

ORDINANCE NO. 20230720-156

AN ORDINANCE REPEALING CITY CODE SECTION 9-4-41 RELATING TO BARBED WIRE FENCES; AMENDING CITY CODE SECTION 25-2-899 RELATING TO FENCE DESIGN; AND CREATING AN OFFENSE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. City Code Section 9-4-41 (*Restriction on Use of Barbed Wire Fences*) is repealed.

PART 2. Code Section 25-2-899 (*Fences as Accessory Uses*) is amended to read as follows:

- (A) Except as otherwise provided in this chapter, a fence:
 - (1) is permitted as an accessory use in any zoning district; and
 - (2) must comply with the requirements of this section.
- (B) In this section:
 - (1) an ornamental fence is a fence with an open design that has a ratio of solid material to open space of not more than one to four; and
 - (2) a solid fence is a fence other than an ornamental fence.
- (C) The height restrictions of this section do not apply to an ornamental fence.
- (D) Except as otherwise provided in this section, a solid fence constructed along a property line may not exceed a [an average] height of six feet measured from the natural grade up [or a maximum height of seven feet].
- (E) If there is a change in grade of at least one foot measured along any run of a solid fence along a property line, then the portion of the fence where the grade change occurs may be constructed to a maximum height of seven feet.
- (E)[E] A solid fence along a property line may be constructed to a maximum height of eight feet if each owner of property that adjoins a section of the

fence that exceeds a height of six feet files a written consent to the construction of the fence with the building official, and:

- (1) there is a change in grade of at least two feet within 50 feet of the boundary between adjoining properties; or
- (2) a structure, including a telephone junction box, exists that is reasonably likely to enable a child to climb over a six foot fence and gain access to a hazardous situation, including a swimming pool.

(G)[F] A solid fence may be constructed to a maximum of eight feet in height if the fence is located on or within the building setback lines.

(H)[G] A[a] solid fence may be constructed to a height of eight feet if the fence is located between a residential use and:

- (1) property zoned as a commercial or industrial base district;
- (2) property used for a commercial or industrial use; or
- (3) an alley that separates a residential use and:
 - (a) property zoned as a commercial or industrial base district; or
 - (b) property used for a commercial or industrial use.

(I) Except as provided in Paragraph (1), a fence shall be constructed in accordance with this subsection.

- (1) This subsection does not apply to a fence that:
 - (a) was constructed before July 31, 2023; or
 - (b) is more than six feet in height and located on a property with a non-residential use.
- (2) When more than 50 percent of the total linear distance of an existing fence is replaced, the entire fence must comply with this subsection.

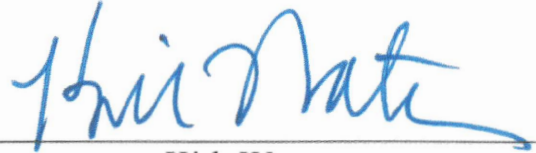
- (3) For new or replacement fences that follow historic design standards, this subsection will control if there is a conflict with the historic design standards.
- (4) A fence may not include:
 - (a) spiked pickets, spiked bars, or other spiked decorative elements above the top horizontal backer rail;
 - (b) vertical pickets above the top horizontal backer rail if the vertical pickets are separated by more than two inches and less than nine inches;
 - (c) razor-like wire; or
 - (d) barbed wire unless the fence is enclosing an airport or other landing area for aircraft and the use of barbed wire is required by Federal Aviation Administration regulation.
- (5) A fence that creates a substantial risk of entrapment or impalement is prohibited.
- (6) A solid chain link fence shall use knuckle selvage.
- (J) A fence used as a swimming pool barrier shall comply with Chapter 25-12, Article 14 (*Swimming Pool and Spa Code*).

PART 3. This ordinance takes effect on July 31, 2023.

PASSED AND APPROVED

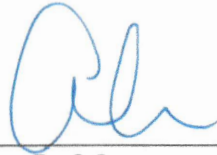
July 20 _____, 2023

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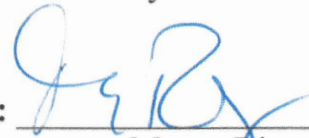
Kirk Watson
Mayor

APPROVED:



Anne L. Morgan
City Attorney

ATTEST:



Myrna Rios
City Clerk

• **§ 25-2-899 - FENCES AS ACCESSORY USES.**

(A)

Except as otherwise provided in this chapter, a fence:

(1)

is permitted as an accessory use in any zoning district; and

(2)

must comply with the requirements of this section.

(B)

In this section:

(1)

an ornamental fence is a fence with an open design that has a ratio of solid material to open space of not more than one to four; and

(2)

a solid fence is a fence other than an ornamental fence.

(C)

The height restrictions of this section do not apply to an ornamental fence.

(D)

Except as otherwise provided in this section, a solid fence constructed along a property line may not exceed a height of six feet measured from the natural grade up.

(E)

If there is a change in grade of at least one foot measured along any run of a solid fence along a property line, then the portion of the fence where the grade change occurs may be constructed to a maximum height of seven feet.

(F)

A solid fence along a property line may be constructed to a maximum height of eight feet if each owner of property that adjoins a section of the fence that exceeds a height of six feet files a written consent to the construction of the fence with the building official, and:

(1)

there is a change in grade of at least two feet within 50 feet of the boundary between adjoining properties; or

(2)

a structure, including a telephone junction box, exists that is reasonably likely to enable a child to climb over a six foot fence and gain access to a hazardous situation, including a swimming pool.

(G)

A solid fence may be constructed to a maximum of eight feet in height if the fence is located on or within the building setback lines.

(H)

A solid fence may be constructed to a height of eight feet if the fence is located between a residential use and:

(1)

property zoned as a commercial or industrial base district;

(2)

property used for a commercial or industrial use; or