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CITY MANAGER'S OFFICE
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OFFICE OF THE
CITY ATTORNEY

CITY OF SACRAMENTO
CALIFORNIA

812 TENTH STREET
SACRAMENTO, CA
95814-2694

JAMES P. JACKSON
CITY ATTORNEY

916-449-5346

THEODORE H. KOBAY, JR.
ASSISTANT CITY ATTORNEY

February 22, 1989

APPROVED
BY THE CITY COUNCIL

MAR 07 1989

OFFICE OF THE
CITY CLERK

DEPUTY CITY ATTORNEYS
SAMUEL L. JACKSON
WILLIAM P. CARNAZZO
LAWRENCE M. LUNARDINI
GARLAND E. BURRELL, JR.
DIANE B. BALTER
RICHARD F. ANTOINE
TAMARA MILLIGAN-HARMON
RICHARD E. ARCHIBALD
KATHLEEN L. MCCORMICK
TIMOTHY N. WASHBURN
SABRINA M. THOMPSON

City Council
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 Council enactment an ordinance regulat-
ing concertina wire, serpentine wire, barbed wire, razor wire,
and other similar fencing materials capable of inflicting signif-
icant physical injury.

BACKGROUND

The attached report was reviewed by the Law and Legislation
Committee on February 16, 1989. The Committee unanimously sup-
ported enactment of the ordinance.

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.

PASSED FOR
PUBLICATION
& CONTINUED
TO 3-7-89

City Council
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MBE/WBE EFFORTS


No impact.

RECOMMENDATION


The Law and Legislation Committee recommends that the attached ordinance be passed for publication and continued to March 7, 1989.

Respectfully submitted,

JAMES P. JACKSON, City Attorney


DIANE B. BALTER
Deputy City Attorney

Recommendation Approved:


WALTER J. SLIPE
City Manager

Contact Person:
Diane Balter, Deputy City Attorney
449-5346

February 28, 1989
All Districts

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ORDINANCE NO. 89-014

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

APPROVED
BY THE CITY COUNCIL

MAR 07 1989

OFFICE OF THE
CITY CLERK

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



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**OFFICE OF THE
CITY ATTORNEY**

JAMES P. JACKSON
CITY ATTORNEY

THEODORE H. KOBEY, JR.
ASSISTANT CITY ATTORNEY

**CITY OF SACRAMENTO
CALIFORNIA**

February 3, 1989

812 TENTH STREET
SACRAMENTO, CA
95814-2694

916-449-5346

DEPUTY CITY ATTORNEYS
SAMUEL L. JACKSON
WILLIAM P. CARNAZZO
LAWRENCE M. LUNARDINI
GARLAND E. BURRELL, JR.
DIANE B. BALTER
RICHARD F. ANTOINE
TAMARA MILLIGAN-HARMON
RICHARD E. ARCHIBALD
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SABRINA M. THOMPSON

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

Contact Person:
Diane Balter, Deputy City Attorney
449-5346

Law and Legislation
February 16, 1989
All Districts