recreation Facilities, Public	P	P	P	
Parking, Public or Private	-	C(6) [(20)]	C(6) [(20)]	
Public Safety Facilities	C[(20)]	C[(20)]	C[(20)]	

Schools, Public or Private	P	P	P	
Social Service Facilities	P(1)	P(1)	P(1)	
Commercial Use Classifications				
Animal Care, Sales and Services				
Grooming and Pet Stores	P	P	P	
Veterinary Services	-	C(7)	C(7)	
Artist's Studio	P	P	P	
Automobile/Vehicle Sales and Services				
Automobile/Vehicle Sales and Leasing	C(18) [(20)]	C(13) [(20)]	C(13) [(20)]	§ 15-2709, Automobile and Motorcycle Retail Sales and Leasing
Automobile Rentals	C(12)(19) [(20)]	C(12) [(20)]	C(12) [(20)]	
Automobile/Vehicle Repair, Major	C(12)(19) [(20)]	C(12) [(20)]	C(12) [(20)]	
Automobile/Vehicle Service and Repair, Minor	C(12)(19) [(20)]	C(12) [(20)]	C(12) [(20)]	
Automobile Washing	C(12)(19)	C(12)	C(12)	
Service Station	C	C	C	§ 15-2755, Service Stations
Banks and Financial Institutions				
Banks and Credit Unions	P	P	P	
Check Cashing Businesses and Payday Lenders	-	-	-	§ 15-2715, Check Cashing Businesses, Payday Lenders, and Similar Financial Services
Banquet Hall	C	C	C	§ 15-2712, Banquet Hall
Business Services	P	P	P	
Eating and Drinking Establishments				
Bars/Nightclubs/Lounges	C	C	C	§ 15-2743, Outdoor Cooking for Commercial Purposes; § 15-2744, Outdoor Dining and Patio Areas; § 15-2751, Restaurants with Alcohol Sales, Bars, Nightclubs, and Lounges
Restaurant with Alcohol Sales	C	C	C	
Restaurant without Alcohol Sales	P	P	P	
Entertainment and Recreation				
Cinema/Theaters	P	P	P	
Cyber/Internet Cafe	C	C	C	§ 15-2724, Cyber/Internet Cafes
Small-Scale	P	P	P	§ 15-2708, Arcades, Video Games, and Family Entertainment Centers, § 9-1801, Billiard Rooms
Food and Beverage Sales				
Farmer's Markets	P	P	P	§ 15-2730, Farmer's Markets

General Market	P	P	P	§ 15-2744, Outdoor Dining and Patio Areas; § 15-2745, Outdoor Retail Sales
Healthy Food Grocer	P	P	P	
Liquor Stores	C(12)	C(12)	C(12)	§ 15-2707, Alcohol Sales; § 15-2745, Outdoor Retail Sales
Food Preparation	P(1)	P(1)	P(1)	
Funeral Parlors and Internment Services	P(1)	P(1)	P(1)	§ 15-2714, Body Preparation and Funeral Services
Live/Work	P	P	P	
Lodging				
Bed and Breakfast	P	P	P	
Hotels and Motels	P(8)	P(8)	P	
Maintenance and Repair Services	P	P	P	
Offices				
Business and Professional	P	P	P	
Medical and Dental	P	P	P	
Walk-in Clientele	P	P	P	
Personal Services				
General Personal Services	P(5)	P	P	
Tattoo or Body Modification Parlor	P(5)(12)	P(12)	P(12)	§ 15-2758, Tattoo or Body Modification Parlor
Retail Sales				
Building Materials and Services	-	-	C[(20)]	§ 15-2745, Outdoor Retail Sales
Convenience Retail	P	P	P	§ 15-2745, Outdoor Retail Sales; 15-2761 Tobacco and Vapor Shops
General Retail	P	P	P	§ 15-2733, Hobby Stores; § 15-2745, Outdoor Retail Sales
Large-Format Retail	P	P	P	§ 15-2737, Large-Format Retail; § 15-2745, Outdoor Retail Sales
Nurseries and Garden Centers	P	P	P	§ 15-2745, Outdoor Retail Sales
Second Hand/Thrift Stores	P	P	P	
Swap Meet/Flea Market	C	C	C	§ 15-2730, Flea Markets
Industrial Use Classifications				
Custom Manufacturing	P(12)(19) [(20)]	P(12) [(20)]	P(12) [(20)]	
Limited Industrial	C(13)(18) (19) [(20)]	C(13) [(20)]	C(13) [(20)]	
Recycling Facility				
Reverse Vending Machine	P	P	P	§ 15-2750, Recycling Facilities
Warehousing, Storage, and Distribution				

Personal Storage	C[(20)]	C[(20)]	C[(20)]	§ 15-2747, Personal (Mini) Storage
Transportation, Communication, and Utilities Use Classifications				
Airports and Heliports	-	-	C(10) [(20)]	
Communication Facilities				
Antenna and Transmission Towers	See Section 15-2759, Telecommunications and Wireless Facilities [(20)]			
Transportation Passenger Terminals	-	-	C	
Utilities, Minor	P[(20)]	P[(20)]	P[(20)]	
Agricultural and Extractive Use Classifications				
Produce Stand	P	P	P	§ 15-2752, Roadside Fruit Stands/Grower Stands
Tasting Room	C	C	C	
Urban Farm	P	-	-	§ 15-2719, Community Gardens/Urban Farms
Other Applicable Types				
Accessory Uses and Structures	§ 15-2703, Accessory Uses			
Home Gardens	§ 15-2734, Home Gardens and Edible Landscaping			
Home Occupations	§ 15-2735, Home Occupations			
Animal Keeping	§ 15-2707, Animal Keeping			
Drive-In and Drive-Through Facilities	C(15)	C(15)	C(15)	§ 15-2728, Drive-In and Drive-Through Facilities
Walk-Up Facilities	§ 15-2766, Walk-Up Facilities			
Non-Conforming Use	Article 4, Non-Conforming Uses, Structures, Site Features, and Lots			
Temporary Use	§ 15-2760, Temporary Uses			
Transitional and Supportive Housing	§ 15-2762, Transitional and Supportive Housing			
<p>Specific Limitations:</p> <ol style="list-style-type: none"> 1. Not allowed on the ground floor of portions of the site which abut a major street, but allowed in the interior of all sites. Projects with frontage on more than one major street may be excepted from this restriction on one of the major streets at the discretion of the Review Authority. 2. Reserved. 3. Not to include industrial training such as welding or automotive repair involving the use of tools and materials appropriate to an industrial use area. 4. Must be located along a major street. 5. Limited to establishments with a gross floor area of 5,000 square feet or less. 6. Shall be below grade or in structures faced with active uses along the street. 7. Provided that such use shall be completely enclosed in a building of soundproof construction. 8. Limited to upper stories unless at least 50 percent of ground floor street frontage is occupied by food service use. 9. Reserved. 10. Limited to heliports used as accessory to a hospital. 11. Building heights for hospitals shall not exceed 150 ft. There is no maximum Floor Area Ratio for hospitals. 12. Not allowed within 500 feet of an existing or planned Bus Rapid Transit stop. 13. Must take place entirely within a building. 14. Must include an indoor waiting area. 				

15. Not allowed within 100 feet of a planned or existing Bus Rapid Transit station and not allowed between a building and a sidewalk.
16. Reserved.
17. Reserved.
18. Permitted only after review and approval of a Conditional Use permit, and only in the following areas: a) NMX-zoned parcels which are located south of State Route 180 and east of State Route 41 and which are not within 500 feet of a Bus Rapid Transit route; or b) NMX-zoned parcels which are located north of State Route 180 and west of the Union Pacific Railroad.
19. Prohibited in the following areas: Parcels which are located south of State Route 180 and west of the Union Pacific Railroad.
- [20. Electrified fences are permitted pursuant to FMC Section 15-2010. When the subject property has a Mixed-Use zoning designation and abuts vacant or existing residential uses within a Residential, Mixed-Use, or Downtown District, additional requirements are applicable as outlined in Section K of FMC Section 15-2010.]

SECTION 3. Table 15-1402 of the Fresno Municipal Code is amended to read:

TABLE 15-1402: LAND USE REGULATIONS—PUBLIC AND SEMI-PUBLIC DISTRICTS				
Use Classifications	OS	PR	PI	Additional Regulations
Residential Use Classifications				
Multi-Unit Residential	-	-	P(8)	
Public and Semi-Public Use Classifications				
Cemetery	P[(9)]	-	P[(9)]	
Colleges and Trade Schools, Public or Private	-	-	P	
Community and Religious Assembly (less than 2,000 square feet)	C(1)	P(1)	P	§ 15-2719, Community and Religious Assembly Facilities
Community and Religious Assembly (2,000 square feet or more)	-	P(1)	P	
Community Garden	P	P	P	§ 15-2720, Community Gardens/Urban Farms
Conference/Convention Facility	-	-	P	
Cultural Institutions	-	P	P	
Day Care Centers	-	-	P	§ 15-2725, Day Care Centers and Family Child Care Homes
Emergency Shelter	-	-	P	§ 15-2729, Emergency Shelters
Government Offices	-	-	P	
Hospitals and Clinics				
Hospital	-	-	P(5)	
Clinic	-	-	P	
Substance Abuse Treatment Clinic	-	-	C(6)	
Instructional Services	-	-	P	
Park and Recreation Facilities, Public	P[(9)]	P[(9)]	P[(9)]	
Parking, Public or Private	C[(9)]	C[(9)]	C[(9)]	
Public Safety Facilities	C[(9)]	C[(9)]	P[(9)]	
Schools, Public or Private	-	-	P	

Social Service Facilities	-	-	P	
Commercial Use Classifications				
Animal Care, Sales and Services				
Kennels	-	-	C(2)	
Eating and Drinking Establishments				
Restaurant with Alcohol Sales	-	-	C(3)	§ 15-2751, Restaurants with Alcohol Sales, Bars, Nightclubs, and Lounges; § 15-2744, Outdoor Dining and Patio Areas
Restaurant without Alcohol Sales	-	P(3)	P(3)	
Entertainment and Recreation				
Large-Scale	-	P(7)	-	
Food and Beverage Sales				
Farmer's Markets	-	C	P	§ 15-2730, Farmer's Markets
Retail Sales				
General Retail	-	-	P(3)	§ 15-2745, Outdoor Retail Sales
Industrial Use Classifications				
Recycling Facility				
Reverse Vending Machine	-	-	-	§ 15-2750, Recycling Facilities
Recycling Processing Facility	-	-	C[(9)]	
Transportation, Communication, and Utilities Use Classifications				
Airports and Heliports	-	-	C(4) [(9)]	
Communication Facilities				
Antenna and Transmission Towers	§ 15-2759, Telecommunications and Wireless Facilities [(9)]			
Facilities within Buildings	-	-	P	
Transportation Passenger Terminals	-	-	P	
Utilities, Major	C[(9)]	-	P[(9)]	
Utilities, Minor	P[(9)]	P[(9)]	P[(9)]	
Waste Transfer Facility	-	-	C[(9)]	
Agricultural and Extractive Use Classifications				
Crop Cultivation	P	-	-	§ 15-2716, Crop Cultivation
Produce Stand	P	-	-	§ 15-2752, Roadside Fruit Stands/Grower Stands
Urban Farm	P	-	-	§ 15-2720, Community Gardens/Urban Farms
Other Applicable Types				
Accessory Uses and Structures	§ 15-2703, Accessory Uses			
Home Gardens	§ 15-2734, Home Gardens and Edible Landscaping			
Animal Keeping	§ 15-2707, Animal Keeping			
Drive-In and Drive-Through Facilities	-	-	-	§ 15-2728, Drive-In and Drive-Through Facilities
Walk-Up Facilities	§ 15-2766, Walk-Up Facilities			
Non-Conforming Use	Article 4, Non-Conforming Uses, Structures, Site Features, and Lots			

Temporary Use	§ 15-2760, Temporary Uses
<p>Specific Limitations:</p> <ol style="list-style-type: none"> 1. Limited to facilities associated with park and recreation facilities. 2. Limited to government or non-profit animal shelters located a minimum of 100 feet from a residential use or district. 3. Limited to gift shops, cafes, and restaurants that are an accessory to cultural institutions, community and religious assembly, and conference/convention centers. 4. Heliports used as accessory to a hospital are permitted by right and shall not require a Conditional Use Permit. 5. Building heights for hospitals shall not exceed 150 ft. There is no maximum Floor Area Ratio for hospitals. 6. Must include an indoor waiting area. 7. Limited to golf courses. 8. Limited to on-campus housing operated by an accredited school. 9. Electrified fences are permitted pursuant to FMC Section 15-2010.] 	

SECTION 4: This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its passage.

* * * * *

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

I, TODD STERMER, 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 _____ 2022.

AYES
NOES
ABSENT
ABSTAIN:

Mayor Approval: _____, 2022
Mayor Approval/No Return: _____, 2022
Mayor Veto: _____, 2022
Council Override Vote: _____, 2022

City Clerk

BY: _____
Deputy Date

APPROVED AS TO FORM:
RINA GONZALES,
City Attorney

BY: _____
Name Date
Title