



Development CITY OF AUSTIN
SERVICES DEPARTMENT

Building a Better and Safer Austin Together

Flat-top Fence



Purpose

To discuss a code change that would impact fence design for the life and safety of children, pets, wildlife and contractors in our community.

Reasons Fences Are Built

- Privacy
 - Security
 - Marking of property
 - Safety
 - Decorative purposes
- The proposed language could affect security and design.

Minimum Restrictions on Fence Design or Materials

- § 25-2-899 - FENCES AS ACCESSORY USES

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

- Height restrictions are the most controversial
- The swimming pool code is the most restrictive making it unclimbable with a minimum height requirement, self-closing and self-latching gates
- Commercial properties are exempt from a building permit when the fence height is 7 feet or less; Residential is exempt when it is 8 feet or less

What Started the Discussion

In March 2018, one month shy of his 3rd Birthday, Kade Damian died after his neck became stuck between two bars on a wrought iron fence. His feet could not reach the bottom bar and he died almost instantly. His father, a trained first responder, could not revive him; even though Kade was found only minutes after climbing the fence.



PROPOSED LANGUAGE

123.1 Fence Design. A fence design with potential climbable features shall not be designed with entrapment and/or impalement features protruding from the top of the fence.

- A. A non-climbable fence is as determined by the swimming pool code.
- B. An entrapment is less than 6 inches of clear space.
- C. A fence replacement of 50 percent or more requires compliance with this section.
- D. Voluntary compliance on existing fences that are at the maximum height will be exempted from the maximum height requirement, if the addition or modification does not extend an additional 6 inches above the original height.