

AN ORDINANCE

AMENDING CHAPTER 10, ELECTRICAL, ARTICLE XIV, ELECTRICAL CODE, OF THE CITY CODE OF SAN ANTONIO, TEXAS, BY ALTERING EXISTING THE “ELECTRIFIED FENCING” SECTION AND ADDING NEW ONES AND PROVIDING FOR VIOLATIONS, PUBLICATION AND AN EFFECTIVE DATE.

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WHEREAS, the Development Services Department received a City Council Request (CCR) inquiring into amending Chapter 10 Electrical, of the City Code of San Antonio, Texas, regarding electrified fences;

WHEREAS, the Electrical Board for the City of San Antonio received a request from the Development Services Department to review the CCR and make recommendations;

WHEREAS, the Electrical Board for the City of San Antonio promptly appointed a subcommittee to explore the CCR and make recommendations back to the main Board;

WHEREAS, the Electrical Board for the City of San Antonio has voted to recommend the following language to the City Council as minimum regulatory requirements for “electrified fencing” within the jurisdiction of the City; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Chapter 10 section 10-1403.1 subsection 5 of the City Code of San Antonio, Texas is amended by adding the following underlined (added) language and deleting the stricken (~~deleted~~) language:

Sec. 10-1403.1 General exceptions (all types of use and occupancy classifications).

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5. Electrified fences or barriers conforming to the following requirements shall be permitted. [~~regardless of voltage, shall not be permitted to be installed or utilized.~~]
 - a. Electrified fences or barriers shall conform to the requirements of the International Electrotechnical Commission (IEC) Standard IEC 60335-1 - Household and similar electric appliances - Safety - Part 1: General Requirements (Reference number IEC 60335-1:2001+A1:2004(E)) and Standard IEC 60335-2 - Household and similar electric appliances -Safety - Part 2-76: Particular requirements for electric fence energizers

(Reference number CEI/IEC 60335-2-76:2002+A1:2006) or Underwriters Laboratories Inc. (UL) Standard number 60335-2. Safety of Household and Similar Electrical Appliances, Part 1: General Requirements have.

- b. Electrified fences or barriers shall be limited to outdoor storage areas only in zoning designations: Light Industrial District (L), General Industrial District (I-1) and Heavy Industrial District (I-2). Unless specifically designated in this subsection, electrified fences or barriers shall not be permitted in any zoning district.
- c. The exterior (public side) perimeter of the electrified fence or barrier shall be protected by an additional non-electrified fence or wall and shall be separated by 6-inches.
- d. The height of the non-electrified fence or wall shall be no less than six (6) feet in height and no more than eight (8) feet in height at its highest point.
- e. The height of the electrified fence or barrier shall be no more than ten (10) feet in height at its highest point measured at existing grade.
- f. Electrified fences or barriers shall be clearly marked with warning signs. The warning signs shall be placed at each entrance to the property on the electrified fence or barrier and a maximum of forty (40) feet on centers thereafter around the entire perimeter of the electrified fence. The warning signs shall be placed above the non-electrified fence or wall and be clearly visible from the ground on both sides of the electrified fence or barrier. The warning signs shall be printed on both sides with the following “WARNING ELECTRIFIED FENCE” and contain the international symbol for an electrical hazard. The wording shall be written in both English and Spanish. In addition each entrance shall have a sign noting: “Electric Barrier registered with the San Antonio Development Services Department - City Code 10-1403.1.” These signs will be reflective with a minimum 2 inch letter height, minimum stroke of ½ inch and with a contrasting background. Arabic numbers and alphabetical letters shall be used.
- g. Electrified fences or barriers may be energized only during the hours when the general public does not have legal access to the protected property.
- h. Electrified fences or barriers shall not be installed within five (5) feet of a sidewalk or public right-of-way nor shall they be installed within three-hundred (300) feet of a property line for a residence, or from a public, private, or parochial school, day care facility, church or parkland.

- i. Electrified fences or barriers must be designed and certified by an authorized representative of the fence or barrier equipment manufacturer. Upon completion of fence or barrier installation, the fence or barrier equipment manufacturer shall certify that the installation meets all of its design and safety requirements.
- j. Electrified fences or barriers must be permitted with the Development Services Department and on an annual basis with a notarized statement attached to the renewal permit from an authorized representative of the fence or barrier equipment manufacturer that the installation is currently operating in conformity with its safety requirements.
- k. The owner of the stated security equipment and the commercial property owner(s) are required to carry General Liability Insurance in a minimum amount of one million (\$1,000,000) dollars in the aggregate each. Further, proof of insurance shall be required as a condition precedent to secure a permit as required in this subsection and upon each subsequent annual renewal. A failure to maintain proof of insurance for the permitted year shall result in a revocation of the issued permit. Proof of minimum coverage amounts maintained for the preceding year must be provided with each application for 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 expiration or revocation. Proof of insurance shall be underwritten by an organization licensed/authorized to do business in the State of Texas.
- l. A permit holder's decision to appeal acts to modify the provisions of Section 10-1101.2, Limitations of authority contained in Chapter 10 and does not require acquiescence of the Director to appeal his decision. Section 10-1103 Procedures shall be followed unless specifically modified herein. The Director of the Development Services Department (Director) shall be authorized to revoke a permit upon the recommendation of the Chief of Police or designee, itself based on and supported by evidence of violation of this Ordinance. The Director or designee must send a notice of revocation to the last known address of the permit holder with such notice detailing a time of no more than ten (10) working days to appeal the Director's decision. Notice of appeal must be sent as soon as practical, but no later than ten (10) working days past the revocation. The Director's decision shall be final upon the expiration of the ten (10) working day period. A filed appeal shall suspend the Director's action to revoke the permit. A permit holder shall be entitled to a hearing before the next reasonably available meeting of the Electrical Board and it shall either affirm or deny the Director's decision. The Electrical Board's decision shall be based on the same evidence reviewed by the Director and any subsequent information produced. In order to overturn the Director's decision, a motion shall be brought in the form of

denying the Director's decision and require a concurring vote of six (6) appointed board members.

- m. Electrified fences or barriers shall have a Knox box installed in a location acceptable to the Police and Fire Departments to de-energize the electrified fence or barrier. The Knox box shall be illuminated to a minimum one foot candle.
- n. The power source and Knox box for the electrified fence or barrier shall be installed by an electrical contractor. The power source shall consist of, but not be limited to, the energizer, battery, a means of maintaining a charge on the battery and the load side conductors from the energizer to the perimeter fence conductors.

SECTION 2. Three (3) copies of International Electrotechnical Commission (IEC) Standard IEC 60335-1 - Household and similar electric appliances - Safety - Part 1: General Requirements (Reference number IEC 60335-1:2001+A1:2004(E)), Standard IEC 60335-2 - Household and similar electric appliances -Safety - Part 2-76: Particular requirements for electric fence energizers (Reference number CEI/IEC 60335-2-76:2002+A1:2006) and Underwriters Laboratories Inc. (UL) Standard number 60335-2. Safety of Household and Similar Electrical Appliances, Part 1: General Requirements have been filed in the office of the city clerk for permanent record and inspection pursuant to section 17 of the City Charter.

SECTION 3. Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this ordinance, or any appendix thereof, for any reason, be held illegal, inoperative, or invalid or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

SECTION 4. There is no financial impact as a result of the passage of this ordinance.

SECTION 5. No other provision of the City Code is amended hereby. All other provisions shall remain in effect.

SECTION 6. The publishers of the City Code of San Antonio are authorized to amend said Code to reflect the changes adopted herein, to correct typographical errors and to index, format and number paragraphs to conform to the existing code.

SECTION 7. This ordinance shall become effective on the 1st day of November, 2010.

PASSED AND APPROVED this 31st day of September, 2010.

M A Y O R
Julián Castro

ATTEST:

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

Michael Bernard, City Attorney