

**STATE OF GEORGIA
CITY OF MCDONOUGH**

ORDINANCE NO. 18-04-05(E)

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF MCDONOUGH, TITLE 15, "BUILDINGS AND CONSTRUCTION" BY CREATING NEW CHAPTER 15.68, "FENCES AND WALLS"; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO OTHERWISE RESTATE AND REAFFIRM THE CITY CODE OF ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MCDONOUGH AND IT IS HEREBY ORDAINED BY AUTHORITY HEREOF:

SECTION I.

The Code of Ordinances of the City of McDonough is hereby amended by creating a new Chapter 15.68, "Fences and Walls," to read as follows:

15.68.010–Purpose.

The purpose of this ordinance is to establish standards for the installation, construction, operation and maintenance of electric fences such as may be allowed within the City of McDonough.

15.68.020–Definitions.

Electric fence means any fence, barrier or enclosure partially or totally surrounding a building, field or yard, carrying any electrical pulse or charge through any part, section or element thereof.

Key box means a terminal that provides emergency responders with safe building access. The installation of all Key Boxes shall conform to all applicable standards contained in the International Fire Code.

15.68.030–Construction standards.

- A. *IEC Standards.* To the extent that it does not otherwise conflict with the requirements of this Chapter, electric fences shall be constructed and installed in conformance with the specifications set forth in IEC Standard 60335-2-76.
- B. *Power source; AC current prohibited.* No electric fence shall be installed or operated with a power source other than a storage battery not exceeding twelve (12) volts direct current, charged primarily with a solar panel; provided, however, in case of inclement weather or other conditions that inhibit the ability of the solar panel to fully recharge the battery, a charging device may be utilized for such purpose, if connected in a manner that ensures that the charging device

cannot provide a source of power directly to the fence. In no case shall an electric fence be connected to any other electric power source. Specifically, AC current shall not be used to energize any electric fence.

C. *Ground system.*

1. All ground system cables shall be properly insulated.
2. The controller ground system shall not be connected to any plumbing systems in or out of use and shall be at least 50 feet from other utility and buried water pipes.
3. The fence controller ground wire shall not touch any buildings on site.
4. The fence controller and its ground system shall be at least 50 feet away from radio and buried telephone wires.

D. *Lighting diverter.* A lightning diverter (commonly referred to as a lightning arrestor) shall be installed between the fence and the fence controller.

E. *Cut-off switch.* A cut-off switch shall be installed capable of disconnecting the fence from the controller in case of emergencies, electrical storms, etc. A Key Box shall be installed to provide secure access to the cut-off switch. The Key Box shall be illuminated to a minimum 1-foot candle.

F. *Energizers.*

1. Each energizer shall be connected to its own ground system and must not be connected to any other ground system(s).
2. 2 or more energizers shall not be connected to the same fence unless the use of multiple energizers does not increase the overall charge transmitted on the fence and adequate access is provided to the cut-off switch for each energizer.

G. *Cabling and connectors.* All cabling and connectors shall be of the same material, e.g. steel, copper, etc.

15.68.040—Installation and construction permit.

- A. The installation of an electric fence requires an approved installation permit. Installation permit applications shall be filed with the Community Development Department, and must include the following:
1. Site plan indicating the location of the electric fence and perimeter fence.
 2. Schematics and load calculations indicating and/or displaying the: location of the power source; materials used for the fence construction; location of the regulating and monitoring equipment, and the location of emergency access, key box and cut-off switch.
- B. The installation permit application fee shall be that which is listed in the fee schedule adopted by the City, and shall be paid at the time of filing the application.

15.68.050—Operating permit.

- A. The operation of an electric fence requires a valid operational permit. Operational permit applications shall be filed with the Fire Department.
- B. An operational permit is valid for 1 year. The date of the expiration of the operational permit shall be provided to the applicant after the approval of the permit.
- C. A written application shall be submitted to the Fire Department on forms furnished for that purpose. No applications may be accepted unless and until the permit fee has been paid. Operational permit applications must include the following:
 - 1. The name and address of the establishment and business telephone number of the applicant, the name and titles and 24 hour emergency telephone numbers of the primary response person and an alternate.
 - 2. The name and address of the person who owns and/or operates the establishment.
 - 3. Certification from a qualified person with expertise in evaluating the safety of electric fences stating that the electric fence installation is in conformity with all applicable safety requirements.
 - 4. A statement by the applicant that the electric fence is in compliance with the requirements of this Chapter.
 - 5. Proof of liability insurance, as required by this Chapter.
- D. Operational permit application fees shall be that which is listed in the fee schedule adopted by the City Council.
- E. Renewal applications and applications filed following permit revocation shall include all of the information required by this section.

15.68.060—Operating permit revocation.

- A. If an electric fence is found to not be in compliance with this Chapter, the Chief of the McDonough Fire Department may revoke the operational permit.
- B. Upon permit revocation, the property owner/operator shall receive a statement from the Fire Department describing the reason for the revocation.
- C. Unless otherwise provided by this Chapter, after revocation, a new operational permit may be applied for and granted upon demonstration by the applicant that the reasons for revocation have been remedied.
- D. Applications for an operating permit following revocation of an existing permit may not be filed until at least 6 months following the date of revocation.

15.68.070–Appeals.

Any person aggrieved by the decision of the Chief of the McDonough Fire Department to revoke an electric fence operating permit may appeal that decision to the City Administrator by submitting a written statement of appeal to the City Administrator no later than 30 days after the date of revocation.

15.68.080–Liability insurance.

The owner of the electric fence and/or the property owner, if different, are each required to carry General Liability Insurance in a minimum amount of 1 million (\$1,000,000) dollars in the aggregate. Further, proof of insurance shall be required as a condition precedent to secure an operational permit as required in this Chapter and upon each subsequent annual renewal. A failure to maintain proof of insurance for the permitted year shall be grounds for denial or revocation of the operational permit. Proof of minimum coverage amounts maintained for the preceding year must be provided with each application for operational permit renewal. Failure to maintain coverage for the entire previous year shall result in a denial of any permit renewal for 5 years from the date of operational permit expiration or revocation. Proof of insurance shall be underwritten by an organization licensed and authorized to do business in the State of Georgia.

15.68.090–Perimeter fence.

No electric fence shall be installed or operated unless it is completely surrounded by a non-electric perimeter fence that is not less than 6 feet in height. The perimeter fence shall be separated from the electric fence as specified in Annex CC of IEC Standard 60335-2-76, with the exception of gate openings. The area between the perimeter wall or fence and the electric fence shall be kept clear of landscaping, shrubbery, other fences or material of any kind. The lowest part of the perimeter fence or wall shall be constructed to follow the natural terrain to prevent penetration of the perimeter fence at ground level. No part of a perimeter fence shall be allowed to be in contact with the electric fence. Perimeter fences shall be one of the following: a wood privacy fence, a chain link fence with wood or plastic slats inserted into each weave of the fence, or an equivalent solid barrier fence.

15.68.100–Location; height.

- A. Electric fences may constructed, installed, operated and/or maintained in non-residential areas only, where the primary use is an existing or proposed outdoor storage area.
- B. The electric fence must be located at least 10 feet from any street property line or 5 feet from a separated sidewalk.
- C. Electric Fences are prohibited within 25 feet of any outdoor area used for the storage, use, or handling of any hazardous material, as defined in the International Fire Code.

- D. An electric fence shall be not less than 8 feet in height; provided, however, no fence or free-standing wall shall be more than 8 feet in height in a residential district.

15.68.110–Warning signs.

Electric Fences shall be clearly identified by warning signs, meeting the following requirements:

- A. All warning signs shall include text that reads: "Warning Electric Fence," printed in English and Spanish. All lettering shall be a minimum of 1" high.
- B. Warning signs required by this section shall be a minimum of 4 inches by 8 inches.
- C. The warning signs shall consist of a yellow background with black inscriptions and must be kept in good condition to ensure visibility.
- D. There shall be a minimum of 1 warning sign on each section of the perimeter fence running parallel to the electric fence, and additional warning signs must be posted so that the distance between warning signs is not greater than 30 feet.

15.68.120–Hours of activation.

An electric fence shall only be energized during the hours when the general public does not have legal access to the protected property and shall be maintained by an automatic timer.

15.68.130–Official access.

Electric fences must have a Fire Department access device or key box, which permits disconnection of the energizer in order to allow public safety personnel to enter the premises without risk of shock.

15.68.140–Violations.

It shall be unlawful for any person to construct, install, maintain, or operate an electric fence in violation of this Chapter.

15.68.150–Penalties.

The maximum penalty for violation of this Chapter is a fine of up to \$1,000, imprisonment up to 6 months, or both.

SECTION 2.

All ordinances and code sections, or parts thereof, in conflict with the foregoing are expressly repealed.

SECTION 3.

The sections, subsections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any section, subsection, paragraph, sentence, clause or phrase shall be declared invalid by any court of law, all remaining provisions shall continue in full force and effect until amended or repealed by action of the City of McDonough.

SECTION 4.

Except as modified herein, the Code of Ordinances of the City of McDonough is hereby reaffirmed and restated. The codifier is hereby granted editorial license to include this amendment in future supplements of the City Code by appropriate section, division, article, or chapter.

SECTION 5.

This ordinance shall become effective immediately upon adoption.

So ordained this 5th day of April, 2018.

CITY OF MCDONOUGH, GEORGIA

Original on File

BILLY COPELAND, MAYOR

ATTEST:

APPROVED AS TO FORM:

Original on File
JANIS PRICE, CITY CLERK

Original on File
LEIGH HANCHER, CITY ATTORNEY