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February 3, 1989

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Law and Legislation Committee
City Council Chambers
Sacramento, California 95814

SUBJECT: An Ordinance Adding Section 3-D-7-d to the
Comprehensive Zoning Ordinance, Relating
to Fencing Materials

Honorable Members in Session:

SUMMARY

This report presents for committee review and action an ordinance amending the City's zoning ordinance to add regulations relating to concertina wire, serpentine wire, barbed wire, razor wire, and other similar fencing materials capable of inflicting significant physical injury.

BACKGROUND

Councilmember Shore has asked that an ordinance regulating hazardous fencing materials be developed in order to prohibit their use where innocent passers-by would be exposed to injury.

The report recommends placing such regulations in the zoning ordinance with other existing fencing regulations. The ordinance provides:

1. The specified materials are not permitted on residential uses.
2. The specified materials may be used on non-residential uses only at heights of six feet or more and may not protrude over or into the public right-of-way.

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3. Exceptions

- (a) One strand may be installed inside a fence. This is recommended by the police department to prevent intrusion under fencing.
- (b) The Planning Director may grant a special permit to allow the specified materials on residential uses or at lower heights if the proposed fencing is reasonably necessary to protect persons or property and will not constitute a safety hazard to members of the public conducting themselves lawfully.
- (c) Court-ordered fencing.

FINANCIAL DATA

None. It should be noted that the ordinance can be expected to create additional workload for the Nuisance Abatement Division which is responsible for enforcement actions against illegal fences.

POLICY CONSIDERATIONS

None.

MBE/WBE EFFORTS

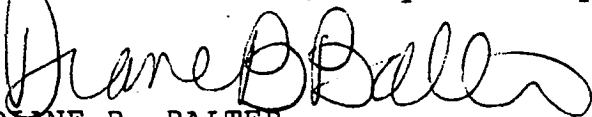
No impact.

RECOMMENDATION

It is recommended that the Law and Legislation Committee review the proposed ordinance and make a recommendation to the full Council.

Respectfully submitted,

JAMES P. JACKSON, City Attorney


DIANE B. BALTER
Deputy City Attorney

JPJ:je

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Law and Legislation
February 16, 1989
All Districts

(1)

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

AN ORDINANCE ADDING SECTION 3-D-7-d TO THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SACRAMENTO, (ORD. NO. 2550, 4TH SERIES, AS AMENDED), RELATING TO FENCING MATERIALS

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Section 3-D-7-d is hereby added to the Comprehensive Zoning Ordinance of the City of Sacramento (Ord. No. 2550, 4th Series, as amended), to read as follows:

d. Concertina wire, barbed wire.

Concertina wire, serpentine wire, barbed wire, razor wire, and other similar fencing materials capable of inflicting significant physical injury shall not be permitted on residential uses. These materials shall be permitted on non-residential uses only at heights of six feet or more, except that one strand may be installed inside a fence near its base. In no event shall these fencing materials protrude into or over the public right-of-way.

The Planning Director shall have the authority to grant a special permit to allow these materials on residential uses or at lower heights in accordance with Section 15-H of the Comprehensive Zoning Ordinance if the proposed fencing is reasonably necessary to protect persons or property and will not constitute a safety hazard to members of the public conducting themselves in a lawful manner.

These regulations shall not apply to fencing required by court order.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK