

**Attachment 'A'**

**Resolution 2024-\_\_\_\_\_**

**A RESOLUTION OF THE CITY OF KERMAN PLANNING COMMISSION RECOMMENDING TO THE CITY COUNCIL ADOPTION OF A CODE TEXT AMENDMENT TO SECTION 17.24.030 OF CHAPTER 17.24 OF TITLE 17 OF THE KERMAN MUNICIPAL CODE RELATING TO FENCE MATERIALS AND ADDING SECTION 17.40.080 TO CHAPTER 17.40 OF TITLE 17 OF THE KERMAN MUNICIPAL CODE RELATING TO ELECTRIFIED SECURITY FENCES**

WHEREAS, in accordance with Section 17.112.020, subsection B (3) of the Zoning Code, an application has been filed with the Director to initiate Code Text Amendment (OTA) 2024-03; and

WHEREAS, the Planning Commission has conducted a public hearing duly noticed on May 29, 2024; and

WHEREAS, the proposed code text amendment is consistent and compatible with the goals, policies, and implementation programs set forth in the General Plan; and

WHEREAS, the Planning Commission reviewed all the evidence, staff report analysis, and associated revisions and determined that the proposed code text amendment will not be detrimental to the public health, safety, and welfare of the persons residing or working in the City of Kerman; and

WHEREAS, the proposed code text amendment is exempt from review under the California Environmental Quality Act ("CEQA") (California Public Resources Code Section 21000 et seq.), pursuant to Section 15061(b)(3) known as the common sense rule because there is no possibility that this project may have a significant, adverse, impact on the environment. This is because the project involves purely procedural policies with no impacts on the environment; and

WHEREAS, The Planning Commission now desires to recommend to the City Council to amend Section 17.24.030 of Chapter 14.24 of Title 17 of the Kerman Municipal Code relating to Fence Materials and add Section 17.40.080 to Chapter 17.40 of Title 17 of the Kerman Municipal Code relating to Electrified Security Fences.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED based upon the evidence in the staff report, public testimony, and project file, the Planning Commission recommends the City Council recognizes the appropriateness of Code Text Amendment (OTA) 2024-03, by amending Section 17.24.030 of Chapter 17.24 of Title 17 of the Kerman Municipal Code relating to Fence Materials and adding Section 17.40.080 to Chapter 17.40 of Title 17 of the Kerman Municipal Code relating to Electrified Security Fences based on the following findings:

SECTION 1. The foregoing recitals are true and correct and incorporated by reference.

SECTION 2. Based upon the evidence in the staff report, public testimony, and project file, and as required by Section 17.112.040 (B) of the Kerman Municipal Code, the Planning Commission makes the following findings:

- A. That the proposed code text amendment is consistent and compatible with the goals, policies, and implementation programs set forth in the General Plan; and
- B. That the proposed code text amendment will not be detrimental to the public health, safety, and welfare of the persons residing or working in the City of Kerman; and
- C. That the proposed code text amendment is exempt from review under the California Environmental Quality Act ("CEQA") (California Public Resources Code Section 21000 et seq.), pursuant to Section 15061(b)(3) known as the common sense rule because there is no possibility that this project may have a significant, adverse, impact on the environment.

SECTION 3. Based on the foregoing the Planning Commission recommends that the City Council approve the proposed code text amendment to amend Section 17.24.030 of Chapter 17.24 of Title 17 of the Kerman Municipal Code relating to Fence Materials and add Section 17.40.080 to Chapter 17.40 of Title 17 of the Kerman Municipal Code relating to Electrified Security Fences, attached herein as Exhibit 'A'.

The foregoing resolution was adopted at a regular meeting of the City of Kerman Planning Commission held on June 10, 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

The foregoing resolution is approved.

Attest:

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Scott Bishop  
Chairperson

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Jesus R. Orozco  
Planning Commission Secretary

**Exhibit 'A'**

**ORDINANCE NO. 24-\_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KERMAN AMENDING SECTION 17.24.030 OF CHAPTER 17.24 OF TITLE 17 OF THE KERMAN MUNICIPAL CODE RELATING FENCE MATERIALS AND ADDING SECTION 17.40.080 TO CHAPTER 17.40 OF TITLE 17 OF THE KERMAN MUNICIPAL CODE RELATING ELECTRIFIED SECURITY FENCES**

THE CITY COUNCIL OF THE CITY OF KERMAN DOES ORDAIN AS FOLLOWS:

**SECTION 1.** Section 17.24.030 of Chapter 17.24 of the Kerman Municipal Code relating to Fence Materials is hereby amended by deleting subsection (C), to read as follows:

17.24.030 Fence Materials.

- A. Fences shall not be constructed of barbed wire or similar material unless an Administrative Use Permit is first obtained. An Administrative Use permit may be granted only upon the Director finding that extraordinary circumstances requiring the use of barbed wire or similar material apply to the property in question which do not generally apply to property within the city. In no event may an Administrative Use Permit be granted for the use of barbed wire or similar material within three feet of any public right-of-way. The Director may require conditions of approval such as appropriate warning signs on the barbed wire or a similarly constructed fence.
- B. Fences shall be constructed of original material. Fences in residential zones shall not be constructed of chain link, wire mesh, corrugated metal/plastic, or other repurposed material. Chain link fences with privacy slats may be constructed when the fence is not visible from the public right-of-way.

~~C. Electrified fences are prohibited in all zones.~~

**SECTION 2.** Chapter 17.40 of Title 17 of the Kerman Municipal Code is hereby amended to include a new section, Section 17.40.080 relating to Electrified Security Fences to read as follows:

17.40.080 Electrified Security Fences.

The construction, installation, and use of electrified security fencing shall be allowed in the city only as provided in this section subject to the following:

- A. **Applicability.** This section shall apply to all electrified security fences being installed, constructed, or erected in any permitted location as described in subsection C below. Electrified security fences may be permitted when determined that it is in the best and mutual interest of the public and private to protect and secure; stored

combustible, hazardous, or harmful matter or materials from those working or residing in proximity to said matter or materials.

- B. **Definitions.** The term “electrified security fence” shall mean a fence that has electricity running through it used to protect and secure a property or a part thereof by way of a perimeter alarm system with an assembly of battery-powered equipment, including but not limited to: a monitored alarm device and energizer which is intended to periodically deliver pulses to a security fence, a battery charging device used exclusively to charge the system’s battery, and other integrated components.
- C. **Permitted Locations.**
1. Electrified security fences shall be permitted in the CS-Service Commercial, M1-Light Manufacturing, M2-Heavy Manufacturing, O – Open Space, Recreation, & Public Facilities, and UR – Urban Reserve District.
  2. Electrified security fences shall not encroach onto the public right-of-way.
  3. Electrified security fences shall not be located within 200 feet of an existing public or private school or daycare center.
- D. **Conditional Use Permit Applicability.** Electrified security fences shall be subject to a conditional use permit application filed and processed consistent with Chapter 17.84 (Conditional Use Permit) of this Code.
- E. **Compliance with State and Federal Regulations.**
1. Electrified security fences shall comply with the California Civil Code Section 835 and the California Building Code, as amended from time to time, and all requirements in subsections F and G below.
  2. Electrified security fences shall be installed with a permit issued under the requirements of applicable building and electrical codes, and only allowed to be activated after an approved final inspection of the installation.
  3. Fire access, warning signs, electrical connections, etc. shall comply with Building and Fire Code regulations.
- F. **Electrification.** The power and voltage of electric security fences shall be allowed subject to the following standards:

1. Shall conform to the California Civil Code Section 835 and shall only be powered by a commercial storage battery not to exceed 12 volts of direct current (DC) or another approved 12-volt DC or lower voltage-power source.
2. The electric charge produced by the fence upon contact shall not exceed energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of International Electro Technical Commission (IEC) Standard No. 60335-2-76, as may be amended.
3. Non-low voltage electrical components (e.g. controllers, transformers) of the electric fencing system shall be approved and listed by an Occupational Safety and Health Act (OSHA) Nationally Recognized Testing Laboratory (NRTL).

**G. Development Standards.**

1. **Perimeter Fence or Wall.** No electric fence shall be installed or used unless it is completely surrounded by a nonelectrical fence or wall that is a minimum of six feet in height. Should a non-electrical fence not exist, one shall be installed prior to the electric fence being operational. When abutting an existing use, building, or structure, the protective barrier shall consist of a solid material (i.e. wooden fence, block wall, an approved mesh material, or equivalent material).
2. **Setback.** Non-electrical fencing behind which electric fencing is installed shall comply with setbacks of the underlying zone district, but no less than five feet from the property line, whichever is more restrictive shall apply.
3. **Height.** Shall have a maximum height of ten feet regardless of location on the property.
4. **Signage.** Warning signs that read: "Warning-Electric Fence" shall be installed at intervals of not less than 30 feet.
5. **Material.** Electrified security fences shall not include barbed wire, razor wire, ultra-barrier, and other similar materials.
6. **Emergency Access.**
  - a. Any associated alarm system shall be subject to Chapter 9.05 (Public Safety Alarm Systems) of the Kerman Municipal Code.

- b. An electrical disconnect device secured with a Police/Fire X-1 keyway or other approved means for emergency access by Police and Fire Departments shall be provided at a location approved by the Fire Marshal.

**SECTION 3. CEQA.** A preliminary environmental assessment has been performed for this project pursuant to the California Environmental and Quality Act (CEQA). The City Council finds and determines with certainty that, pursuant to CEQA Guidelines Section 15061(b)(3), there is no possibility that this project may have a significant, adverse, impact on the environment. This is because this project involves purely procedural policies with no impact on the environment. Therefore, this project is not subject to CEQA.

**SECTION 4. Publication.** This ordinance shall be published in accordance with the provisions of Government Code Section 36933.

**SECTION 5. Effective Date.** This ordinance shall become effective thirty (30) days after the date of adoption.

The foregoing ordinance was introduced at a regular meeting of the City of Kerman City Council held on the \_\_\_\_ day of \_\_\_\_\_, 2024, and was passed and adopted at a regular meeting of the City of Kerman City Council held on \_\_\_\_ day of \_\_\_\_\_, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

The foregoing ordinance is hereby approved.

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Maria Pacheco, Mayor

ATTEST:

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Josie Camacho, City Clerk