

ORDINANCE NO. 1684

AN ORDINANCE OF THE CITY OF FONTANA APPROVING SPECIFIC PLAN AMENDMENT (SPA) NO. 13-001, TO ALLOW ELECTRIC FENCING WITHIN THE SPEEDWAY INDUSTRIAL, FREEWAY INDUSTRIAL, SLOVER WEST, SLOVER EAST, SLOVER CENTRAL, JURUPA NORTH, AND JURUPA SOUTH LAND USE DISTRICTS OF THE SOUTHWEST INDUSTRIAL PARK (SWIP) SPECIFIC PLAN (SPA NO. 13-001) SUBJECT TO THE ELECTRIC FENCE DEVELOPMENT STANDARDS OUTLINED IN EXHIBIT A.

THE CITY COUNCIL OF THE CITY OF FONTANA, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. SPA No. 13-001 is consistent with the goals and policies of the General Plan.

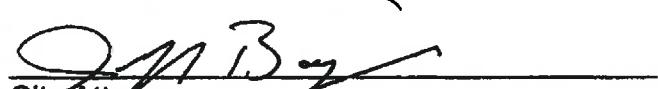
Section 2. SPA No. 13-001 is hereby approved and the SWIP Specific Plan is hereby amended to include language in "Exhibit A" attached hereto.

Section 3. Any provision of this Ordinance which is declared by a court of competent jurisdiction to be void, invalid or unlawful may be stricken from this Ordinance and the remainder of this Ordinance enforced in accordance with its terms. The Council declares that it would have adopted this Ordinance, such severance notwithstanding.

Section 4. This Ordinance shall take effect thirty (30) days after the date of the adoption and prior to the expiration of fifteen (15) days from the passage thereof, shall be published by the City Clerk at least once in the Herald News, a local newspaper of general circulation, published and circulated in the City of Fontana, and henceforth and thereafter the same shall be in full force and effect.

APPROVED AND ADOPTED by the City Council of the City of Fontana, California, at a regular meeting held on the 11th day of February, 2014.

READ AND APPROVED AS TO LEGAL FORM:



City Attorney

Ordinance No. 1684

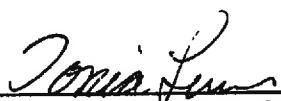
I, Tonia Lewis, City Clerk of the City of Fontana, and Ex-Officio Clerk of the City Council of the City of Fontana, do hereby certify that the foregoing Ordinance is the actual Ordinance introduced by the City Council at a regular meeting on the 28th day of January, 2014, and finally passed and adopted not less than five (5) days thereafter on the 11th day of February, 2014 by the following vote to-wit:

AYES: Mayor Warren, Mayor Pro Tem Roberts and Council Members Tahan, Wibert and Sandoval

NOES:

ABSENT:

ABSTAIN

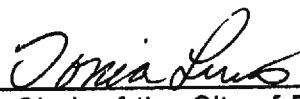


City Clerk of the City of Fontana



Mayor of the City of Fontana

ATTEST:



City Clerk of the City of Fontana

Ordinance No. 1684

Southwest Industrial Park (SWIP) Specific Plan

Electric Fence Development Standards

Sections 6.4B(4), 7.4B(4), 8.4B(4), 9.4B(4), 10.4B(4), 11.4B(4), 12.4B(4), and 14.4B(4)

Definition. For the purpose of this section, an electric fence is defined as any bare wire or conductor which is supported on insulators and is located outdoors within ~~eight ten~~ feet of the ground or a walking surface and is attached to a post, fence, wall, or structure, and which is capable of being energized from any electrical source, including batteries, unless such bare wire or conductor is guarded against accidental contact by forms of enclosures approved by the current edition of the National Electrical Code. Not included in this definition of electric fence are wires or conductors utilized for railway signaling and communication installations, installations under exclusive control of electric utilities, communication equipment under exclusive control of communication utilities and bare conductors which are specifically permitted in the current edition of the National Electrical Code.

An electrical security fence may be permitted at the discretion of the Community Development Director or designee through the Director's Determination review process subject to all of the following:

1. Location:

- a. Project site is located within the Speedway Industrial, Freeway Industrial, Slover West, Slover East, Slover Central, Jurupa North, or Jurupa South District, and; complies with all regulations and development standards within the Southwest Industrial Park Specific Plan.
- b. Project site is not located within the Public Facilities (PF) District of the Southwest Industrial Park Specific Plan.
- c. An electric fence may be installed on properties that do not touch, join at the edge or border, or share a common property line with an existing residential land use or a residential zoning district.
- d. Electric fences shall be minimized from public view for properties located along major and primary highways as indicated on the most recently adopted Circulation Master Plan and for properties with freeway frontage. A method of visual screening shall be approved by the Director of Community Development.
- e. Electric fences shall be monitored subject to Chapter 22, Article IV (Burglary, Robbery, and Panic Alarms: Verified Burglary and Fraudulent Verified Burglary Alarms) of the Fontana Municipal Code.
- f. Electric fences shall be installed behind an approved perimeter wall/fence with a minimum height of six (6) feet.
- g. Electric security fence is not permitted within the front setback or street side yard setback.
- h. The electrical security fence proposed adjacent to a sidewalk must be installed behind the side yard and front yard setback and a solid decorative masonry wall.

2. Height. Electric fences shall have a maximum height of ten (10) feet.
3. Performance Standards. Electric fencing shall meet the performance

January 28, 2014

Southwest Industrial Park Specific Plan Electric Fence Development Standards

SPA No. 13-001/ZCA No. 13-003

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standards as determined by the most recently adopted International Building Code, and the International Electro Technical Commission (IEC).

4. Project Site. Electric fencing on project sites less than one (1) acre requires approval of a Minor Use Permit (MUP).
5. Perimeter Fence or Wall. The electrical security fence is not permitted as a perimeter fence or wall.
6. Warning Signs.
 - a. Electric fences shall be clearly identified with warning signs of a maximum of nine (9) square feet, prepared in English and Spanish that read: "Warning -Electric Fence" at intervals of not less than 60 feet.
 - b. Warning signs shall be black typewritten text with a yellow or white background.
 - c. Warning signs shall not advertise or provide contact information of the electric fence manufacturer.
7. Separation. Horizontal separation between the perimeter fence and the electrical security fence shall comply with the IEC standards. Emergency Access.
 - a. An emergency Knox Box or any other similarly approved device (e.g. Rapid Emergency Access Control Transmitter (REACT) System) must be installed at every gate providing access to a property secured by an electric fence to allow fire department, police department, and/or any other emergency responder access.
 - b. In the event that emergency access by emergency responders (i.e. Police Department, Fire Department, etc.) to a property where a permitted electric fence has been installed and is operating, is required due to an emergency or urgent circumstances, and the Knox Box or other similarly approved device is absent or non-functional, and an owner, manager, employee, custodian or any other person with control over the property is not present to disable the electric fence, emergency responding personnel shall be authorized to disable the electric fence in order to gain access to the property. As a condition of permit issuance, all applicants issued permits to install or use an electric fence as provided herein shall be deemed to have agreed to waive any and all claims for damages to the electric fence against emergency responding units and/or personnel under such circumstances.
8. Electrification: The energizer for electric fences must be driven by a commercial storage battery not to exceed 12 volts DC. The storage battery is charged primarily by a solar panel. However the solar panel may be augmented by a commercial trickle charger.
9. Indemnification. By accepting the permit, the applicant/property owner shall be deemed to have agreed to defend, indemnify, and hold

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harmless the City of Fontana or its agents, officers, and employees from any claim, action or proceeding against the City of Fontana, or its agents, officers, or employees resulting from or connected with the approval of the permit, including any subsequent installation or operation of an electrical security fence. The City of Fontana shall promptly notify the applicant/property owner of any claim, action, or proceeding and the City of Fontana shall cooperate fully in the defense. If the City of Fontana fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City of Fontana.

10. Insurance. Prior to the approval of any request to install an electrical security fence within the City of Fontana, the applicant/property owner shall provide to the City a certificate of commercial general liability insurance covering third party liability risks in a minimum amount of \$1 million combined single limit per occurrence for bodily injury, personal injury, and property damage insurance with the City named as an additional insured party. The applicant/property owner shall thereafter maintain such policy in effect at all times that the electrical fence is installed.
11. Landscaping. Addition of the electrical security fence shall in no way preclude the installation and maintenance of required landscaping.
12. Violation; Misdemeanor. It shall be unlawful, and a misdemeanor for any person to install, maintain or operate an electric fence in violation of these development standards.

TO: HERALD NEWS
EMAIL: LEGALS@FONTANAHERALDNEWS.COM
FROM: FONTANA CITY CLERK'S DEPARTMENT
DATE: January 29, 2014

PUBLICATION OF SUMMARY OF PROPOSED ORDINANCE NO. 1684, 1685 and 1686

PUBLISH ONE TIME ONLY ON OR BEFORE February 7, 2014. ONE AFFIDAVIT PUBLICATION REQUESTED.

SUMMARY OF PROPOSED ORDINANCES NOS. 1684, 1685 and 1686.

NOTICE IS HEREBY GIVEN that the City Council of the City of Fontana, at a Regular Meeting held on January 28, 2014 in the City Council Chambers, 8353 Sierra Avenue, Fontana, California, considered adoption of the following ordinances pertaining to Zone Code Amendment (ZCA) No. 13-003 and Specific Plan Amendment (SPA) No. 13-001 (Electric Fence Ordinance):

Ordinance No. 1684, to allow electric fencing within the Speedway Industrial, Freeway Industrial, Slover West, Slover East, Slover Central, Jurupa North, and Jurupa South land use districts of the SWIP Specific Plan (SPA No. 13-001) subject to the electric fence development standards and that the reading of the title constitutes the first reading thereof;

Ordinance No. 1685, to allow electric fencing within the General Industrial (M-2) zoning district within the Fontana Gateway Specific Plan (SPA No. 13-001) subject to the electric fence development standards and that the reading of the title constitutes the first reading thereof;

Ordinance No. 1686, to allow electric fencing within the Light Industrial (M-1) and General Industrial (M-2) zoning districts (ZCA No. 13-003) as depicted on the most recently adopted Zoning District Map subject to the electric fencing development standards and that the reading of the title constitutes the first reading thereof;

A certified copy of the full text of the ordinance is available in the office of the City Clerk of the City of Fontana, 8353 Sierra Avenue, Fontana, California 92335.

CITY COUNCIL OF THE CITY OF FONTANA
Acquanetta Warren, Mayor

Tonia Lewis
City Clerk

P.O. #800496

TO: HERALD NEWS
EMAIL: LEGALS@FONTANAHERALDNEWS.COM
FROM: FONTANA CITY CLERK'S DEPARTMENT
DATE: February 12, 2014

PUBLICATION OF SUMMARY OF ADOPTED ORDINANCES NOs. 1684, 1685 and 1686

PUBLISH ONE TIME ONLY ON OR BEFORE February 21, 2014. ONE AFFIDAVIT PUBLICATION REQUESTED.

SUMMARY OF ADOPTED ORDINANCES NOs. 1684, 1685 and 1686.

NOTICE IS HEREBY GIVEN that the City Council of the City of Fontana, at a Regular Meeting held on February 11, 2014 in the City Council Chambers, 8353 Sierra Avenue, Fontana, California, adopted the following ordinances pertaining to Zone Code Amendment (ZCA) No. 13-003 and Specific Plan Amendment (SPA) No. 13-001 (Electric Fence Ordinance):

Ordinance No. 1684, to allow electric fencing within the Speedway Industrial, Freeway Industrial, Slover West, Slover East, Slover Central, Jurupa North, and Jurupa South land use districts of the SWIP Specific Plan (SPA No. 13-001) subject to the electric fence development standards.

Ordinance No. 1685, to allow electric fencing within the General Industrial (M-2) zoning district within the Fontana Gateway Specific Plan (SPA No. 13-001) subject to the electric fence development standards.;

Ordinance No. 1686, to allow electric fencing within the Light Industrial (M-1) and General Industrial (M-2) zoning districts (ZCA No. 13-003) as depicted on the most recently adopted Zoning District Map subject to the electric fencing development standards.

A certified copy of the full text of the ordinance is available in the office of the City Clerk of the City of Fontana, 8353 Sierra Avenue, Fontana, California 92335.

CITY COUNCIL OF THE CITY OF FONTANA
Acquanetta Warren, Mayor

Tonia Lewis
City Clerk

cf
P.O. #800496

