

ORDINANCE NO. 2061

INTRODUCED BY: AMADOR, BENSON, BULLOCK, CARSON, DOUGLAS,
ELLIOTT, FORD, MCELLOWNEY, TETER

**AN ORDINANCE AMENDING SECTION 21-7730(4) OF THE COMMERCE CITY
LAND DEVELOPMENT CODE RELATING TO ELECTRIC FENCES**

WHEREAS, the City Council of the City of Commerce City adopted the Land Development Code by Ordinance 1720; and

WHEREAS, the Land Development Code became effective March 1, 2009; and

WHEREAS, the ongoing application and interpretation of the Land Development Code continues to identify areas where clarification or modifications are needed or appropriate; and

Whereas, the City Council of the City of Commerce City believes that the standards relating to the installation and maintenance of electric fences require modification.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO AS FOLLOWS:

SECTION 1. Section 21-7730(4) of the Land Development Code of the City of Commerce City is hereby amended to read as follows:

(4) **Electric Fences.** Electrified fences are permitted in agricultural zoned districts for agricultural and security purposes and in industrial districts for security purposes. For purposes of this section, an electric fence shall not include electric systems that use an electrified buried cable, so long as no part of the electrified cable protrudes above the surface of the ground. Except as specifically provided herein, electric fences shall comply with the standards contained in section 21-7732 of this land development code as well as the following standards.

(a) **Agricultural Zone District Requirement.** No electric fence used for the containment of livestock shall have more than two (2) electric strands. Electric fences that are installed for the purpose of securing farm equipment shall be permitted provided that they comply with each of the elements outlined in paragraph b of this section relating to electric fences installed in industrial zone districts and further provided that they do not enclose any structure used as a primary residence.

(b) **Industrial Zone District Requirements.**

i. A perimeter non-electric fence must surround the exterior of an electric fence. Except for gates, the perimeter fence shall be located not less than six (6) inches from the electric fence. At gates, the perimeter fence shall be located not less than three (3) inches from the electric fence. Perimeter fences shall be regulated by table VII-18.

- ii. Warning signs, notifying the public of the existence of the electric fence shall be posted in a conspicuous manner on the property and at intervals of not less than 25 feet on any property line that abuts either a residential or public zone district and not less than 50 feet on any property line abutting any other zone district. Warning signs shall be written in English and Spanish and shall include a diagram illustrating the fence is electrified.
- iii. A key box with an entry key shall be installed at one or more locations, as determined by the fire department.
- iv. No electric fence shall be installed or operated with a power source other than a storage battery not exceeding 12 volts direct current. Notwithstanding the foregoing, a backup system to maintain security in case of battery failure shall be permitted provided such system will not result in higher voltage being delivered upon contact with the fence.
- v. It shall be unlawful to place an electric fence along any property line adjacent to a residential or public zone district or use unless:
 - a. the electric fence and the perimeter fence required by paragraph (i) above are set back a minimum of 20 feet from the property line and an additional perimeter fence is erected on the property line; or
 - b. a solid style fence or wall is constructed as the perimeter fence.
- vi. The maximum height for an electric fence in each of the categories contained in table VII-18 shall be no more than 2-feet higher than the perimeter fence.

SECTION 2. Except as specifically modified herein, the provisions of the Land Development Code shall remain unchanged and in full force and effect.

SECTION 3. This ordinance shall take effect September 1, 2015.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE
ORDERED THIS 20TH DAY OF JULY, 2015.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED
THIS 17TH DAY OF AUGUST, 2015.

CITY OF COMMERCE CITY, COLORADO

Sean Ford, Mayor

ATTEST:

Laura J. Bauer, MMC, City Clerk