



Legislation Details (With Text)

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Title: Amending Toledo Municipal Code (TMC), Part Eleven, Subsection 1105.0303; modifying “Fences and Hedges” -Barbed Wire Prohibited; to also prohibit electric fences; and declaring an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Plan Commission Report, 2. Video: City Council 12/19/2023

| Date | Ver. | Action By | Action | Result |
|------------|------|--------------|------------|--------|
| 12/19/2023 | 1 | City Council | Suspension | Pass |
| 12/19/2023 | 1 | City Council | Emergency | Pass |
| 12/19/2023 | 1 | City Council | Passage | Pass |

Zoning & Planning Committee

Amending Toledo Municipal Code (TMC), Part Eleven, Subsection 1105.0303; modifying “Fences and Hedges” -Barbed Wire Prohibited; to also prohibit electric fences; and declaring an emergency.

SUMMARY & BACKGROUND:

The current Zoning Code does not define or provide regulations for the use of electric fences. This omission has led to uncertainty about where electric fences are allowed in certain zoning districts. The proposed text amendment provides clarity that electric fences are allowed in specific zoning districts, subject to certain regulations.

The current Zoning Code outlines fence regulations for barbed wire, razor wire, and concertina in TMC§1105.0303. It states that these types of fences are prohibited in all zoning districts except Industrial Districts and then only in the side and rear yards, when the location is not within fifty-feet (50’) of a Residential District, and not in the front yard setback or anywhere along a street right-of-way. However, the current prohibition does not include or consider the use of electric fences. Due to this oversight, staff determined it would be in the best interest to complete a study of other Ohio city’s Zoning Codes and summarize the standard requirement for electric fences in different zoning districts.

The Zoning Codes from other Ohio cities were all similar in their regulations on barbed wire and electrical fences. All jurisdictions reviewed prohibit the use of electrical fences in residential districts but allow them industrial districts, with certain conditions. In fact, the City of Toledo is one of a few cities reviewed without regulations on electric fences in the zoning code. Cities reviewed include Columbus, Cincinnati, Cleveland, Dayton, Maumee, and Perrysburg.

In addition to other Zoning Codes in Ohio, the Ohio Revised Code has building standards which outline

the minimum state requirements for electric fences or “battery-charged fences” as defined in ORC 3781.1011.

"Battery-charged fence" means a fence connected to a battery-operated energizer that is intended periodically to deliver voltage impulses to the fence, a battery charging device used exclusively to charge the battery, and any other ancillary components or equipment attached to such a system.

Additionally, the Ohio Revised Code allows jurisdictions to adopt more restrictive regulations on “battery-charged fences” than listed below. As stated in ORC 3781.1011(B):

- (B) A battery-charged fence installed on private, nonresidential property within a county, township, or municipal corporation shall satisfy all of the following:*
- (1) Interface with a monitored alarm system;*
 - (2) Have a battery-operated energizer that is powered by a commercial storage battery that is not more than twelve volts of direct current, and that meets the standards set forth by the international electrotechnical commission 60335-02-76 current edition;*
 - (3) Be completely surrounded by a nonelectric perimeter fence or wall that is not less than five feet in height;*
 - (4) Be not more than the higher of ten feet in height, or two feet higher than the height of the nonelectric perimeter fence or wall; and*
 - (5) Be marked with conspicuous warning signs that are located on the battery-charged fence at not more than forty-foot intervals and that read: "WARNING--ELECTRIC FENCE."*

Staff recommends electric fences shall be regulated in the same manner as barbed wire, razor wire, concertina wire or the like, and only permitted in the industrial zoning districts, and when in conformance with ORC 3781.1011. Based on the review of fence regulations in Ohio cities and the Ohio Revised Code staff recommends TMC§1105.0303 be amended as shown in Exhibit “A”. NOW, THEREFORE,

Be it ordained by the Council of the City of Toledo:

SECTION 1. That Toledo Municipal Code, Part Eleven, Subsection 1105.0303 which read as follows:

| Fences and Hedges

Fences and hedges shall be permitted in any required setback.

1105.0303 Barbed Wire Prohibited

The use of barbed wire, razor wire, concertina wire or the like shall not be permitted in any zoning district except the Industrial districts and then only in the side and rear yards when not within 50 feet of a Residential district, not in the front yard setback and not anywhere along a street right-of-way.

1116.0132.1

Electric Vehicle (EV)

EV includes BEV Battery Electric Vehicles, which are vehicles that utilize an externally charged battery as the primary fuel source and PHEV Plug in Hybrid Vehicles which are vehicles that utilize a combination of an externally charged battery and an internal combustion engine.

1116.0132.2

EV Charging Equipment

An electrical dispenser designed specifically to charge batteries within electric vehicles.

1116.0132.3

EV Charging Infrastructure

Electrical and other components designed to enable charging operations but not necessarily directly used to charge batteries such as generators, transformers, mini-substations, and other similar structures.

Is hereby repealed.

SECTION 2. That a new Toledo Municipal Code, Part Eleven, Subsection 1105.0303. is created to read as follows:

| Fences and Hedges

Fences and hedges shall be permitted in any required setback.

1105.0303 Barbed Wire & *Electric Fences* Prohibited

The use of barbed wire, razor wire, concertina wire, *electric fences as defined in Sec. 1116.0100*, or the like shall not be permitted in any zoning district except the Industrial districts and then only in the side and rear yards when not within 50 feet of a Residential district, not in the front yard setback and not anywhere along a street right-of-way.

1116.0132.1

Electric fences

A fence that is within conformance to ORC 3781.1011(B) and any fence connected to an electrical circuit that is intended periodically to deliver voltage impulses to the fence.

1116.0132.2

Electric Vehicle (EV)

EV includes BEV Battery Electric Vehicles, which are vehicles that utilize an externally charged battery as the primary fuel source and PHEV Plug in Hybrid Vehicles which are vehicles that utilize a combination of an externally charged battery and an internal combustion engine.

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An electrical dispenser designed specifically to charge batteries within electric vehicles.

1116.0132.4

EV Charging Infrastructure

Electrical and other components designed to enable charging operations but not necessarily directly used to charge batteries such as generators, transformers, mini-substations, and other similar structures.

SECTION 3. That this Ordinance hereby is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety and property, and that this Ordinance must be immediately effective in order to provide for the orderly development of the area and to protect the land values in the area.

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor