

**BOARD/COMMISSION RECOMMENDATIONS**



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**Building and Fire Code Board of Appeals**

**Recommendation Number: (20210623-2) Safety requirements for dangerous fence design**

WHEREAS, the Austin City Council adopted section 9-4-41 Restriction on use of barbed wire fence in 1992 (Source: 1992 code section 10-1-9: ord. 031023-13; ord. 031211-11) recognizing the dangers of such fence, other fence designs have been identified as equally dangerous to also include loss of life; and

WHEREAS, it is recognized that other existing fence requirements are intended to isolate a hazard such as 25-2-899 (E) (2) and the swimming pool code with no consideration for the potential dangers of the fence itself; and

WHEREAS, the primary concern being entrapment and impalement of children who by nature are climbers, citizens performing roof and gutter maintenance, and animals that jump over fences; and

WHEREAS, neighborhood councils across the U.S have recognized the dangers and cost of spiked pickets, spiked bars and other spiked decorative elements and protrude above the top horizontal bar of a fence. People, pets and wildlife have been killed or seriously injured; and

WHEREAS, affordability is a high priority for the Austin Community; and

WHEREAS, alternative styles of flat top fences are already manufactured and available to purchase at equivalent cost; and

WHEREAS, according to Chapter 2-1-3 of the city code, it is the duty of the Board to “Advise the City Council regarding appropriate City Council amendments that create a safe environment for all citizens in the City of Austin.”

**NOW, THEREFORE, BE IT RESOLVED BY THE BUILDING AND FIRE CODE BOARD OF APPEALS:** The Board recommends the Austin City Council direct the City Manager to initiate a code amendment process, with full stakeholder involvement, to consider an amendment to 25-12 Technical Codes for the City of Austin to address dangerous fence design including spiked pickets, spiked bars and other spiked decorative elements that protrude above the top horizontal bar of a fence; and

**BE IT FURTHER RESOLVED:** Life cycle costs should be taken in consideration, utilizing data from all reputable sources; and

**BE IT FURTHER RESOLVED:** The Board recommends that the code amendments apply to fences six feet or less, new fences and substantial fence repairs.

Note: After several meetings discussing this subject, with input from interested parties, staff and Board members, the Board noted this issue does not appear to be adequately addressed by current codes and ordinances.

Date of Approval: 6/23/2021

Record of the vote: Unanimous vote 6-0

Attest: Alan Schumann