

PROPOSED

ORDINANCE NO.

1 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD
2 COUNTY, FLORIDA, PERTAINING TO LOW-VOLTAGE ELECTRIC FENCES;
3 AMENDING VARIOUS SECTIONS OF CHAPTER 39 OF THE BROWARD COUNTY
4 CODE OF ORDINANCES ("CODE"); AND PROVIDING FOR SEVERABILITY,
5 INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

6 (Sponsored by the Board of County Commissioners)
7

8 WHEREAS, the Legislature has passed HB 535, which bill, unless vetoed, will
9 require local governments to allow low-voltage electric fences in any area not zoned
10 exclusively for single-family or multifamily residential use starting on July 1, 2024;

11 WHEREAS, the County currently prohibits low-voltage electric fences in various
12 areas not zoned exclusively for single-family or multifamily residential use; and

13 WHEREAS, in an abundance of caution, this Ordinance conforms the Broward
14 County Code of Ordinances to the forthcoming changes in state law,

15 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
16 BROWARD COUNTY, FLORIDA:

17 Section 1. Section 39-294 of the Broward County Code of Ordinances is hereby
18 amended to read as follows:

19 **Sec. 39-294. General provisions**

20 . . .

21 (f) *Setbacks and buffers between commercial business and residential*
22 *districts.*

23 . . .

24 (7) Fences, walls, and hedges may be erected or planted and maintained
25 within the setback to a maximum height of eight (8) feet, except in
26 vehicular use areas. Fences and walls shall be translucent. Hedges used
27 as a required visual barrier shall be a minimum of four (4) feet in height at
28 time of planting and shall be of a species ~~which~~ that will reach a height of
29 at least six (6) feet within two (2) years after planting. Open-weave or
30 chain-link fences may only be used if appropriate landscape material, in
31 accordance with Article VIII, is planted along such fence, which, after
32 planting, will obscure the fence and provide a translucent barrier within
33 one (1) year after planting. Within twenty-five (25) feet of the intersection
34 of two (2) streets, or within fifteen (15) feet of the intersection of a private
35 accessway and a street, no fencing may be erected or maintained. The
36 use of barbed wire, razor wire, or electrified fencing that does not satisfy
37 the definition of "low-voltage electric fence," as defined by
38 Section 553.793, Florida Statutes, as amended, shall be prohibited.

39 . . .

40 Section 2. Section 39-307 of the Broward County Code of Ordinances is hereby
41 amended to read as follows:

42 **Sec. 39-307. General provisions.**

43 . . .

44 (e) *Setbacks and buffers between industrial and residential or commercial*
45 *districts.*

46 . . .

47 (8) Fences, walls, and hedges may be erected or planted and maintained within
48 a required buffer to a maximum height of eight (8) feet. Fences or walls shall
49 be translucent or opaque. Hedges used as a required visual barrier shall be
50 a minimum of four (4) feet in height at time of planting and shall be of a
51 species ~~which~~ that will reach at least the maximum height of eight (8) feet
52 within two (2) years after planting. Open-weave or chain-link type fences
53 may only be used within a required buffer if appropriate landscape material,
54 in accordance with Article VIII, is planted along such fence which, after
55 planting, will obscure the fence and provide a translucent barrier within
56 one (1) year after planting. Within twenty-five (25) feet of the intersection of
57 two (2) streets, or within fifteen (15) feet of the intersection of a private
58 accessway and a street, only chain-link or other such open fencing may be
59 erected or maintained. The use of barbed wire, razor wire, or electrified
60 fencing that does not satisfy the definition of "low-voltage electric fence,"
61 as defined by Section 553.793, Florida Statutes, as amended, contiguous
62 to commercial business zoning districts or ~~residentially-zoned~~ residentially
63 zoned plots shall be prohibited.

64 . . .

65 Section 3. Section 39-352 of the Broward County Code of Ordinances is hereby
66 amended to read as follows:

67 **Sec. 39-352. General provisions.**

68 . . .

69 (h) *Setbacks and buffers between industrial and residential or commercial*
70 *districts.*

71 . . .

72 (6) Fences, walls, and hedges may be erected or planted and maintained
73 within a required buffer to a maximum height of eight (8) feet. Fences or
74 walls shall be translucent or opaque. Hedges used as a required visual
75 barrier shall be a minimum of four (4) feet in height at time of planting and
76 shall be of a species that will reach at least the maximum height of
77 eight (8) feet within two (2) years after planting. Open-weave or chain-link
78 type fences may only be used within a required buffer if appropriate
79 landscape material, in accordance with Article VIII, is planted along such
80 fence that, after planting, will obscure the fence and provide a translucent
81 barrier within one (1) year after planting. Within twenty-five (25) feet of the
82 intersection of two (2) streets, or within fifteen (15) feet of the intersection
83 of a private accessway and a street, only chain-link or other such open
84 fencing may be erected or maintained. The use of barbed wire, razor wire,
85 or electrified fencing that does not satisfy the definition of "low-voltage
86 electric fence," as defined by Section 553.793, Florida Statutes, as
87 amended, contiguous to commercial business zoning districts or
88 residentially zoned plots shall be prohibited. Notwithstanding the
89 foregoing, barbed wire and razor wire shall be allowed within the Airport

90 Operations Areas, as defined in Section 2-2(f) of the Broward County
91 Code of Ordinances, or within other Fort Lauderdale-Hollywood
92 International Airport ("Airport") facilities, including, but not limited to,
93 passenger terminals, parking structures, and associated revenue facilities,
94 aircraft gates, runways, taxiways, and any accessory use Airport support
95 facility and/or development (individually and collectively referred to as
96 "Airport Property"). Fences, walls, and gates erected within the Airport
97 Operation Areas or Airport Property shall not exceed a maximum height of
98 fourteen (14) feet, including any barbed wire or razor wire.

99 . . .

100 Section 4. Section 39-362 of the Broward County Code of Ordinances is hereby
101 amended to read as follows:

102 **Sec. 39-362. General provisions.**

103 . . .

104 (g) *Setbacks and buffers.*

105 . . .

106 (5) Fences, walls, and hedges may be erected or planted and maintained within
107 the setback, not adjacent to a vehicular use area, to a maximum height of
108 eight (8) feet. Fences and walls shall be translucent. Hedges used as a
109 required visual barrier shall be a minimum of four (4) feet in height at the
110 time of planting and shall be of a species ~~which~~ that will reach a height of at
111 least six (6) feet within two (2) years after planting. Open-weave or
112 chain-link type fences may be used only if appropriate landscape material,

Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.

113 in accordance with Article VIII, "Landscaping for Protection of Water Quality
114 and Quantity," is planted along such fence which, after planting, will obscure
115 the fence and provide a translucent barrier within one (1) year after planting.
116 Within twenty-five (25) feet of the intersection of two (2) streets, or within
117 fifteen (15) feet of the intersection of a private accessway and a street, no
118 fencing may be erected or maintained. The use of barbed wire, razor wire,
119 or electrified fencing that does not satisfy the definition of "low-voltage
120 electric fence," as defined by Section 553.793, Florida Statutes, as
121 amended, shall be prohibited, except that barbed wire fencing may be
122 permitted on portions of plots of land used for farm operations in A-3 zoning
123 districts.

124 . . .

125 Section 5. Section 39-382 of the Broward County Code of Ordinances is hereby
126 amended to read as follows:

127 **Sec. 39-382. General provisions.**

128 . . .

129 (g) *Fences, walls, and hedges.* Fences, walls, and hedges may be erected or
130 planted and maintained within a perimeter buffer to a maximum height of eight (8) feet.
131 Fences and walls shall be translucent. Hedges used as a visual barrier shall be a
132 minimum of four (4) feet in height at the time of planting and shall be of a species ~~which~~
133 that will reach a height of at least six (6) feet within two (2) years after planting.
134 Open-weave or chain-link type fences may be used only if appropriate landscape
135 material, in accordance with Article VIII, is planted along such fence and within the

136 property upon which the fence is erected which, after planting, will obscure the fence and
137 provide a translucent barrier within one (1) year after planting. Within twenty-five (25) feet
138 of the intersection of two (2) streets, or within fifteen (15) feet of the intersection of a
139 private accessway and a street, only chain-link or other such open fencing may be erected
140 or maintained. The use of barbed wire, razor wire, or electrified fencing that does not
141 satisfy the definition of "low-voltage electric fence," as defined by Section 553.793,
142 Florida Statutes, as amended, shall be prohibited.

143 . . .

144 Section 6. Severability.

145 If any portion of this Ordinance is determined by any court to be invalid, the invalid
146 portion will be stricken, and such striking will not affect the validity of the remainder of this
147 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
148 legally applied to any individual, group, entity, property, or circumstance, such
149 determination will not affect the applicability of this Ordinance to any other individual,
150 group, entity, property, or circumstance.

151 Section 7. Inclusion in the Broward County Code of Ordinances.

152 It is the intention of the Board of County Commissioners that the provisions of this
153 Ordinance become part of the Broward County Code of Ordinances as of the effective
154 date. The sections of this Ordinance may be renumbered or relettered and the word
155 "ordinance" may be changed to "section," "article," or such other appropriate word or
156 phrase to the extent necessary to accomplish such intention.

157 Section 8. Effective Date.

158 This Ordinance is effective as of the date provided by law.

ENACTED

PROPOSED

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

Approved as to form and legal sufficiency:
Andrew J. Meyers, County Attorney

By: /s/ Alexis Marrero Koratich 03/29/2024
Alexis Marrero Koratich (date)
Assistant County Attorney

By: /s/ Maite Azcoitia 03/29/2024
Maite Azcoitia (date)
Deputy County Attorney

AIK/gmb
Electric Fence Ordinance
03/29/2024
#41039

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