

Council Meeting
April 8, 2008

Honorable Mayor and Members
of the City Council
City Hall
Torrance, California

Members of the Council:

SUBJECT: SECOND AND FINAL READING OF ORDINANCE 3708

RECOMMENDATION:

Second and Final Reading of **ORDINANCE NO. 3708** amending sections of the Torrance Municipal Code related to Electric Fences.

BACKGROUND:

At the regular meeting of the City Council held on the 1st day of April 2008, this Ordinance was introduced and approved for its first reading by the following roll call vote:

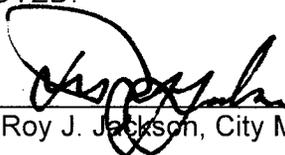
AYES:	COUNCILMEMBERS:	Barnett, Brewer, Nowatka, Witkowsky, and Mayor Scotto.
NOES:	COUNCILMEMBERS:	Sutherland.
ABSTAIN:	COUNCILMEMBERS:	None.
ABSENT:	COUNCILMEMBERS:	Drevno.

Respectfully submitted,



 Sue Herbers, City Clerk

NOTED:



 LeRoy J. Jackson, City Manager

Attachment A: Ordinance 3708
 B: Ordinance summary

ORDINANCE NO. 3708

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING SECTIONS OF THE TORRANCE MUNICIPAL CODE RELATING TO ELECTRIC FENCES

The City Council of the City of Torrance does ordain as follows:

SECTION 1

Sections 45.6.15 and 92.13.2 of the Torrance Municipal Code are repealed.

SECTION 2

A new Section 45.6.15 of the Torrance Municipal Code is added, to read in its entirety as follows:

“SECTION 45.6.15. ELECTRIC OR BARBED WIRE FENCES.

- a) It shall be unlawful for any person to construct, erect or locate in the City or have on his premises, a fence which is charged or chargeable with electricity, unless permitted by the Community Development Director, as provided for in Section 92.13.2(c).
- b) It shall be unlawful for any person to construct, erect or locate in the City or have on his premises a barbed wire fence; provided, however, that barbed wire may be placed on top of a fence, other than on a lot used for residential purposes, which is at least sixty inches high.”

SECTION 3

A new Section 92.13.2 of the Torrance Municipal code is added, to read in its entirety as follows:

“SECTION 92.13.2. COMMERCIAL AND INDUSTRIAL PURPOSES.

The following provisions shall apply to all land used for commercial and industrial purposes.

- a) No fence or wall three feet or greater in height shall be constructed without first obtaining a building permit;
- b) No metal fence or wall shall be permitted except when constructed of chain link, open smooth wire, ornamental wrought iron, decorative metal beams or decorative panels;
- c) No fence shall be constructed which is charged or chargeable with electricity, except that Community Development Director may permit a fence charged or chargeable by electricity upon a determination that the fence meets the following requirements:
 - 1) The property on which the fence is constructed, erected or located, is a critical infrastructure, a key resource, a high security risk, or a terrorist target as determined by the federal, state, or local government.
 - 2) The property on which the fence is constructed, erected or located is a minimum of 300 contiguous acres.
 - 3) Any contrivance or mechanism to control electrical current in such fences shall be listed by an approved testing laboratory, and shall include a suitable interrupting device and such other safety devices to prevent dangerous currents getting on the fence at any time.

- 4) The fence, energizer components, electrical controller, system design and installation must meet or exceed the standards or specifications of the International Electrotechnical Commission or any later adopted standards published by the Underwriters Laboratories, National Electrical Code of the National Fire Protection Association, or the California Electrical Code.
 - 5) Any fence must be posted with warning signs containing the following or similar wording: "DANGER," "CAUTION" or "WARNING" and the words "ELECTRIC FENCE." or "HIGH VOLTAGE." The signs must include the international warning symbol for risk of electric shock or high voltage, which is a lightning bolt inside a triangle (ISO 3864). Further, the sign must contain the warning symbol for an electric fence, which is a hand touching a wire or wires with three lightning bolts coming out from where the hand is touching the wire or wires (IEC 1818/05). The signs must be yellow with black inscription and the letters must be at least two inches high. The signs must be at least 8 inches by 4 inches. The signs must be posted along any such fence at intervals of not more than twenty five feet. The signs must be viewable from both sides of the fence.
 - 6) Any fence charged or chargeable by electricity must not exceed twelve feet in height.
 - 7) Any fence charged or chargeable by electricity must be located inside an exterior perimeter fence that is at least 6 feet in height and is not charged or chargeable by electricity.
 - 8) The fence must be in low voltage mode unless the security advisory system or threat advisory system of the U.S. Department of Homeland Security, the State of California, the County of Los Angeles, or the City of Torrance is at a current threat level of High or Severe.
 - 9) Any fence charged or chargeable by electricity must use a pulsed DC current with a maximum of 35 milliamperes per pulse, each pulse must last no longer than 300 microseconds, and with a minimum interval of 1.5 seconds between pulses.
 - 10) The Community Development Director may impose conditions as may be deemed desirable and necessary to effectuate the purposes of this Division, to protect the public health, safety, and welfare, and to mitigate project-related adverse impacts.
- d) No fence, wall or hedge shall exceed eight feet in height, except as permitted by the Community Development Director in subsection (c);
- e) No barbed wire fence shall be constructed, provided, however, that barbed wire may be placed above a fence that is at least five feet in height."

SECTION 4

Any inconsistent provisions of the Torrance Municipal Code, or any other inconsistent ordinances of the City, are repealed, to the extent of the inconsistencies.

SECTION 5

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason deemed or held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portion of this Ordinance. The City Council of the City of Torrance hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or other portions might subsequently be declared invalid or unconstitutional.

SECTION 6

This ordinance will take effect thirty days after the date of its adoption. Within fifteen days following adoption, this ordinance or a summary of this ordinance, if authorized by the City Council, will be published at least once in the Daily Breeze, a newspaper of general circulation, published and circulated in the City of Torrance.

INTRODUCED AND APPROVED the 1st day of April, 2008.

ADOPTED and PASSED this ____ day of April, 2008.

APPROVED AS TO FORM:
JOHN FELLOWS III, City Attorney

Mayor Frank Scotto
ATTEST:

by _____
Ronald T. Pohl, Assistant City Attorney

Sue Herbers, City Clerk

Ordinance Summary

TORRANCE CITY COUNCIL ORDINANCE NO. 3708

On _____, the City Council of the City of Torrance adopted Ordinance No. 3708 a new ordinance relating to electric fences.

The Ordinance modifies Section 45.6.15(a) by providing that it is unlawful for any person to construct, erect or locate in the City or have on their premises, a fence that is chargeable with electricity, unless permitted by the Community Development Director, as provided in Section 92.13.2(c). The Ordinance readopts Section 45.6.15(b).

The Ordinance readopts Section 92.13.2(a), (b), and (e).

The Ordinance modifies Section 92.13.2(c) by providing that the Community Development Director may permit a fence charged or chargeable by electricity upon a determination that the following requirements are met: (1) The property on which the fence is constructed, erected or located, is a critical infrastructure, a key resource, a high security risk, or a terrorist target as determined by the federal, state, or local government. (2) The property on which the fence is constructed, erected or located is a minimum of 300 contiguous acres. (3) Any contrivance or mechanism to control electrical current in such fences shall be listed by an approved testing laboratory, and shall include a suitable interrupting device and such other safety devices to prevent dangerous currents getting on the fence at any time. (4) The fence, energizer components, electrical controller, system design and installation must meet or exceed the standards or specifications of the International Electrotechnical Commission or any later adopted standards published by the Underwriters Laboratories, National Electrical Code of the National Fire Protection Association or the California Electrical Code. (5) Specific warning signs, with required language and symbols, must be placed on the fence at a minimum of every twenty five feet. (6) Any fence charged or chargeable by electricity shall not exceed twelve feet in height. (7) Any fence charged or chargeable by electricity must be located inside an exterior perimeter fence that is at least 6 feet in height and not charged or chargeable by electricity. (8) Any fence charged or chargeable by electricity must use a pulsed DC current with a maximum of 35 milliamperes per pulse, each pulse must last no longer than 300 microseconds, and with a minimum interval of 1.5 seconds between pulses. (9) The Community Development Director may impose conditions as may be deemed desirable and necessary to effectuate the purposes of this Division, to protect the public health, safety, and welfare, and to mitigate project-related adverse impacts.

The Ordinance modifies Section 92.13.2(d) by providing that no fence, wall or hedge shall exceed eight feet in height, except as permitted by the Community Development Director in subsection 92.13.2(c).

*****City Clerk to add a paragraph stating that copies of the ordinance are available at the City Clerk's office and stating the names of the City Council members that voted in favor and those that voted against.*****