PROPOSED

ORDINANCE NO.

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

(Sponsored by the Board of County Commissioners)

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

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

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

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

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

Sec. 39-294. General provisions

. . .

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

. . .

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

. . .

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

Sec. 39-307. General provisions.

. . .

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

. . .

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

. . .

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

Sec. 39-352. General provisions.

. . .

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

. . .

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

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

. . .

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

Sec. 39-362. General provisions.

. . .

(g) *Setbacks and buffers.*

. . .

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

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

. . .

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

Sec. 39-382. General provisions.

. . .

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

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

. . .

Section 6. Severability.

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

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

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

Section 8. Effective Date.

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

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