

# CITY COUNCIL REPORT



Meeting Date: November 13, 2018  
General Plan Element: *Neighborhoods*  
General Plan Goal: *Enhance and protect neighborhoods*

## **ACTION**

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Adopt Ordinance No. 4370 amending Scottsdale Revised Code Section 18-14 in order to prohibit electrified fencing.

## **BACKGROUND**

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The City's Public Nuisance and Property Maintenance Ordinance found under Chapter 18 of the Scottsdale Revised Code establishes standards for the maintenance of property within the City. By doing so it promotes the health, safety, economic, aesthetic and general welfare of the community and citizens of Scottsdale. This Chapter also protects and preserves neighborhoods against blight, public nuisances, deterioration and helps maintain a clean environment. The City of Scottsdale Code Enforcement Department is responsible for enforcing Chapter 18 and through enforcement of this ordinance, the department enhances neighborhoods and serves the community by seeking the cooperation of all Scottsdale residents and business owners in keeping Scottsdale well maintained and safe. Chapter 18 was adopted by the City Council in 2002, with a comprehensive review in 2014. As part of the 2014 update, the Scottsdale City Council amended Section 18-14 to include the following provisions:

Sec. 18-14. - Barbed wire, razor wire, razor ribbon, concertina wire, or similar features prohibited; exceptions.

(a) The use as a fence or wall, either in whole or part, of barbed wire, razor wire, razor ribbon, concertina wire, or similar features is prohibited on all residential land throughout the city.

(b) Notwithstanding the provisions of subsection (a) of this section and unless otherwise prohibited by law, barbed wire used to control livestock that complies with Arizona Game and Fish Department guidelines for Wildlife Compatible Fencing that does not exceed City of Scottsdale fencing height standards is permitted within any residential district that meets the criteria established for rural residential lifestyle.

(c) For the purposes of this section, livestock has the same meaning as defined in A.R.S. Section 3-1201.

This amendment was adopted to protect the safety and welfare of residential neighborhoods from potentially dangerous fencing and that could also be aesthetically inconsistent with such neighborhoods..

The proposed ordinance amendment expands Section 18-14 to also prohibit electrified fencing in residential neighborhoods. This is necessary to protect the safety and welfare of residential neighborhoods from potentially dangerous electrified fencing and maintain neighborhood aesthetics. The ordinance does contain an exception for electrified fencing (and other fencing) used for livestock control in rural residential areas. It should also be noted that this proposed amendment does not include underground wireless border fencing typically sold in pet stores.

## **APPLICANTS PROPOSAL**

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### **Goal/Purpose of Request**

The addition of a specific prohibition of electrified fencing (and similar type) fencing on residential land is to promote the public safety and welfare. It also maintains neighborhood aesthetics. The ordinance contains a limited exception in certain rural zoning districts for control of livestock.

### **Community Involvement**

The information on the proposed changes was posted on the City's website at <http://www.scottsdaleaz.gov/codes/propertymaintenance>, including an e-mail address and phone number for feedback.

The draft of the proposed amendments was sent to the Neighborhood Notification and Block Watch email distribution list, as well as included in the Planning and Zoning (P&Z) link and in Scottsdale Update.

## **RESOURCE IMPACTS**

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### **Available funding**

There are no additional funds needed.

### **Staffing, Workload Impact**

There will be no additional staff needed to administer these changes. Revisions to the computer systems, procedures and enforcement can be handled by existing staff.

**OTHER BOARDS & COMMISSIONS**

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On August 22<sup>nd</sup>, staff presented the proposed Ordinance amendment to the Neighborhood Advisory Commission. The Commission reviewed the proposed amendment and indicated support for the proposal.

**OPTIONS & STAFF RECOMMENDATION**

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**Recommended Approach**

**RESPONSIBLE DEPARTMENT(S)**

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Planning & Development Services, City Attorney


**STAFF CONTACTS (S)**

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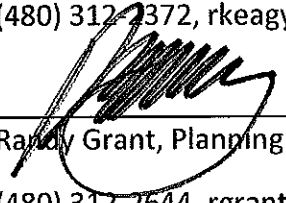
Raun Keagy, Neighborhood Services Director, [rkeagy@scottsdaleaz.gov](mailto:rkeagy@scottsdaleaz.gov); Luis Santaella, Sr. Assistant City Attorney, [lsantaella@scottsdaleaz.gov](mailto:lsantaella@scottsdaleaz.gov)

**APPROVED BY**

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Raun Keagy, Neighborhood Services Director

10/24/18  
Date

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Randy Grant, Planning & Development Director  
(480) 312-2644, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)

10/24/18  
Date

**ATTACHMENTS**

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1. Ordinance No. 4370
2. Amendments to Chapter 18, Public Nuisance and Property Maintenance, of the Scottsdale Revised Code

ORDINANCE NO. 4370

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
SCOTTSDALE, AMENDING SECTION 18-14 OF THE  
SCOTTSDALE REVISED CODE

WHEREAS, the City Council finds that it is necessary to protect the health, welfare and safety of the community by prohibiting the use of electrified fencing in residential land throughout the city except for livestock control in residential districts that meet the criteria established for rural residential lifestyle.

THEREFORE, BE IT ORDAINED by the Council of the City of Scottsdale as follows:

Section 1. Section 18-14 of the Scottsdale Revised Code is amended as follows with new language shown in shaded format and deleted language in strikethrough format:

**Sec.18-14. - Barbed wire, razor wire, razor ribbon, concertina wire, ~~electrified fencing~~, or similar features prohibited; exceptions.**

(a) The use as a fence or wall, either in whole or part, of barbed wire, razor wire, razor ribbon, concertina wire, ~~electrified fencing~~, or similar features is prohibited on all residential land throughout the city.

(b) Notwithstanding the provisions of subsection A ~~(a)~~ of this section and unless otherwise prohibited by law, barbed wire ~~and electrified fencing~~ used to control livestock that complies with Arizona Game and Fish Department guidelines for Wildlife Compatible Fencing that does not exceed City of Scottsdale fencing height standards is permitted within any residential district that meets the criteria established for rural residential lifestyle.

(c) For the purposes of this section, livestock has the same meaning as defined in A.R.S. Section 3-1201.

PASSED AND ADOPTED by the Council of the City of Scottsdale this 13th day of November 2018.

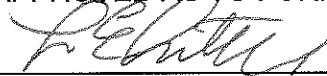
ATTEST:

CITY OF SCOTTSDALE, an  
Arizona municipal corporation

\_\_\_\_\_  
Carolyn Jagger  
City Clerk

\_\_\_\_\_  
W. J. "Jim" Lane  
Mayor

APPROVED AS TO FORM:

  
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Bruce Washburn, City Attorney  
By: Luis E. Santaella, Senior Assistant City Attorney  
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