

Item #2: Resolution, On Creating additional 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 that 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 Code 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 of Appeals 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 into consideration, utilizing data from all reputable sources; and

BE IT FURTHER RESOLVED: The code amendment should not apply to fences over 6 ft. in height and should apply to new fences and should consider applying the code amendment to substantial fence repairs.