



Development CITY OF AUSTIN
SERVICES DEPARTMENT

Building a Better and Safer Austin Together

Safe Fencing Regulations

Resolution No. 20211104-039

May 23, 2023

Resolution No. 20211104-39

- Initiated code amendments to address **dangerous fence design** including spiked elements that protrude above the top horizontal bar of a fence
- City Code **currently allows some spiked fence styles** that can pose significant risk to humans and animals
- Directed the City Manager to **evaluate**:
 - ☐ Requiring flat top styles on **new fences of all lengths**
 - ☐ Applying flat top fence requirements to all **new fences of six feet tall or lower**
 - ☐ Applying flat top fence requirements to **substantial fence repairs or remodeling of 50% or more of an existing fence**

Community Engagement

- Hosted a series of engagements (online/virtual/in-person) and targeted outreach to a **broad range of stakeholders**, including:
 - ☐ Community-at-large
 - ☐ Partner departments
 - ☐ Building/ contracting community
 - ☐ Community advocates/ advocacy groups
- Also received input from the following **boards and commissions**:
 - ☐ Building and Standards Commission
 - ☐ Historic Landmark Commission
 - ☐ Building and Fire Board of Appeals
 - ☐ Codes and Ordinances Joint Committee (COJC)
- Feedback focused on **safety and affordability** considerations, and **enforceability**

Proposed Amendments

City Code Section	Proposed Change
Section 9-4-41	Deleted Section 9-4-41 Restriction on Use or Barbed Wire Fences Section will be relocated to Section 25-2-899
Section 25-2-899 (D)	Amendment to simplify height measurement (D) Except as otherwise provided in this section, a solid fence constructed along a property line may not exceed [an average height of six feet or a maximum] a height of seven feet <u>measured from a natural grade up.</u>

Proposed Amendments

City Code Section

Proposed Change

Section 25-2-899 (H) New Subsection

Requirements:

A fence may not include:

- spiked pickets, spiked bars, or other spiked decorative elements above the top horizontal backer rail;
- vertical pickets above the top horizontal backer rail if the vertical pickets are separated by more than two inches and less than nine inches;
- razor like wire;
- 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; or,
- any element that creates a substantial risk of entrapment or impalement

Proposed Amendments

City Code Section

Proposed Change

Section 25-2-899 (H)
New Subsection

Applies to:

- All fences constructed after the effective date of the final ordinance
- All fences for which more than 50% will be replaced (entire fence must comply; percentage determined by total linear distance of existing fence)

Exemptions:

- Fences required to comply with historic design standards
- Fences that are at least six feet in height and located on a property that has a non-residential use (includes multi-family)

Proposed Amendments

City Code Section

Proposed Change

Section 25-2-899 (H) New Subsection

Applies to:

- Fences constructed after the effective date of the final ordinance
- Fences for which more than 50% will be replaced (entire fence must comply; % determined by total linear ft of existing fence)

Exemptions:

- Fences required to comply with historic design standards
- Fences that at least 6-ft feet in height and located on a property that has a non-residential use (includes multi-family)

Other requirements:

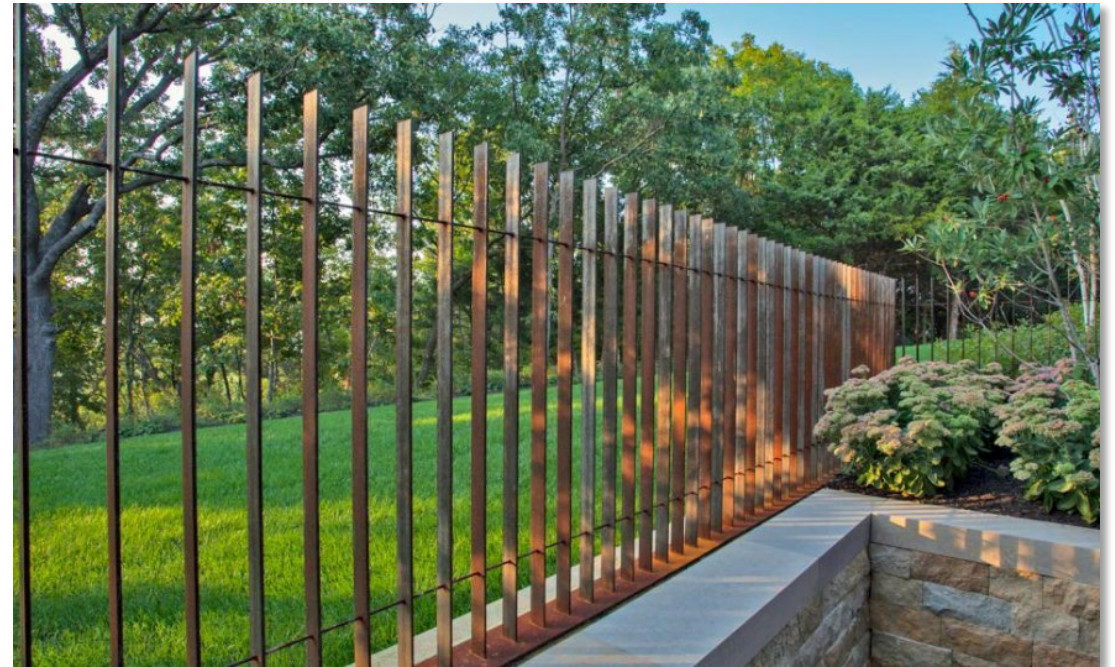
- A solid chain link fence shall use knuckle selvage.
- A fence used as a swimming pool barrier shall comply with Chapter 25-12, Article 14 (*Swimming Pool and Spa Code*).

Staff Recommendation

- **Affordability and enforceability concerns** with the 50% replacement trigger
- Staff recommendation is to **allow property owners to maintain** what they have and trigger compliance with full fence installation/ replacement



Fencing Elements to be Prohibited



Gap between vertical members exceed 2" and potential for impalement

Fencing Elements to be Prohibited



Gap between vertical members exceed 2”
and potential for impalement



Potential for impalement

Compliant Fencing Elements



Compliant Fencing Elements



Next Steps

- **05.23.23: Planning Commission** public hearing and possible action
- **06.08.23: Council** public hearing and possible action





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Thank you!