

RESOLUTION NO.

WHEREAS, City Code Chapter 25-12 (Technical Codes) allows some spiked fence styles that can pose significant risk of harm to humans and animals, and can even cause loss of life; and

WHEREAS, in 1992, recognizing the risk posed by barbed wire fencing, the City Council adopted City Code Section 9-4-41 to restrict the use of barbed wire fence; and

WHEREAS, existing City Code provisions, such as Section 25-2-899 (E)(2) that requires fencing to isolate a hazard for swimming pools, do not consider the potential dangers of the fence itself; and

WHEREAS, the primary concerns for certain types of spiked fencing are entrapment and impalement of children who by nature are climbers, workers performing roof and gutter maintenance, and pets or wildlife that jump over fences; and

WHEREAS, neighborhood councils across the United States (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; and

WHEREAS, flat top fence styles are available to purchase at equivalent cost to spiked fences and present a safer design that can preserve the safety of people, pets, and wildlife; and

WHEREAS, on June 23, 2021, after extensive collaboration with City staff, the Building and Fire Board of Appeals passed a resolution recommending that Council adopt amendments to the City's Technical Codes that allow for this safer fencing alternative; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Council initiates code amendments to the City's Technical Codes 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.

During the code amendment process, the City Manager and stakeholders should explore and consider the following changes:

- 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.

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ADOPTED: _____, 2021 ATTEST: _____
Jannette S. Goodall
City Clerk