

1. Deleted Paragraph (I)(1)(b)
“follow historic design standards”
2. Updated Line 47 to use “more
than” instead of “at least”
3. Updated Lines 51-53 to add new
Subsection (I)(2)

ORDINANCE NO.

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 City Code Section 9-4-41 (*Restriction on Use of Barbed Wire Fences*) is repealed.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

24 (F[E]) A solid fence along a property line may be constructed to a maximum
25 height of eight feet if each owner of property that adjoins a section of the
26 fence that exceeds a height of six feet files a written consent to the
27 construction of the fence with the building official, and:

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

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

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

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

37 (1) property zoned as a commercial or industrial base district;

38 (2) property used for a commercial or industrial use; or

39 (3) an alley that separates a residential use and:

40 (a) property zoned as a commercial or industrial base district; or

41 (b) property used for a commercial or industrial use.

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

44 (1) This subsection does not apply to a fence that:

45 (a) was constructed before [insert effective date of the ordinance];

46 or

47 (b) is more than six feet in height and located on a property with a
48 non-residential use.

49 (2) When more than 50 percent of the total linear distance of an existing
50 fence is replaced, the entire fence must comply with this subsection.

51 (3) For new or replacement fences that follow historic design standards,
52 this subsection will control if there is a conflict with the historic
53 design standards.

54 (4) A fence may not include:

55 (a) spiked pickets, spiked bars, or other spiked decorative elements
56 above the top horizontal backer rail;

57 (b) vertical pickets above the top horizontal backer rail if the
58 vertical pickets are separated by more than two inches and less
59 than nine inches;

60 (c) razor-like wire; or

61 (d) barbed wire unless the fence is enclosing an airport or other
62 landing area for aircraft and the use of barbed wire is required
63 by Federal Aviation Administration regulation.

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

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

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

70 **PART 3.** This ordinance takes effect on _____, 20____.

71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92

PASSED AND APPROVED

_____, 20____ §
§
§

Kirk Watson
Mayor

APPROVED: _____

Anne L. Morgan
City Attorney

ATTEST: _____

Myrna Rios
City Clerk

