ORDINANCE 14-8

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST SACRAMENTO
AMENDING CHAPTER 15.11 ELECTRIC AND BARBED WIRE FENCES TO TITLE 15 OF
THE CITY OF WEST SACRAMENTO MUNICIPAL CODE

The City Council of the City of West Sacramento does ordain as follows:

Section 1 Purpose

The purpose of this Ordinance is to add electric and barbed wire fence standards to the West Sacramento Municipal Code. The City Council enacts this Ordinance in accordance with the authority granted to cities by state law.

Section 2 Addition of Chapter 15.11

Chapter 15.11 of the City of West Sacramento Municipal Code is hereby amended to read as follows:

15.11.010 Title.

This chapter shall be known as the West Sacramento Building Standards for Electric and Barbed Wire Fences, and may be cited as such, and will be referred to herein as “this Chapter.”

15.11.020 Definitions.

“Electric Fence” means any fence, barrier or enclosure partially or totally surrounding a building, field or yard, carrying any electrical pulse or charge through any part, section or element thereof.

“Barbed Wire Fence” means a fence, barrier, or enclosure partially or totally surrounding a building, field, or yard, that includes sharp edges or points, which are designed to discourage unwanted intrusion into the surrounded building, field, or yard.

“Barbed Wire” means the portion of the Barbed Wire Fence that contains sharp edges or points.

“Key Box” means a terminal that provides emergency responders with safe building access. The installation of all Key Boxes shall conform to 2013 California Fire Code, Chapter 5, Section 506 Key Boxes.

15.11.030 Application.

It is unlawful for any person to install, maintain, or operate an Electric Fence or Barbed Wire Fence in violation of this Chapter.

15.11.040 Conflicts with other laws, rules, etc.

In the event of any conflict between this Chapter and any state or federal law, rule or regulation, the requirement that establishes the higher standard of safety or accessibility shall govern. Failure to comply with such standard shall be a violation of this Chapter.

To the extent that the construction of an Electric Fence does not conflict with the requirements of this Chapter, such fence shall be constructed and installed in conformance with the specifications set forth in IEC Standard 60335-2-76.
15.11.050 Electric Fence installation permit.

A. The installation of an Electric Fence requires an approved installation permit. Installation permit applications shall be filed with the Building Division. Installation permit applications must include the following:

1. Site plan indicating the location of the Electric Fence and perimeter fence.

2. Schematics and load calculations indicating and/or displaying the:
   a. Location of the power source;
   b. Materials used for the fence construction;
   c. Location of the regulating and monitoring equipment, and
   d. Location of emergency access, Key Box and cut-off switch.

B. The installation permit application fee shall be set by the City Council. The fee shall be paid by the applicant at the time of filing the application.

15.11.060 Electric Fence operational permit.

A. The operation of an Electric Fence requires a valid operational permit. Operational permit applications shall be filed with the Fire Department.

B. An operational permit is valid for one (1) year. The date of the expiration of the operational permit shall be provided to the applicant after the approval of the permit.

C. A written application shall be submitted to the Fire Department on forms furnished for that purpose. No applications may be accepted unless and until the permit fee has been paid. Operational permit applications must include the following:

1. The name and address of the establishment and business telephone number of the applicant, the name and titles and twenty-four hour emergency telephone numbers of the primary response person and an alternate.

2. The name and address of the person who owns the establishment and, if different, the name and address of the person(s) who operate the establishment or any portion thereof.

3. Certification from a qualified person with expertise in evaluating the safety of electric fences stating that the Electric Fence installation is currently operating in conformity with its safety requirements.

4. A notarized statement by the applicant stating that the Electric Fence is in compliance with the requirements of this Chapter.

5. Proof of liability insurance, as required by this Chapter.

D. Operational permit application fees shall be set by the City Council.

E. Renewal applications and applications filed following permit revocation shall include all of the information required by this section.
15.11.070 Permit revocation.

A. If an Electric Fence is found to not be in compliance with this Chapter, the Fire Department may revoke the operational permit.

B. Upon permit revocation, the Electric Fence applicant shall receive a statement from the Fire Department describing the reason for the revocation.

C. Unless otherwise provided by this Chapter, after revocation an applicant may apply for a new operational permit.

15.11.080 Appeals.

An interested person may appeal to the Board of Appeals a decision of the Fire Department or Building Division made pursuant to this Chapter.

15.11.090 Liability insurance.

The owner of the Electric Fence and the property owner(s), if different, are each required to carry General Liability Insurance in a minimum amount of one million ($1,000,000) dollars in the aggregate. Further, proof of insurance shall be required as a condition precedent to secure an operational permit as required in this Chapter and upon each subsequent annual renewal. A failure to maintain proof of insurance for the permitted year shall be grounds for denial or revocation of the operational permit. Proof of minimum coverage amounts maintained for the preceding year must be provided with each application for operational permit renewal. Failure to maintain coverage for the entire previous year shall result in a denial of any permit renewal for five (5) years from the date of operational permit expiration or revocation. Proof of insurance shall be underwritten by an organization licensed and authorized to do business in the State of California.

15.11.100 Electrification.

A. No Electric Fence shall be installed or operated with a power source other than a storage battery not exceeding twelve (12) volts direct current, charged primarily with a solar panel; provided, however, in case of inclement weather or other conditions that inhibit the ability of the solar panel to fully recharge the battery, a charging device may be utilized for such purpose, if connected in a manner that ensures that the charging device cannot provide a source of power directly to the fence. In no case shall an Electric Fence be connected to any other electric power source.

B. AC current shall not be used to energize any Electric Fence.

C. All ground system cables shall be properly insulated.

D. The controller ground system shall not be connected to any plumbing systems in or out of use and shall be at least fifty (50) feet from other utility and buried water pipes.

E. The fence controller ground wire shall not touch any buildings on site.

F. The fence controller and its ground system shall be at least fifty (50) feet away from radio and buried telephone wires.

G. A lightning diverter (commonly referred to as a lightning arrestor) shall be installed between the fence and the fence controller.

H. A cut-off switch shall be installed capable of disconnecting the fence from the controller in case of emergencies, electrical storms, etc. A Key Box shall be installed
to provide secure access to the cut-off switch. The Key Box shall be illuminated to a
minimum one (1) foot candle.

I. Each energizer shall be connected to its own ground system and must not be
connected to any other ground system(s).

J. Two (2) or more energizers shall not be connected to the same fence unless the use
of multiple energizers does not increase the overall charge transmitted on the fence
and adequate access is provided to the cut-off switch for each energizer.

K. All cabling (i.e., wire) and connectors shall be of the same material (e.g. steel,
copper, etc.).

15.11.110 Perimeter fence.

No Electric Fence shall be installed or operated unless it is completely surrounded by a
non-electric perimeter fence that is not less than six (6) feet in height. The perimeter
fence shall be separated from the Electric Fence as specified in Annex CC of IEC
Standard 60335-2-76, with the exception of gate openings. The area between the
perimeter wall or fence and the Electric Fence shall be kept clear of landscaping,
shrubbery, other fences or material of any kind. The lowest part of the perimeter fence
or wall shall be constructed to follow the natural terrain to prevent penetration of the
perimeter fence at ground level. No part of a perimeter fence shall be allowed to be in
contact with the Electric Fence. Perimeter fences shall be one of the following: a wood
privacy fence, a chain link fence with wood or plastic slats inserted into each weave of
the fence, or an equivalent solid barrier fence.

15.11.120 Location.

A. Electric Fences shall only be allowed in zoning designations specified in Title 17 of
the West Sacramento Municipal Code.

B. The electric fence or barrier must be located at least 10 feet from any street property
line or 5 feet from a separated sidewalk.

C. Electric Fences are prohibited within twenty-five (25) feet of any outdoor area utilized
for the storage, use, or handling of Hazardous Materials as defined in the 2013
California Fire Code.

15.11.130 Height.

An Electric Fence shall be not less than eight (8) feet in height.

15.11.140 Signage.

Electric Fences shall be clearly identified by warning signs. The warning signs shall
conform to the following requirements:

A. All warning signs shall include text that reads: "Warning Electric Fence". The text
shall be printed in English, Spanish and Russian. All lettering shall be a minimum of
one (1) inch high.

B. The size of the warning signs shall be a minimum of four (4) inches by eight (8)
inches.

C. The warning signs shall consist of a yellow background with black inscriptions and
must be kept in good condition to ensure visibility.
D. There shall be a minimum of one (1) warning sign on each section of the perimeter fence running parallel to the electric fence, and additional warning signs must be posted so that the distance between warning signs is not greater than fifty (50) feet.

15.11.150 Hours of activation.

An Electric Fence shall only be energized during the hours when the general public does not have legal access to the protected property and shall be maintained by an automatic timer.

15.11.160 Barbed Wire Fence requirements.

The Barbed Wire Fence restrictions contained in this Chapter do not apply if the Barbed Wire Fence is installed on a farm or ranch.

Barbed Wire Fences shall conform to the following requirements:

A. Barbed Wire shall be securely fastened to durable wooden or metal posts, spaced not to exceed fifteen (15) feet center-to-center and designed to withstand reasonable loads.

B. Gates on a Barbed Wire Fence shall have solid frames and be conventionally hinged. Gates shall not swing over public property.

C. Barbed Wire shall be properly attached and secured to risers or outriggers designed for this purpose.

D. Barbed Wire must be at least seven (7) feet above the finished grade at all points along the Barbed Wire Fence. Barbed Wire shall not at any point extend beyond the property line or over the public way.

E. Barbed Wire Fences shall only be allowed in zoning designations specified in Title 17 of the Municipal Code. Fencing locations shall comply with Title 17 of the Municipal Code.

15.11.170 Broken glass.

The use of broken glass and similar materials designed to do bodily harm, as a topping for fences and walls is prohibited.

Section 3. Severability

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance for any reason shall be held to be invalid or unconstitutional, the decision shall not affect the remaining portions of the Ordinance. The Council of the City of West Sacramento hereby declare that it would have passed this Ordinance and each article, section, subsection, paragraph, sentence, clause or phrase which is a part thereof, irrespective of the fact that any one or more articles, sections, subsections, paragraphs, sentences, clauses or phrases are declared to be invalid or unconstitutional.

Section 4. Effective Date and Publication

This Ordinance shall take effect thirty (30) days after its adoption and, pursuant to Resolution 99-46, shall be published in summary format prior to adoption, and within fifteen (15) days after adoption, in a newspaper of general circulation published and circulated within the City of West Sacramento.
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PASSED AND ADOPTED by the City Council of the City of West Sacramento on this
16th day of June, 2014, by the following vote:

AYES: Johannessen, Kristoff, Ledesma, Sandeen, Cabaldon.
NOES: None.
ABSENT: None.
ABSTAIN: None.

Christopher L. Cabaldon, Mayor

ATTEST:

Kryss Rankin, City Clerk

CODIFY X UNCODIFY

Approved as to form:

Jeffrey Mitchell, City Attorney

I, Kryss Rankin, City Clerk of the City of West Sacramento, do hereby certify that the
foregoing ordinance was introduced at a meeting of the City Council held on June 18,
2014, and was adopted at a meeting held on July 16, 2014, by the vote noted below.
This ordinance has been published in accordance with the Government Code
requirement.

AYES: Johannessen, Kristoff, Ledesma, Sandeen, Cabaldon.
NOES: None.
ABSENT: None.
ABSTAIN: None.

Kryss Rankin, City Clerk