



DEVELOPMENT SERVICES

RULE INTERPRETATION DETERMINATION

Determination #: 2024-004

Title: *Barbed Wire Fences for CPS and SAWS Facilities*

Drafted by: *Street Construction and Trees Section, Land Development Division*

Rule in Question: *Section 35-514(a)(6)c. Fences*

Department Action: *This RID is for clarification purposes and includes suggested UDC amendments for the next Unified Development Code Amendment cycle.*

Michael Shannon, PE, CBO
Development Services Director

5/24/24

Date

Effective Date of Determination: *Immediately*

Please note RIDs often result in direct or related UDC amendments to codify the clarification addressed within the RID. RIDs can also be superseded by subsequent RIDs or UDC amendments. The Development Services Department will remove RIDs from the website when they are no longer valid.

Staff Analysis: Unified Development Code (UDC) Section 35-514(a)(6)c. regarding barbed wire fences was developed to protect the public from suffering significant physical injury.

Section 35-514(a)(6) specifically states:

(6) All fences shall be constructed of wood, chain link, stone, rock, concrete block, pre-cast concrete panels, masonry brick, brick, decorative wrought iron or other material(s) which are similar in durability. The following materials shall not be used for fencing:

a. [...]

b. [...]

c. Barbed wire, razor wire, and other similar fencing materials capable of inflicting significant physical injury; provided, however, that barbed wire may be permitted by right within a governmental facility [...]

The above section references governmental facilities, but governmental facilities has not been specifically defined within the UDC in such a way that is clear regarding organizations such as CPS or SAWS. CPS and SAWS facilities often employ the use of barbed wire fencing to protect the public from being injured from dangerous equipment and protect the facilities from tampering attempts. Utilities such as power and water are defined as Critical Infrastructure by the Department of Defense and such infrastructure contains suggestions on protection; one such measure is the use of barbed wire fencing around the facilities.

Staff Position and Interpretation: It is staff's interpretation that the need to protect the public from both dangerous equipment and protect the facilities from tampering attempts outweighs the need to protect the public from the use of barbed wire fencing in these instances.

Future UDC Amendments:

(6) All fences shall be constructed of wood, chain link, stone, rock, concrete block, pre-cast concrete panels, masonry brick, brick, decorative wrought iron or other material(s) which are similar in durability. The following materials shall not be used for fencing:

a. Cast-off, secondhand, or other items not originally intended to be used for constructing or maintaining a fence.

b. Plywood less than five-eighths ($\frac{5}{8}$) inch thick, plywood not of a grade approved by the development services director, particle board, paper, and visqueen plastic, plastic tarp, or similar material.

c. Barbed wire, razor wire, and other similar fencing materials capable of inflicting significant physical injury; provided, however, that barbed wire may be permitted by right within [the property boundaries of](#) a governmental facility, [including CPS and SAWS facilities](#), and through an administrative exception of the development services director for private nonresidential facilities where all of the following findings of fact are made: