

Attachment H

Razor/Barbed Wire and Electrified Fencing Zoning Code Amendments (not included in Planning Commission recommendation)

Zoning Code Section 4.04.356 deleted:

~~4.04.356 Restrictions on Use of Razor/Barbed Wire~~

- ~~A. Razor/Barbed Wire Materials, Such as Wire Strips or Coiled ("Concertina") Wire Attached to a Fence or a Building. The installation of razor wire shall be permitted only in the CS, IG, and IL Districts, prohibited in all other zoning districts, and is subject to the following restrictions where permitted and must meet the following criteria:~~
- ~~1. Razor/barbed wire, on either a fence, wall or building, is prohibited within 300 feet of the public street frontage, unless such installations will not be visible from any public street as to be determined by and subject to the approval of the Zoning Enforcement Official prior to installation.~~
 - ~~2. Razor/barbed wire shall not extend over a property line or over the public right-of-way.~~
 - ~~3. Razor/barbed wire shall not be located within 200 feet of a residential district.~~
 - ~~4. The height of the fence, with the razor/barbed wire, cannot exceed the fence height limits established in the fence regulations.~~
- ~~B. Removal of Nonconforming Razor/Barbed Wire. In regards to use and/or development applications for properties with razor/barbed wire installations, which are not in compliance with the regulations prescribed in Subsection A above, the nonconforming razor/barbed wire shall be removed as a condition of approval for any zoning permit, conditional use permit, or site plan approval given after August 15, 2001. (Ord. 2020-002 § 4; Ord. 2014-011 § 2; Ord. 2001-015 § 1)~~

Zoning Code Section 4.04.364.D.3.B and 4.04.364.D.3.C added:

- b. Razor/Barbed Wire. Razor/barbed wire materials, such as wire strips or coiled (“concertina”) wire and similar fencing materials capable of inflicting significant physical injury or discomfort are only allowed in the IL and IG Districts, subject to the following.
 - 1. Location. Razor/barbed wire shall not be located within 200 feet of a residential district.
 - 2. Angle of installation. Razor/barbed wire shall be installed and maintained at a forty-five (45) degree or a ninety (90) degree angle into the property it is securing, measured from the vertical axis representing the fence. The razor/barbed wire shall not extend over adjoining public or private property.
 - 3. Clearance. There shall be a minimum of six feet between the lowest portion of the razor/barbed wire and the ground below.
 - 4. Height. The height of the fence, with the razor/barbed wire, cannot exceed the fence height limits established in the fence regulations.
 - 5. Vacant lots. Razor/barbed wire and similar materials capable of inflicting significant physical injury or discomfort are prohibited on vacant lots.
- c. Electrified Security Fencing. Electrified Security Fencing is prohibited on vacant lots and only allowed in the IL and IG Districts, subject to the following.
 - 1. Electrified Security Fencing shall be completely surrounded by a non-electrified perimeter fence or wall that is not less than six feet in height.
 - 2. The space between an electrified fence and the surrounding nonelectrified perimeter fence or wall shall be a minimum of 36 inches and shall be kept clean and free of trash, litter, debris, and vegetation.
 - 3. Electrified security fencing shall not exceed two feet higher than the surrounding nonelectrified perimeter fence or wall and shall not exceed the fence height limits established in the fence regulations.
 - 4. No Security Fencing shall be attached to the Electrified Security Fence or surrounding nonelectrified perimeter fence or wall. Any existing razor/barbed wire attached to any fence or structure on the subject site shall be removed.

5. The energizer for Electrified Security Fences must be driven by a commercial storage battery not to exceed 12 volts DC. The electric charge produced by the fence upon contact shall not exceed the energizer characteristics set forth the International Electrotechnical Commission (IEC) standard.
6. Electrified Security Fences shall be clearly identified with prominently placed warning signs in compliance with applicable building and fire codes.
7. A "Knox Box," disconnect switches and/or other similar approved devices shall be installed for emergency access as may be required by the Police and Fire Departments. When required, disconnect switches and controls shall be installed in an easily accessible location on the property, shall not be obscured in any manner from the street/private driveway access and shall be clearly identified with signs. In the event of an emergency or urgent circumstance requiring that the Police and/or Fire Departments access a property with a permitted electrified fence, and the Knox Box or other similar approved device is absent or non-functional, and an owner, manager, employee, custodian, or any other person with control over the property is not present to disable the electrified fence, fire and/or police personnel shall be authorized to disable the electrified fence in order to gain access to the property. As a condition of permit issuance, when access is attained under emergency or urgent circumstances, all permit applicants and, by extension, the subject site's property owner(s), agree to waive any and all claims for damages to the electrified fence and associated equipment against the City of San Leandro, the Police Department, the Fire Department, their employees and/or others acting at their direction.
8. To the maximum extent permitted by law, all applicants and, by extension, the subject site's property owner(s) issued permits to install an electrified fence as provided in this section shall indemnify, defend and hold harmless the city, its elected officials, officers, agents, contractors, and employees with respect to: any and all claims, damages and losses whatsoever occurring or resulting to any and all persons, firms, or corporations furnishing or supplying work, services, materials, or supplies in connection with or arising out of the exercise of rights granted by the permits and/or approvals associated with the installation of an electrified fence; and any and all claims, liabilities, lawsuits or actions, including any and all claims, liabilities and losses for damage, injury, or death, occurring in connection with or arising out of the granting of or the exercise of the rights granted by the permits and/or approvals associated with the installation of an electrified fence. Applicant's obligation to indemnify, defend,

and hold harmless the city as stated hereinabove shall include, but not be limited to, paying all fees and costs incurred by legal counsel of the city's choice in representing the city in connection with any such claims, losses, lawsuits, or actions, and payment of any award of damages, judgments, verdicts, court costs and attorneys' fees in any such lawsuit or action."