ORDINANCE NO. 2015-O-12

AN ORDINANCE CREATING A NEW DEFINITION AND DEVELOPMENT STANDARDS FOR ELECTRIFIED SECURITY FENCING FOR NON-RESIDENTIAL OUTDOOR STORAGE AREAS IN THE CLEAN INDUSTRIAL ZONE DISTRICTS (SECTIONS 17-2-5, 17-2-6, 17-7-13.2, AND 17-7-13.9 B.1.f. OF THE MIDVALE MUNICIPAL CODE); ALSO PROVIDING A SAVING CLAUSE AND AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, pursuant to Sections 10-9-401 through 10-9-405 Utah Code Annotated 1953 as amended, the City has the authority to make and amend a zoning plan which divides the City into zoning districts and within those districts to regulate the erection, construction, reconstruction, alteration, and uses of buildings and structures and the uses of land to promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of the municipality; and

WHEREAS, pursuant to Section 10-6-12 Utah Code Annotated 1953 as amended, the City has the authority to adopt and amend the Midvale City Municipal Code;

WHEREAS, Midvale City was made aware of additional uses not contemplated when the Zoning Ordinance was originally adopted with regard to fencing types; and

WHEREAS, Midvale City recognized these additional fencing types could further provide safety and security of individual properties and their uses; and

WHEREAS, the Planning Commission held a public hearing on May 13, 2015 and June 10, 2015, to review proposed amendments regarding fencing types and standards and has forwarded a recommendation on such to the City Council; and

WHEREAS, the City Council of Midvale City, Utah held a public hearing on August 11, 2015, which meeting was preceded by notice through publication in the Salt Lake Tribune and Deseret News on July 28, 2015; and

WHEREAS, the City Council of Midvale City, Utah followed the public hearing with another meeting to obtain additional information with regard to issues raised during the public hearing; and

WHEREAS, the City Council has taken into consideration testimony citizen testimony, planning and building analysis, and the Planning Commission’s recommendation, and has determined that this text amendment is appropriate and within the best interests of the City as a whole in protecting and promoting the health, safety, welfare and aesthetic quality of Midvale City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Midvale City, Utah as follows:

Section 1. The following chapter and section of the Midvale Municipal Code are hereby amended as included in the attachment to this document.

Section 2. If any part of this ordinance or the applications thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgement shall not affect, impair or invalidate the remainder of this ordinance or the application thereof to other persons and circumstances, but shall be confined to its operation to this section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the
controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

Section 3. This ordinance shall be effective upon publication of a summary thereof.

PASSED AND APPROVED this 2014 day of October, 2015.

JoAnn B. Seghini, Mayor

ATTEST:

Rori Andreason, MMC
City Recorder

Date of first publication: October 25, 2015

<table>
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<th>Voting by City Council</th>
<th>&quot;Nay&quot;</th>
<th>&quot;Aye&quot;</th>
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<tr>
<td>Quinn Sperry</td>
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<td>Wayne Sharp</td>
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17-2-5 “E” definitions.

“Elderly person” means a person who is sixty years old or older, who desires or needs to live with other elderly persons in a group setting, who may or may not be capable of living independently.

“Electrified security fence” means a fence designed to protect a property or properties from intrusion by means of conducting an electric current along one or more wires thereof so that a person or animal contacting any such wire or wires will receive an electric shock.

“Elevation” means the outer surface of a building.

17-2-6 “F” definitions.

“Fence” means a structure made of various materials that separates, encloses, screens or divides outdoor areas, including property perimeters. The term “fence” includes, but is not limited to, net screening for recreational activities, masonry walls, hedges, bollards with chains, posts with rails, and barriers.

“Fence, electrified security. See “Electrified security fence”.

“Filtered light fixture” means any outdoor light fixture that has a refractive light source.

Revise Use Table CI (17-7-13.2)

<table>
<thead>
<tr>
<th>Uses</th>
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<th>Conditional</th>
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<td></td>
<td>&gt; 6’</td>
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<td>W/barbed or razor wire</td>
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<tr>
<td>Electrified security</td>
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</table>
Add new section and language as follows: CI (17-7-13.9 B.1.f)

B. Specific Review Criteria for Certain Conditional Uses. In addition to the foregoing, the community and economic development department and planning commission must review each of the following criteria when considering approving or denying an application for each of the following conditional uses:

f. Electrified Security Fence. Each application for an electrified security fence must comply with the following:

i. Evidence must be presented showing that a higher degree of security is required that cannot be provided by a standard fence.


iii. The energizer for electric fences must be driven by a commercial storage battery not to exceed 12 volts DC. The storage battery may be charged by a solar panel, augmented by a commercial trickle charger.

v. 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 (6') in height. The electric fence shall be located a maximum distance of twelve-inches (12") inside the perimeter fence or wall. It shall be the responsibility of the property owner to ensure weeds and debris do not accumulate between the non-electrical fence or wall and electrical fence. Where the perimeter fence is constructed of concrete or a masonry product, the electric fence may be attached to the top of the fence or wall with brackets, provided the overall height of the fence does not exceed ten-feet (10'), the electrical fence does not extend beyond the outside perimeter fence or wall, and no portion of the electric fence is greater than twelve-inches (12") from the non-electrical fence or wall.

vi. Electric fences shall have a maximum height of ten-feet (10') and shall not be located within a front yard setback. Any fence greater than six-feet (6') in height shall require a building permit for the fence structure.

vii. Electric fences shall be clearly identified with warning signs not to exceed 0.075 sq. ft. (12"x9") in size stating: "Warning — Electric Fence". Signs shall be located on each side of the electrical fenced area at intervals of sixty-feet (60') on each side. The business name and/or advertising copy shall not be allowed on these warning signs.

viii. If the applicant's proposal has the capability, electric fences shall be governed and regulated under burglar alarm regulations and shall receive approval, beforehand, from the applicable regulatory agency(ies); i.e., jurisdictional police and fire.
Statement of Need – Text Amendment

We are requesting a text amendment for the installation 10-foot high electric fence security system (Electric Guard Dog aka EGD) approximately 4"-12" inside an existing perimeter fence.

The EGD Security system is a 10' high, electrically charged fence powered by 12 Volt marine battery which is charged by a solar panel. An energizer retains the voltage for 1.3 seconds and thus when released it is boosted to 7,000 volts of a totally safe, pulsed electrical charge. Signage posted a minimum of every 60' warns of the electric fence. However, the safety of the ‘shock’ is not advertised and therefore, due to our inherent fear of electricity, most criminals will not take a chance in breeching the perimeter. With this, the EGD proactively deters crime unlike cameras, beams and alarms that react to a crime in commission.

The amendment would help provide secure locations for businesses to operate and store equipment and merchandise outdoors. Businesses containing highly desirable, easily ‘fenceable’ inventory are most susceptible to an even higher increase in would-be criminal activity.

Many businesses in various industries (industrial, commercial, manufacturing, trucking) use ‘electric fence’ security systems to effectively protect their property where other systems have failed. In addition, Homeland Security has recommended Electric Guard Dog, LLC to many businesses of this nature to protect their business and employees.

Essential safety facts regarding Electric Guard Dog fence

- Totally independent of city electrical grid – does not plug in to the county’s grid.

- Powered by 12v marine battery and solar panel

- Totally enclosed inside perimeter solid fence of 6’ minimum height

- Pulsed current, shock delivered every 1.3 seconds for one-ten thousandth of a second

- Shortness of duration makes it very safe.

- Fully tested and approved by:
  - MetLabs, a Nationally Recognized Testing Lab with equal authority as UL
  - Dr. Webster, University of Wisconsin, the leading expert in pulsed electricity
  - Adheres to International Standard IEC 60336.2.76 of which the United States is a supporting member.
Summary of Electric Guard Dog Security System

Our Electric Guard Dog security system is a primary low voltage (12V), battery powered (DC), independent of the electrical grid, self-contained system that has a variety of functions to it which make for a 100% medically safe and extremely effective crime deterrent. This system is 10' high and is placed approximately 4'-12" inside of the existing perimeter fence. It is comprised of 20, 12.5 gauge, galvanized steel wires which are run horizontally to the height of 10’. In our system the first layer of protection (visual deterrent) is our signage (located every 50’) which advertises that it is an electric fence. This deters most would-be criminals.

The second layer of protection (audible deterrent) of our system is sirens. These sirens sound when an illegal criminal trespasser cuts the wires or places objects on them to insulate them so as to bypass the system. The sirens will automatically shut off after a set amount of time. This audible deterrent usually drives away most of the would-be criminals that are bold enough to proceed in spite of the aforementioned visual deterrent (signage). Included in this second layer of protection is that we monitor our systems. In the event of an alarm, a signal will be sent to our monitoring station, who in turn, contacts our clients to let them know they had an alarm event. Our system does not directly connect to emergency services.

The final layer of protection is our voltage. We have a burst of voltage (from the 12V battery) that has a duration of four-ten-thousandths of one second (.00004). If a criminal was bold enough to actually grab or touch our system, they will receive this temporary pulse of voltage which is akin to a slap on the hand from a ruler. This final layer of protection stops the remaining number of criminals that are not deterred by the other layers of protection.

Safety of these devices is unparalleled as no deaths or serious injuries have occurred since the inception of UL69 in 1939 with installations consistent with the UL69 Standard. This can be confirmed through Joel Hawk, Principal Engineer of UL69, Underwriters Laboratories. Bill Fulcher of OSHA, Leader of Enforcement Programs, maintains a database of accidental death from all causes and no incidents have occurred directly related to the proper installation and operation of an electric fence consistent with the UL69 standards. With the inclusion of a perimeter buffer fence, for all electric security fences as specified in IEC 60335-2-76, the risk of accidental contact is substantially lowered.

Please also take a moment to look at our website, www.electricguarddog.com, you will find it helpful as well.