

MEMORANDUM

Amended
Agenda Item No. 7(A)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

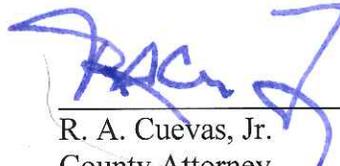
DATE: September 20, 2011

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance pertaining to
zoning; regulating fences
charged with electricity;
amending Section 33-11 of the
Code

Ordinance No. 11-68

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Bruno A. Barreiro.



R. A. Cuevas, Jr.
County Attorney

RAC/jls

Memorandum



Date: September 20, 2011

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Ordinance pertaining to the regulation of fences charged with electricity

The proposed ordinance pertaining to the regulation of fences charged with electricity in Industrial (IU) Districts will not have a fiscal impact to the County.


County Executive Office



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: September 20, 2011

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Amended
Agenda Item No. 7(A)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Amended
Agenda Item No. 7(A)
9-20-11

ORDINANCE NO. 11-68

ORDINANCE PERTAINING TO ZONING; REGULATING FENCES CHARGED WITH ELECTRICITY; AMENDING SECTION 33-11 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 33-11(g) of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 33-11. Fences, Walls, Bus Shelters and Hedges.

* * *

(g) *Wire fences, barbed wire and electricity charged fences.* Wire fences shall be permitted in all districts except where otherwise prohibited by this chapter. Barbed wire fences and fences charged with electricity shall be permitted only in the AU Zoning District, except as may be approved after public hearing and except>>:;<<

>>i)<< [[that]] Barbed wire fences shall be permitted in the BU and IU Zones where such barbed wire is placed on an angle extension of not more than sixteen (16) inches on top of walls or fences at least six (6) feet in height. This extension shall contain no more than three (3) strands of barbed wire and shall not extend

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

over official rights-of-way or over property under different ownership.

>>(ii) Electrically charged secondary wire fences that are pulsating shall be permitted in IU Districts where such fences conform with the requirements of Section 33-11(k).<<

- (h) *Heights in RU and EU-M Districts.* In the RU and EU-M Districts, the height of any fence, or wall shall not exceed six (6) feet. In the RU and EU-M Districts, the height of any hedge shall not exceed seven (7) feet. In the RU-5 and RU-5A Districts, fences, walls and hedges shall conform to these regulations, except as may otherwise specifically be required by the District regulations.
- (i) *Height in other EU, AU and GU Districts.* In EU Districts other than EU-M, and in AU and GU Districts, the height of any fence, or wall shall not exceed six (6) feet when located within the required front or side street setback areas; In EU Districts other than EU-M, and in AU and GU Districts, the height of any hedge shall not exceed seven (7) feet when located within the required front or side street setback areas. At other points in such districts, fences, walls or hedges shall not exceed eight (8) feet in height. The Director may authorize hedges of a greater height for windbreaks for groves when necessary to protect same.
- (j) *Height in BU and IU Districts.* In the BU and IU Districts, the height of any wire fence shall not exceed eight (8) feet when located within the required front or side street setback areas or when located between the building line and other property lines. Walls and hedges, when located within the required front or side street setback areas shall not exceed four (4) feet in height. When located between the building line and other property lines, walls and hedges shall not exceed eight (8) feet in height. >>It is provided, however, that electrically charged secondary wire fences in IU Districts shall not exceed ten (10) feet or two (2) feet above the height of primary perimeter fence, whichever is lower.<<
- (k) *IU Districts, fence in lieu of wall.* In IU Districts, a wire fence >>or combination wire fence and electrically charged secondary wire fence that is pulsating<< shall be permitted

in lieu of a masonry wall as required in the ~~[[Industrial]]~~
>>IU<< Districts under the following conditions:

- (1) That the property concerned is zoned industrial and the adjacent property, either abutting on or across the street from where the fence is to be erected is zoned industrial.
- (2) The storage within such fences be limited to vehicles, equipment and new materials.
- (3) That all required parking be excluded from the fenced-in area, unless otherwise approved by the Director.
- (4) Where abutting property is other than industrial, or where the property on the street opposite the industrial site concerned is zoned other than industrial, a concrete wall will be erected as otherwise provided for in this chapter.
- >>(5) Electrically charged secondary wire fences shall be completely surrounded by a non-electrical fence or wall located between the electrically charged wire fence and the perimeter of the property; and
- (6) The height of the electrically charged secondary wire fence shall not exceed ten (10) feet or two (2) feet above the height of a non-electrical perimeter fence, whichever is lower; and
- (7) Electrically charged wire fences shall be clearly identified with warning signs that read: "Warning - Electric Fence". Such warning signs in three languages, English, Spanish and Creole, shall be posted on the electrically charged fence at least five (5) feet above finished grade and spaced no greater than sixty (60) feet apart; and
- (8) A Building permit shall be required prior to installing an electrically pulsating charged wire fence. Said fence must meet all applicable life-safety codes.

It is provided, however, that the limitations set forth in this section for electrically charged fences shall not apply to United States Military Bases.<<

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: September 20, 2011

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Craig H. Coller / John McInnis

Prime Sponsor: Commissioner Bruno A. Barreiro