

**Proposed Amendments to:**  
**17C.120.310 Commercial Zones, Fences**  
**17C.130.310 Industrial Zones, Fences**  
**Electric Fences**

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**Title 17C** Land Use Standards

**Chapter 17C.120** Commercial Zones

**Section 17C.120.310** Fences

**A. Purpose.**

The fence standards promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences near streets are kept low in order to allow visibility into and out of the site and to ensure visibility for motorists. Fences in any required side or rear setback are limited in height so as to not conflict with the purpose for the setback.

**B. Types of Fences.**

The standards apply to walls, fences, and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.

**C. Location, Height, and Design.**

**1. Street Setbacks.**

No fence or other structure is allowed within twelve feet from the back of the curb, consistent with the required sidewalk width of [SMC 17C.120.230](#).

**a. Measured from Front Lot Line.**

Fences up to three and one-half feet high are allowed in a required street setback that is measured from a front lot line.

**b. Measured from a Side Lot Line.**

Fences up to six feet high are allowed in a required setback that is measured from a side lot line.

**2. Side and Rear Structure Setbacks.**

Fences up to six feet high are allowed in required side or rear setbacks except when the side or rear setback abuts a pedestrian connection. When the side or rear setback abuts a pedestrian connection, fences are limited to three and one-half feet in height.

**3. Not in Setbacks.**

The height for fences that are not in required setbacks is the same as the regular height limits of the zone.

**4. Sight-obscuring Fences and Walls.**

Sight-obscuring fences, walls and other structures over three and one-half feet high, and within fifteen feet of a street lot line are subject to [SMC 17C.120.570](#), Treating Blank Walls – Building Design.

**D. Prohibited Fences.**

- 1. No person may erect or maintain a fence or barrier consisting of or containing barbed, razor, concertina, or similar wire except that in a CB or GC zone up to**

three strands of barbed wire may be placed atop a lawful fence exceeding six feet in height above grade.

~~2. No person may maintain a fence or barrier charged with electricity.~~

~~3.2.~~ A fence, wall or other structure shall not be placed within a public right-of-way without an approved covenant as provided in [SMC 17G.010.160](#) and any such structure is subject to the height requirement for the adjoining setback.

3. No fence may be closer than twelve feet to the curb.

#### E. Electric Fences.

The construction and use of electric fences shall be allowed in the General Commercial (GC) zones only as provided in this section, subject to the following standards:

##### 1. Permit.

4. Prior to the installation or use of any electrified fence, the property owner or tenants of the property upon which such fencing will be installed or used shall submit a completed application for review of such fencing as a building permit review to receive approval for the fence and electrical permits for the project. The application shall include:

- a. Site plan showing the location of the protective barrier and the electrified fence on the property in relation to the property lines, walkways, existing buildings, and curb;
- b. Fence details showing both the electrified fence and protective barrier, including all gates;
- c. All supporting documentation from the electric fence manufacturer, equipment to be used, and certification of service from the monitoring provider.

##### 2. IEC Standard 60335-2-76.

Unless otherwise specified herein, electric fences shall be constructed or installed in a conformance with the specifications set forth in International Electro technical Commission (IEC) Standard No. 60335-2-76.

##### 3. Electrification.

- a. The energizer for electric fences must be driven by a commercial storage battery not to exceed 12 volts DC. The storage battery is charged primarily by a solar panel. However the solar panel may be augmented by a commercial trickle charger.
- a-b. The electric charge produced by the fence upon contact shall not exceed energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of IEC Standard No. 60335-2-76.

##### 4. Perimeter fence or wall.

No electric fence shall be installed or used unless it is completely surrounded by a non-electrical fence or wall that is not less than six feet tall.

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- b-a. There shall be a space of four (4) to twelve (12) inches between the electric fence and the perimeter fence or wall; and
- e-b. The exterior fence has solid covering (e.g. solid mesh, slats, etc.) to protect the aesthetics of commercial areas and to further prevent contact with the electric fence.
- d-c. Electric fences shall be subject to the screening requirements of SMC 17C.200.070.

**Comment [BB1]:** This Option requires all perimeter fencing in the GC zone to have a solid cover, regardless of proximity to residential, schools, daycares, etc.

#### *Section 17C.200.070 Screening and Impact Abatement*

Screening and impact abatement is required where necessary to reduce the impact of service, storage, loading, and trash areas.

- A. In residential, commercial, center and corridor, downtown, light industrial, and planned industrial zones, all garbage collection, dumpsters, recycling areas, loading, and outdoor storage or activity areas (including but not limited to areas used to store raw materials, finished and partially finished products and wastes) shall be screened from view of persons on adjacent properties and properties that are located across a street or alley. (See development standards for mini-storage requirements.) Screening may be accomplished by any one of the following techniques or their equivalent:
1. An L1 visual screen.
  2. A six-foot high solid masonry wall or sight-obscuring fence five feet inside the property line with an L2 see-through buffer between the fence and the property line.
  3. A five-foot tall earth berm planted with L3 open area landscaping.
  4. Storage areas are not allowed within fifteen feet of a street lot line; and
  5. Screening shall comply with the clear view triangle requirements defined in [SMC 17C.110.230\(G\)](#) for Residential Zones, [SMC 17C.120.310\(E\)](#) for Commercial Zones, [SMC 17C.122.135\(E\)](#) for Center and Corridor Zones, [SMC 17C.124.310\(E\)](#) for Downtown Zones, and [SMC 17C.130.310\(E\)](#) for Industrial Zones. The director of engineering services may further limit the height of plantings, structures, and other site development features within the clear view triangle or may expand the size of the clear view triangle as conditions warrant.



Screening of trash area by wall and planting

- B. In heavy industrial zones, garbage collection, loading, and outdoor storage areas that are abutting or across the street from residential zones are subject to all of the requirements of this section.
- C. In the industrial zones, all uses in the commercial categories area subject to the standards for uses in the general commercial zone.

5. Location.

d. Electric fences shall be permitted on any non-residential outdoor storage areas.

~~e. Electric fences shall not be installed within one hundred fifty (150) feet of a property line for a residence, or from a school, or day care facility, unless the exterior perimeter non-electrified fence is covered with a solid covering (e.g. solid mesh, slats, etc.) to further prevent contact with the electric fence.~~

5-6. Height.

Electric fences shall have a minimum height of 8 feet and a maximum of 10 feet.

7. Warning signs.

Electric fences shall be clearly identified with warning signs that read: "Warning- Electric Fence" at intervals of not less than sixty feet.

6-8. Electric fence burglar alarms shall be governed and permitted under Title 10 Regulation of Activities, Chapter 10.48 False Alarms.

9. Hours of activation.

Electric fences shall not be activated between the hours of 8am and 5pm, except:

- a. On days when the business is closed, such as weekends or holidays; or
- b. When security personnel is available on-site to deactivate the electric fence

10. Key Box.

~~e-a.~~ Electric fences shall have installed a key box system in accordance with the Spokane Fire Department standards

b. The electric fence controller and emergency key safe for the electric fence must be located in a single accessible location for the entire fence

11. Fire Department Registration.

Prior to the installation or use of any electrified fence, the property owner or tenants of the property upon which such fencing will be installed or used shall submit a completed registration for such fencing to the Fire Department using forms provided by the Fire Chief.

12. Indemnification.

All applicants issued a permit to install or use an electric fence as provided in this chapter shall agree, as a condition of permit issuance, to defend, indemnify and hold harmless the City of Spokane and its agents, officers, consultants, independent contractors and employees from any and all claims, actions or proceedings, including but not limited to those arising out of any personal injury, including death, or property damage caused by the electric fence.

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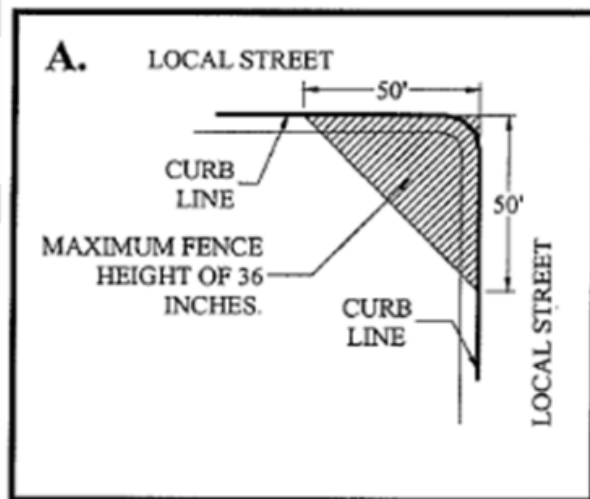
### 13. Emergency Access.

In the event that access by the City of Spokane Fire Department and/or Police Department personnel to a property where a permitted electric fence has been installed and is operating, is required due to an emergency or urgent circumstances, and the Knox Box or other similar approved device referred to in this section 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 electric fence, the fire or police personnel shall be authorized to disable the electric fence in order to gain access to the property. As a condition of permit issuance, all applicants issued permits to install or use an electric fence as provided in this section shall agree in writing to waive any and all claims for damages to the electric fence against the City of Spokane and/or its personnel under such circumstances.

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

#### E.F. Visibility at Intersections.

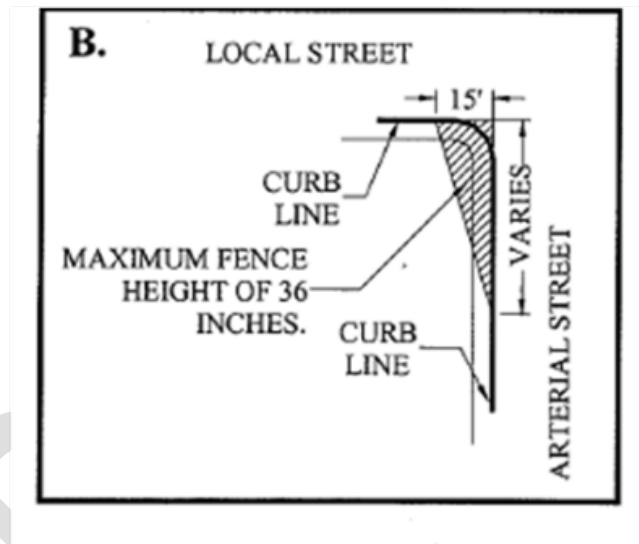
1. A fence, wall, hedge or other improvement may not be erected or maintained at the corner of a lot so as to obstruct the view of travelers upon the streets.
2. Subject to the authority of the traffic engineer to make adjustments and special requirements in particular cases, no fence exceeding a height of thirty-six inches above the curb may be inside the:
  - a. a right isosceles triangle having sides of fifty feet measured along the curb line of each intersecting residential street; or



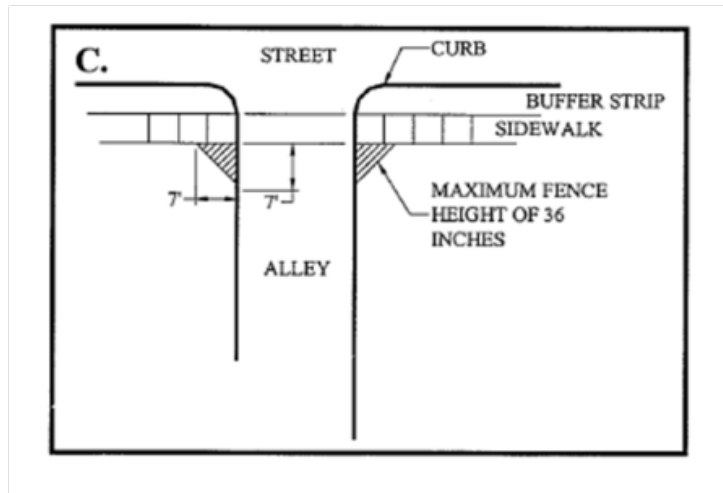
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- b. right triangle having a fifteen-foot side measured along the curb line of the residential street and a seventy-five foot side along the curb line of the intersecting arterial street, except that when the arterial street has a speed limit of thirty-five miles per hour, the triangle has a side along such arterial of one hundred twenty-two feet; or



- c. right isosceles triangle having sides of seven feet measured along the right-of-way line of an alley and:
- the inside line of the sidewalk; or
  - if there is no sidewalk, a line seven feet inside the curb line.



F. Enclosures for Pools, Hot Tubs, or Ponds.

1. A person maintaining a swimming pool, hot tub, pond, or other impoundment of water exceeding five thousand gallons and eighteen inches or more in depth and located on private property is required to construct and maintain an approved fence by which the pool or other water feature is enclosed and inaccessible by small children.
2. The required pool enclosure must be at least fifty-four inches high and may be a fence, wall, building, or other structure approved by the building services department.
3. If the enclosure is a woven wire fence, it is required to be built to discourage climbing.
4. No opening, except a door or gate may exceed four inches in any dimension.
5. Any door or gate in the pool enclosure, except when part of the occupied dwelling unit, must have self-closing and self-locking equipment by which the door or gate is kept secure when not in use. A latch or lock release on the outside of the door or gate must be at least fifty-four inches above the ground.

G. Reference to Other Standards.

Building permits are required by the building services department for all fences including the replacement of existing fences. A permit is not required to repair an existing fence.

Date Passed: Monday, April 25, 2011

Effective Date: Friday, June 3, 2011

ORD C34717 Section 10

## Title 17C Land Use Standards

### Chapter 17C.130 Industrial Zones

#### Section 17C.130.310 Fences

##### A. Purpose

The fence standards promote the positive benefits of fences without adversely impacting the community or endangering public or vehicle safety. Fences near streets are kept low in order to allow visibility into and out of the site and to ensure visibility for motorists. Fences in any required side or rear setback are limited in height so as to not conflict with the purpose for the setback.

##### B. Type of Fences

The standards apply to walls, fences, and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.

##### C. Location, Height, and Design

###### 1. Street Setbacks.

No fence or other structure is allowed within twelve feet from the back of the curb, consistent with the required sidewalk width of [SMC 17C.130.230](#).

###### a. Measured from Front Lot Line.

Fences up to three and one-half feet high are allowed in a required street setback that is measured from a front lot line.

###### b. Measured from a Side Lot Line.

Fences up to six feet high are allowed in required setback that is measured from a side lot line.

###### c. Fences shall not reduce the required setback width of [SMC 17C.130.210](#).

###### 2. Side or Rear Structure Setbacks.

Fences up to six feet high are allowed in required side or rear setbacks except when the side or rear setback abuts a pedestrian connection. When the side or rear setback abuts a pedestrian connection, fences are limited to three and one-half feet in height.

###### 3. Not in Setbacks.

The height for fences that are not in required setbacks is the same as the regular height limits of the zone.

###### 4. Sight-obscuring Fences and Walls.

Any required or non-required sight-obscuring fences, walls, and other structures over three and one-half feet high, and within fifteen feet of a street lot line shall be placed on the interior side of a L2 see-through buffer landscaping area at least five feet in depth (See [chapter 17C.200 SMC](#), Landscaping and Screening).

##### D. Prohibited Fences

1. No person may erect or maintain a fence or barrier consisting of or containing barbed, razor, concertina, or similar wire except that up to three strands of barbed wire may be placed atop a lawful fence exceeding six feet in height above grade.

~~2. No person may maintain a fence or barrier charged with electricity.~~

~~3.2.~~ A fence, wall or other structure shall not be placed within a public right-of-way without an approved covenant as provided in [SMC 17G.010.160](#) and any such structure is subject to the height requirement for the adjoining setback.

3. No fence may be closer than twelve feet to the curb.

##### E. Electric Fences.

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The construction and use of electric fences shall be allowed in the Light Industrial (LI) and Heavy Industrial (HI) zones only as provided in this section, subject to the following standards:

3.1. Prior to the installation or use of any electrified fence, the property owner or tenants of the property upon which such fencing will be installed or used shall submit a completed application for review of such fencing as a building permit review to receive approval for the fence and electrical permits for the project. The application shall include:

- a. Site plan showing the location of the protective barrier and the electrified fence on the property in relation to the property lines, walkways, existing buildings, and curb;
- b. Fence details showing both the electrified fence and protective barrier, including all gates;
- c. All supporting documentation from the electric fence manufacturer, equipment to be used, and certification of service from the monitoring provider.

2. IEC Standard 60335-2-76.

Unless otherwise specified herein, electric fences shall be constructed or installed in a conformance with the specifications set forth in International Electro technical Commission (IEC) Standard No. 60335-2-76.

3. Electrification.

- a. The energizer for electric fences must be driven by a commercial storage battery not to exceed 12 volts DC. The storage battery is charged primarily by a solar panel. However the solar panel may be augmented by a commercial trickle charger.
- b. The electric charge produced by the fence upon contact shall not exceed energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of IEC Standard No. 60335-2-76.

4. Perimeter fence or wall.

- a. No electric fence shall be installed or used unless it is completely surrounded by a non-electrical fence or wall that is not less than six feet tall.
- b. There shall be a space of four (4) to twelve (12) inches between the electric fence and the perimeter fence or wall.
- c. Electric fences shall be subject to the screening requirements of SMC 17C.200.070.

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#### Section 17C.200.070 Screening and Impact Abatement

Screening and impact abatement is required where necessary to reduce the impact of service, storage, loading, and trash areas.

- B. In residential, commercial, center and corridor, downtown, light industrial, and planned industrial zones, all garbage collection, dumpsters, recycling areas, loading, and outdoor storage or activity areas (including but not limited to areas used to store raw materials, finished and partially finished products and wastes) shall be screened from view of persons on adjacent properties and properties that are located across a street or alley. (See development standards for mini-storage requirements.) Screening may be accomplished by any one of the following techniques or their equivalent:
1. An L1 visual screen.
  2. A six-foot high solid masonry wall or sight-obscuring fence five feet inside the property line with an L2 see-through buffer between the fence and the property line.
  3. A five-foot tall earth berm planted with L3 open area landscaping.
  4. Storage areas are not allowed within fifteen feet of a street lot line; and
  5. Screening shall comply with the clear view triangle requirements defined in [SMC 17C.110.230\(G\)](#) for Residential Zones, [SMC 17C.120.310\(E\)](#) for Commercial Zones, [SMC 17C.122.135\(E\)](#) for Center and Corridor Zones, [SMC 17C.124.310\(E\)](#) for Downtown Zones, and [SMC 17C.130.310\(E\)](#) for Industrial Zones. The director of engineering services may further limit the height of plantings, structures, and other site development features within the clear view triangle or may expand the size of the clear view triangle as conditions warrant.



Screening of trash area by wall and planting

- D. In heavy industrial zones, garbage collection, loading, and outdoor storage areas that are abutting or across the street from residential zones are subject to all of the requirements of this section.
- E. In the industrial zones, all uses in the commercial categories area subject to the standards for uses in the general commercial zone.

#### 5. Location.

- d. Electric fences shall be permitted on any non-residential outdoor storage areas.
- e. Electric fences shall not be installed within one hundred fifty (150) feet of a property line for a residence, or from a school, or day care facility, unless the exterior perimeter non-electrified fence is covered with a solid covering (e.g. solid mesh, slats, etc.) to further prevent contact with the electric fence.

#### 6. Height.

Electric fences shall have a minimum height of 8 feet and a maximum height of 10 feet.

#### 7. Warning signs.

Electric fences shall be clearly identified with warning signs that read: "Warning- Electric Fence" at intervals of not less than sixty feet.

8. Electric fence burglar alarms shall be governed and permitted under Title 10 Regulation of Activities, Chapter 10.48 False Alarms.

9. Hours of activation.

Electric fences shall not be activated between the hours of 8am and 5pm, except:

- a. On days when the business is closed, such as weekends or holidays; or
- b. When security personnel is available on-site to deactivate the electric fence

10. Key Box.

- a. Electric fences shall have installed a key box system in accordance with the Spokane Fire Department standards
- b. The electric fence controller and emergency key safe for the electric fence must be located in a single accessible location for the entire fence

11. Fire Department Registration.

Prior to the installation or use of any electrified fence, the property owner or tenants of the property upon which such fencing will be installed or used shall submit a completed registration for such fencing to the Fire Department using forms provided by the Fire Chief.

12. Indemnification.

All applicants issued a permit to install or use an electric fence as provided in this section shall agree, as a condition of permit issuance, to defend, indemnify and hold harmless the City of Spokane and its agents, officers, consultants, independent contractors and employees from any and all claims, actions or proceedings, including but not limited to those arising out of any personal injury, including death, or property damage caused by the electric fence.

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13. Emergency Access.

In the event that access by the City of Spokane Fire Department and/or Police Department personnel to a property where a permitted electric fence has been installed and is operating, is required due to an emergency or urgent circumstances, and the Knox Box or other similar approved device referred to in this Chapter 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 electric fence, the fire or police personnel shall be authorized to disable the electric fence in order to gain access to the property. As a condition of permit issuance, all applicants issued

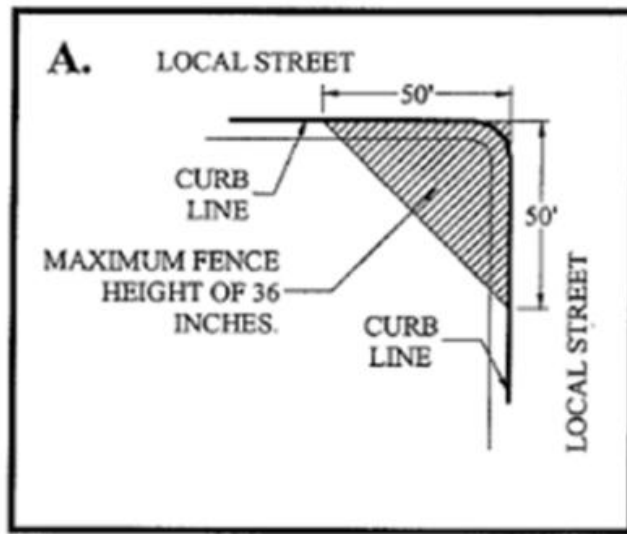
permits to install or use an electric fence as provided in this section shall agree in writing to waive any and all claims for damages to the electric fence against the City of Spokane and/or its personnel under such circumstances.

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

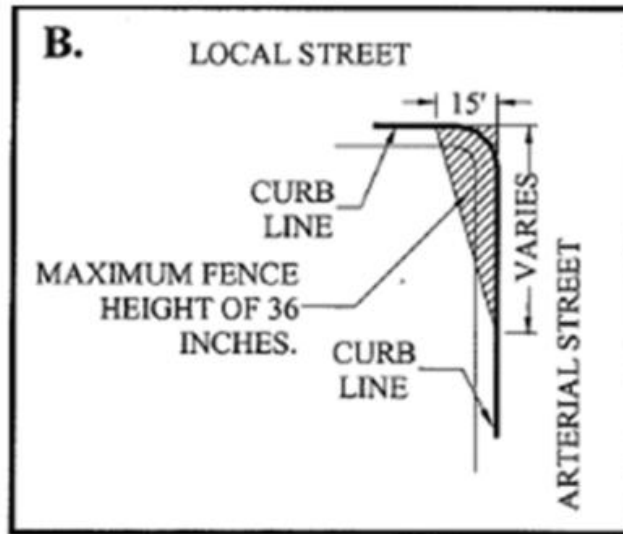
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E.F. Visibility at Intersections

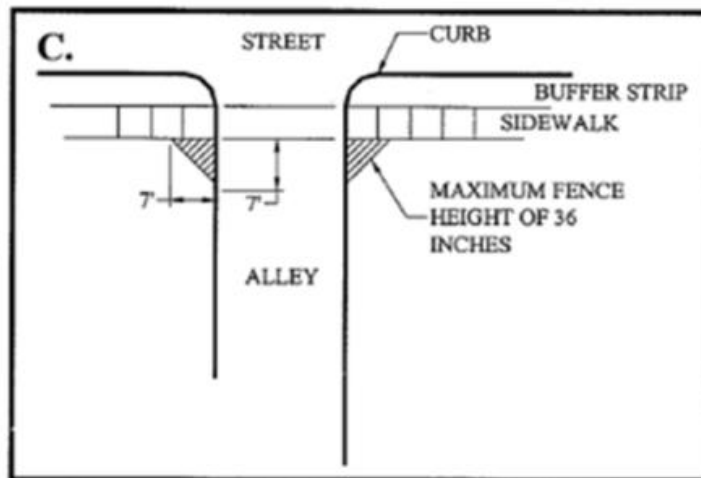
1. A fence, wall, hedge or other improvement may not be erected or maintained at the corner of a lot so as to obstruct the view of travelers upon the streets.
2. Subject to the authority of the traffic engineer to make adjustments and special requirements in particular cases, no fence exceeding a height of thirty-six inches above the curb may be inside the:
  - a. right isosceles triangle having sides of fifty feet measured along the curb line of each intersecting residential street; or



- b. right triangle having a fifteen-foot side measured along the curb line of the residential street and a seventy-five foot side along the curb line of the intersecting arterial street, except that when the arterial street has a speed limit of thirty-five miles per hour, the triangle has a side along such arterial of one hundred twenty-two feet; or



- c. right isosceles triangle having sides of seven feet measured along the right-of-way line of an alley and:
- the inside line of the sidewalk; or
  - if there is no sidewalk, a line seven feet inside the curb line.



F.G. Enclosures for Pools, Hot Tubs, or Ponds

1. A person maintaining a swimming pool, hot tub, pond, or other impoundment of water exceeding five thousand gallons and eighteen inches or more in depth and located on private property is required to construct and maintain an approved fence by which the pool or other water feature is enclosed and inaccessible by small children.

2. The required pool enclosure must be at least fifty-four inches high and may be a fence, wall, building or other structure approved by the building services department.
3. If the enclosure is a woven wire fence, it is required to be built to discourage climbing.
4. No opening, except a door or gate may exceed four inches in any dimension.
5. Any door or gate in the pool enclosure, except when part of the occupied dwelling unit, must have self-closing and self-locking equipment by which the door or gate is kept secure when not in use. A latch or lock release on the outside of the door or gate must be at least fifty-four inches above the ground.

G.H. Reference to Other Standards

Building permits are required by the building services department for all fences including the replacement of existing fences. A permit is not required to repair an existing fence.

Date Passed: Monday, July 23, 2012

Effective Date: Thursday, August 30, 2012

ORD C34888 Section 8