



Development CITY OF AUSTIN
SERVICES DEPARTMENT

Building a Better and Safer Austin Together

Safe Fencing Regulations

Resolution No. 20211104-039

June 8, 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**

Planning Commission Recommendation

| 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 on flat terrain may not exceed a [an average] height of six feet. [or a maximum a height of seven feet] . |

Planning Commission Recommendation

| City Code Section | Proposed Change |
|----------------------|---|
| Section 25-2-899 (E) | Amendment to consider height measurement on uneven surface (E) A portion of a solid fence constructed along a property line on sloped terrain may be constructed to a maximum height of seven feet. |
| Section 25-2-899 (I) | Amendment to balance safety and visibility (I) A solid fence facing the street may not exceed a height of five feet. |

Planning Commission Recommendation

City Code Section

New Subsection

Section 25-2-899 (J)

(J) 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 June 19, 2023;
- (b) follows historic design standards and complies with Paragraph (3); or
- (c) is at least 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.

Planning Commission Recommendation

City Code Section

New Subsection

Section 25-2-899 (J) & (K)

(3) 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.

(4) A fence that creates a substantial risk of entrapment or impalement is prohibited.

(5) A solid chain link fence shall use knuckle selvage.

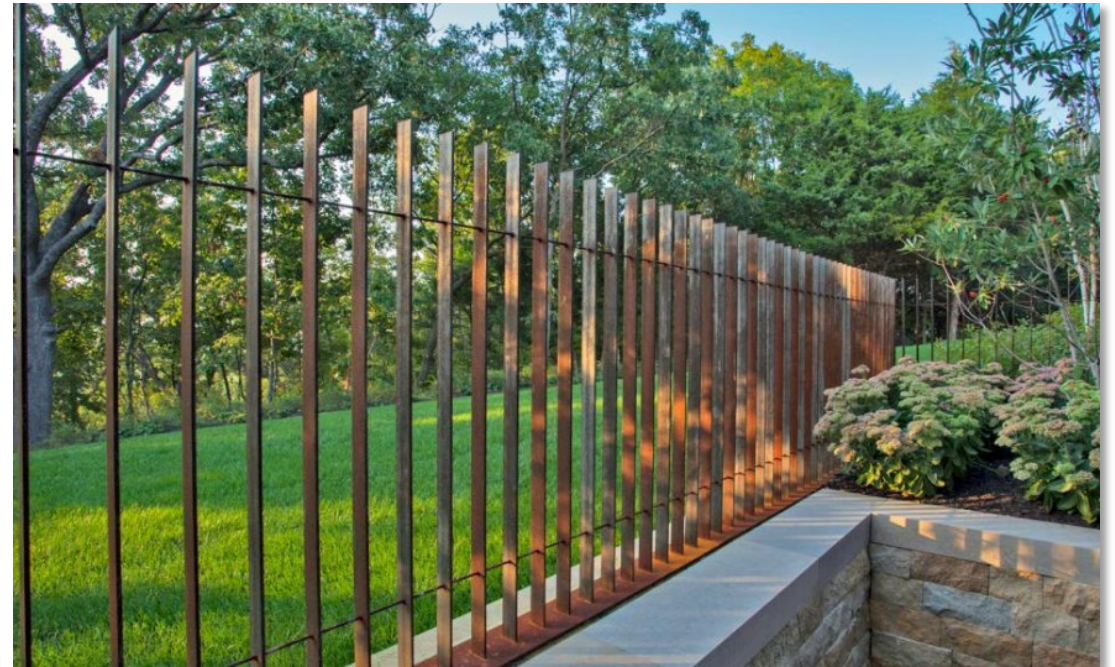
(K) A fence used as a swimming pool barrier shall comply with Chapter 25-12, 70 Article 14 (Swimming Pool and Spa Code).

Staff Recommendation

- **Specifies measurements** begin at natural grade with possible construction to 7 feet where a change in grade of >1 foot occurs. This provides needed clarity and simplicity.
- **Does not** include a different maximum height **for fences facing the street**, as this does not reduce the likelihood of injury.
- Fences following **Historical Design Standards** are not required to follow new standards in Section 25-2-899 (J) (3). These properties follow defined standards and fences contribute to the properties' historical value.
- Both recommendations add **new standards for safe fencing** and do not apply retroactively.



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





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Thank you!