

ORDINANCE NO.

AN ORDINANCE AMENDING TITLE 16, CHAPTER 16.48, SECTION 16. 48.100. D OF THE STOCKTON MUNICIPAL CODE RELATING TO ELECTRIFIED FENCING

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

SECTION 1. FINDINGS AND INTENT.

The City Council of the City of Stockton finds that:

- A. “The proposed amendment ensures and maintains internal consistency with general land uses, objectives, policies, programs, and actions of all elements of the General Plan on balance and would not create any inconsistencies with this Development Code.”

The proposed code amendment will be consistent with 2040 General Plan Goal as follows:

Goal SAF-1: Safe Environment – Create a safe and welcoming environment in all areas of the city at all times of day, because approval of the code amendment will enhance an on-site security and provide a crime prevention tool for business owners. The amendment will promote the best long-term protection for the community.

- B. “The proposed amendment will not endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the City.”

Amending the provisions of SMC Section 16.48.100 (D) will be in harmony with and serve the general intent and purpose of the Development Code, because it enhances community safety by deterring crimes at commercial and industrial properties. The electric fences are installed completely inside the existing perimeter and are not exposed to the public. The fence will not cause injury to adjacent properties or the surrounding neighborhood. The general safety and welfare of the public is maintained, and crimes are prevented from business locations.

- C. “The proposed amendment would be internally consistent with other applicable provisions of this Development Code.”

The code amendment will comply with SMC Section 16.136 relating to Land Development Permit requirement and SMC Section 16.48.100(A)(B) and (C) for prohibited fence materials. The amendment to Title 16 will not have conflicting provisions that would be created.

- D. “The proposed amendment complies with the California Environmental Quality Act (CEQA) and the City’s CEQA Guidelines.”

The proposed amendment is exempt from California Environmental Quality Act (CEQA) under the “general rule” that CEQA applies only to projects which have the potential for causing significant environmental effects, as specified in Section 15061(b)(3). Approval of the required amendments constitutes an administrative action that will not result in direct or indirect physical changes in the environment, and any future projects that would rely on these amendments, will require further case-specific environmental review under CEQA.

SECTION II. AMENDMENT OF CODE

Title 16, Chapter 16.48, Section 16.48.100. D of the Stockton Municipal Code is hereby amended to read as follows:

16.48.100 Prohibited fence materials.

A. Chain Link Fencing. (See Figure 3-13.)

1. **Residential and Commercial Zoning Districts.** Permanent fences composed of chain link or similar materials (chicken wire, hog fencing, etc.) are prohibited in residential and commercial zoning districts as follows:

- a. **Developed Property.** In the area between the front and/or side of any building facing a street. Chain link fencing is allowed along the interior and rear property lines provided the fence along the front and/or street side of the property does not project in front of any buildings.

- b. **Vacant Property.**

- i. **Residential Zoning Districts.** Within 20 feet of the front property line and 10 feet of the street side property line. Chain link fencing is allowed along the interior and rear property lines provided it is not within 20 feet of the front property line or 10 feet of the street side property line.

- ii. **Commercial Zoning Districts.** Within 10 feet of the front and street side property lines. Chain link fencing is allowed along the interior and rear property lines provided it is not within 10 feet of the front or street side property lines.

2. **Industrial Zoning Districts.** Vinyl coated chain linked fencing located at least 10 feet from the front and street side property lines shall be allowed in industrial zoning districts. Other types of chain link fencing or similar materials (chicken wire, hog fencing, etc.) are prohibited within the 10-foot front and street side yard areas. Chain link fencing is allowed along the interior and rear property lines provided it is not within 10 feet of the front or street side property lines.

3. **Temporary Uses.** Chain link fencing shall be allowed for temporary uses.

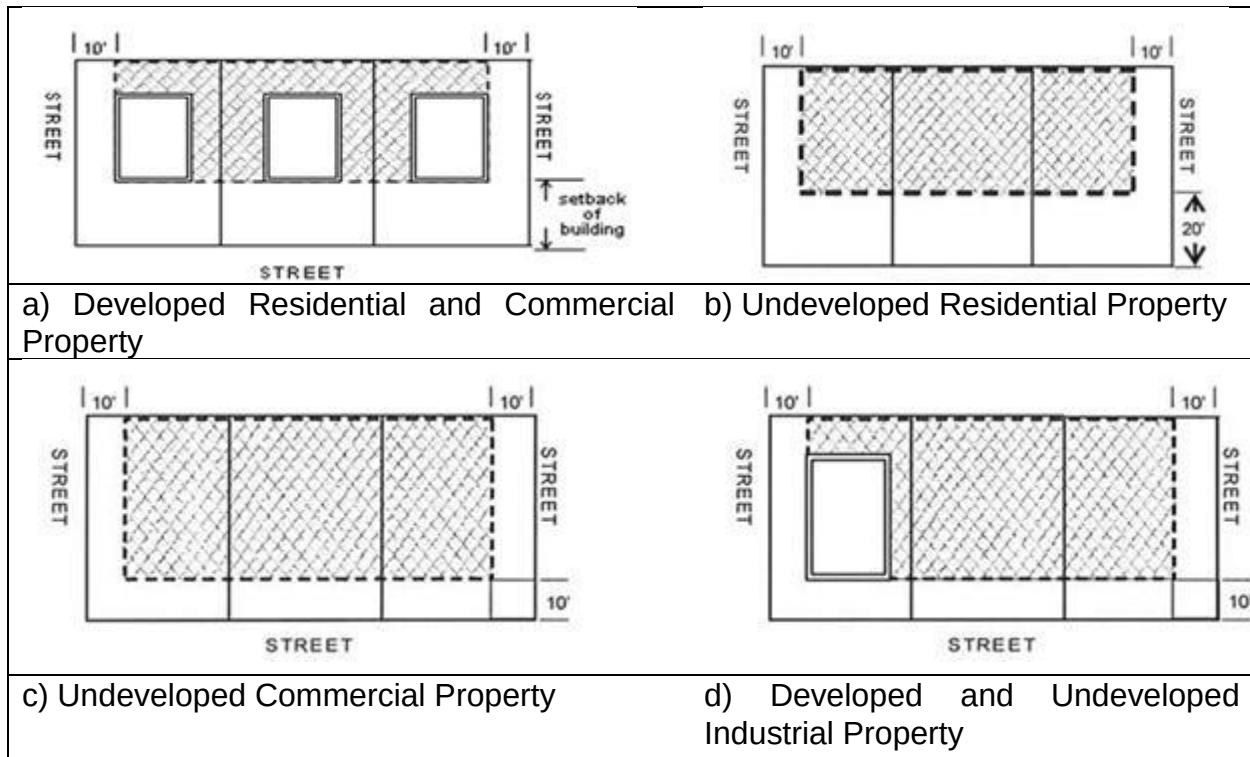


FIGURE 3-13 ALLOWED SETBACKS FOR CHAIN LINK FENCES

B. Barbed Wire/Razor Wire Fencing. Barbed wire and razor wire fencing is prohibited in residential zoning districts or adjacent to public rights-of-way in commercial and industrial zoning districts. All barbed wire, razor wire, or other sharp pointed material may only be used in the construction of a fence if it is at least seven (7) feet above ground level and not visible from any adjacent public street.

C. Tarp Fencing. Tarp fencing shall be prohibited in all zoning districts.

D. Electrified Fencing. The use of electrified fencing, for security or other purposes, is prohibited in all zoning districts, except in the CG, IL, IG, and PT zones. Said fencing shall comply with the following requirements:

1. **Permits Required.** Any electrified fencing shall require the approval of the following permits:

a. **Land Development Permit.** A Land Development Permit in compliance with Chapter 16.136 (Land Development Permits) **when located in the CG zone**, except as otherwise approved by another discretionary application for a project on the same site.

b. **Alarm Permit.** An alarm permit obtained from the Police Department. For this program, all applicable alarm fees apply to electric

fence installations. (See Title 8, Chapter 8.44 "Intrusion Detection Devices and Burglar Alarm Systems.")

c. Building Permit. A Building Permit in compliance with Title 15 (Buildings and Construction).

2. General Requirements. The following electrified fencing standards shall apply to all development:

a. Electrical Standard. Unless otherwise specified herein, electrified fences shall be constructed or installed in conformance with applicable provisions of International Electrotechnical Commission (IEC) standards for electric fence energizers, as well as applicable provisions of the California Electrical Code (CEC), as necessary.

b. Electrification.

i. The energizer for electric fences must be driven by a commercial storage battery not to exceed 12 volts DC or other approved 12 Volt DC or less power source.

ii. The electric charge produced by the fence upon contact shall not exceed energizer characteristics set forth in the IEC standard for electric fence energizers.

iii. 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).

c. Perimeter Fence or Wall. Except as required by Section 16.48.100 (2) (h) below, electrified fencing shall be completely surrounded by a non-electrified fence or wall that is not less than six (6) feet high and have no barbed, concertina, or similar wire attached. Vehicle access gates along public rights-of-way may be exempted from this requirement, subject to approval of a Land Development Permit in the CG zone or another discretionary application for a project on the same site. Any barbed, concertina, or similar wire on existing fences shall be removed prior to the installation of the electric fence. ~~Nonconforming chain-link or similar fencing shall be removed from required front and street side setback areas prior to the initiation of use of any approved low voltage fencing system.~~ Existing developed properties with legally built existing chain-link fencing may retain said fencing when located closer than 10 feet from the front and side property. Similarly, vinyl coating on said fencing is not required.

d. Setback.

- i. Any opening in the perimeter fence less than or equal to three (3) inches shall require a minimum 12-inch setback from the electric fence (IEC 60335-2-76 Standard).
 - ii. Any opening in the perimeter fence greater than three (3) inches shall require a minimum 36-inch setback from the electrified fence or the installation of an approved mesh between electrified fence and non-electrified fence.
- e. **Height.** Electrified fencing shall not have a height in excess of 10 feet.
- f. **Warning Signs.** Electric fences shall be clearly identified with 12-inch by 18-inch warning signs on both the inside and outside of the fence. The signs shall read "Warning-Electric Fence" in English with international symbols and other languages as required by the Land Development Permit in the CG zone, at intervals of not greater than 50-30 feet. Warning signs shall remain in good condition at all times to ensure visibility.
- g. **Emergency Access.** A "Knox Box" or other similar approved devices shall be installed for emergency access by Police and Fire Departments. A means to disconnect electrical power to the fence shall be readily available to the Police and Fire Departments. Disconnect switches and controls shall be in an accessible location on the property and shall not be obscured in any manner from the street/private driveway access. 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. In accordance with Section 8.44.090, a notice shall be posted at each gate (pedestrian and vehicle) indicating a 24-hour contact name and phone number, or said information shall be filed and kept updated with the Police Department. In the event that access by the City of Stockton Fire Department and/or Police Department personnel to a property where a permitted electric fence has been installed and is operating is required due to an emergency or urgent circumstances, and the Knox Box or other similar approved device above is absent or non-functional, and an owner, manager, employee, custodian, or any other person with control over the property is not present to disable the electric fence, fire or police personnel shall be authorized to disable the electric fence in order to gain access to the property. As a condition of permit issuance, all applicants issued permits to install or use an electric fence as provided in this chapter will agree to waive any and all claims for damages to the electric fence against the City of Stockton and/or its personnel under such circumstances.
- h. **Adjacent to Residential Zones or Uses.** Electric fences ~~shall be prohibited adjacent to any~~ may abut residentially-zoned or residentially-used property when there is a non-electrified wall at least 8 feet in height between the electrified fence and residential zone or use.

i. **Electrified Fences in the CG Zone.** The following uses are eligible for electrified fencing in the CG zone:

- i Marinas,
- ii Construction, farm & heavy equipment sales,
- iii Personal storage facilities, and
- iv Minor communication facilities

SECTION III. SEVERABILITY

If any of this ordinance or the application thereof to any person or circumstances is held invalid, that invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end, the provisions of this act are severable.

SECTION IV. EFFECTIVE DATE

This Ordinance shall take effect and be in full force thirty (30) days after its passage.

ADOPTED: _____

EFFECTIVE: _____

MICHAEL D. TUBBS
Mayor of the City of Stockton

ATTEST

CHRISTIAN CLEGG
Deputy City Manager and
Interim City Clerk of The City of Stockton