

ORDINANCE NO. 1769

AN ORDINANCE OF THE CITY OF FONTANA APPROVING SPECIFIC PLAN AMENDMENT (SPA) NO. 15-003, TO AMEND ELECTRIC FENCE STANDARDS 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.

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

Section 1. SPA No. 15-003 is consistent with the goals and policies of the General Plan.

Section 2. SPA No. 15-003 is hereby approved and the SWIP Specific Plan is hereby amended to include language in "Exhibit A" attached hereto and as amended below with **bolded**, italicized, and stricken out language.

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 this 26th day of September, 2017.

READ AND APPROVED AS TO LEGAL FORM:

DocuSigned by:
Jeff Ballinger
0056M46306E187...

City Attorney

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 12th day of September, 2017, and finally passed and adopted not less than five (5) days thereafter on the 26th day of September by the following vote to-wit:

Ordinance No. 1769

AYES: Mayor Warren, Council Members Roberts, and Armendarez

NOES: Mayor Pro Tem Sandoval, and Council Member Tahan

ABSENT:

ABSTAIN:

DocuSigned by:
Toni Lewis
E8000F0A17754F5...

City Clerk of the City of Fontana

DocuSigned by:
Mayor Warren
8B478DAD890848D...

Mayor of the City of Fontana

ATTEST:

DocuSigned by:
Toni Lewis
E8000F0A17754F5...

City Clerk

Ordinance No. _____

"Exhibit A"

Southwest Industrial Park (SWIP) Specific Plan

(4) Electric Fence Development
Standards in Sections:

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 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.~~
- c. ***Adjacent to Residential. An electric fence may be installed on properties that touch, join at the edge or border, or share a common property line with an***

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SPA No. 15-003/ZCA No. 16-004

existing non-conforming residential land use as long as the electric fence is installed behind an approved solid block wall with a minimum height of six (6) feet.

- d. Electric fences shall be minimized from public view for properties located along major and primary 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.

1. Setbacks.

- a. Electric fences shall be installed behind an approved perimeter wall with a minimum height of six (6) feet.
- b. ***No electric fence may be permitted within the front yard setback or street yard setback.***
- c. 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.
- d. ***Installed adjacent to Previously Approved Chain Link Fencing. Electric fences installed adjacent to previously approved chain link fence shall be located behind the chain link fence and the chain link fence must be covered with an approved durable, wind resistant mesh or other material that acts as a barrier and screen.***
- e. ***Behind Front and Side Yard Setbacks. An electric fence proposed behind the front and/or side yard setback shall be located behind an approved wall or fence. If the electric fence is placed adjacent to an approved chain link fence, the chain link fence must be covered with an approved durable, wind resistant mesh or other material that acts as a***

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SPA No. 15-003/ZCA No. 16-004

barrier and screen. On corner lots, the electric fence shall be angled inward to the property.

2. Height. Electric fences shall have a maximum height of ten (10) feet.
3. Performance Standards. Electric fencing shall meet the performance standards as determined by the most recently adopted International Building Code, and the International Electro Technical Commission (IEC).
 - a. Separation. Horizontal separation between the perimeter fence and the electrical security fence shall comply with the IEC standards.
- ~~4. Project Site. Electric fencing on project sites less than one (1) acre requires approval of a Minor Use Permit (MUP).~~
4. Perimeter Fence or Wall. The electrical security fence is not permitted as a perimeter fence or wall.
5. 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.
6. 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

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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.

7. 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.
8. Indemnification. By accepting the permit, the applicant/property owner shall be deemed to have agreed to defend, indemnify, and hold 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.
9. 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

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thereafter maintain such policy in effect at all times that the electrical fence is installed.

10. Landscaping. Addition of the electrical security fence shall in no way preclude the installation and maintenance of required landscaping.

a. **All electric fenced areas shall be kept free of weeds and other debris that may constitute a fire hazard.**

b. **Any contractor/installer of an electric fence found in violation of this section of SWIP may be subject to a misdemeanor as described in Section 12 below.**

11. 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.

12. Plan Check Approval. The following requests for an electric security fence shall be approved through the plan check process under the following circumstances:

a. **Adjacent to Residential. An electric fence may be installed on properties that touch, join at the edge or border, or share a common property line with an existing non-conforming residential land use as long as the electric fence is installed behind an approved solid block wall with a minimum height of six (6) feet.**

b. **Installed on Previously Approved Chain Link Fencing. Electric fences installed adjacent previously approved chain link fence shall be located behind the chain link fence and the chain link fence must be covered with an approved durable, wind resistant mesh or other material that acts as a barrier and screen.**

c. **Behind Front and Side Yard Setbacks. An electric fence proposed behind the front and/or side yard setback shall be located behind an approved wall or fence. If the electric fence is placed adjacent to an approved chain link fence the chain link fence must be covered with an approved durable, wind resistant mesh or other material that acts as a barrier and**

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Southwest Industrial Park Specific Plan – Electric Fence Development Standards

SPA No. 15-003/ZCA No. 16-004

screen. On corner lots, the electric fence shall be angled inward to the property.

13. Director Determination. An electric fence may be permitted at the discretion of the Community Development Director or designee through the Director's Determination review process under the following circumstance:

- a. Along Major and Primary Highways/Freeways. 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 screen shall be approved by the Director of Community Development and may utilize an approved durable, wind resistant mesh or other material that acts as a barrier and a screen.***



Certificate Of Completion

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jeff.ballinger@bbklaw.com

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arren@fontana.org

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Toni Lewis

tlewis@fontana.org

City Clerk

City of Fontana

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If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. To indicate to us that you are changing your mind, you must withdraw your consent using the DocuSign 'Withdraw Consent' form on the signing page of your DocuSign account. This will indicate to us that you have withdrawn your consent to receive required notices and disclosures electronically from us and you will no longer be able to use your DocuSign Express user account to receive required notices and consents electronically from us or to sign electronically documents from us.

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Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through your DocuSign user account all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact City of Fontana:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: cteveda@fontana.org

To advise City of Fontana of your new e-mail address

To let us know of a change in your e-mail address where we should send notices and disclosures electronically to you, you must send an email message to us at cteveda@fontana.org and in the body of such request you must state: your previous e-mail address, your new e-mail address. We do not require any other information from you to change your email address..

In addition, you must notify DocuSign, Inc to arrange for your new email address to be reflected in your DocuSign account by following the process for changing e-mail in DocuSign.

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To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an e-mail to cteveda@fontana.org and in the body of such request you must state your e-mail address, full name, US Postal address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with City of Fontana

To inform us that you no longer want to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your DocuSign account, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an e-mail to cteveda@fontana.org and in the body of such request you must state your e-mail, full name, IS Postal Address, telephone number, and account number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

Operating Systems:	Windows2000? or WindowsXP?
Browsers (for SENDERS):	Internet Explorer 6.0? or above
Browsers (for SIGNERS):	Internet Explorer 6.0?, Mozilla FireFox 1.0, NetScape 7.2 (or above)
Email:	Access to a valid email account
Screen Resolution:	800 x 600 minimum
Enabled Security Settings:	<ul style="list-style-type: none"> •Allow per session cookies •Users accessing the internet behind a Proxy Server must enable HTTP 1.1 settings via proxy connection

** These minimum requirements are subject to change. If these requirements change, we will provide you with an email message at the email address we have on file for you at that time providing you with the revised hardware and software requirements, at which time you will have the right to withdraw your consent.

Acknowledging your access and consent to receive materials electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please verify that you were able to read this electronic disclosure and that you also were able to print on paper or electronically save this page for your future reference and access or that you were able to e-mail this disclosure and consent to an address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format on the terms and conditions described above, please let us know by clicking the 'I agree' button below.

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TO: HERALD NEWS
EMAIL: LEGALS@FONTANAHERALDNEWS.COM
FROM: FONTANA CITY CLERK'S DEPARTMENT
DATE: SEPTEMBER 13, 2017

PUBLICATION OF SUMMARY OF PROPOSED ORDINANCES NO. 1768 AND 1769

PUBLISH ONE TIME ONLY ON OR BEFORE SEPTEMBER 22, 2017 ONE AFFIDAVIT PUBLICATION REQUESTED.

SUMMARY OF PROPOSED ORDINANCES NOS. 1768 AND 1769

NOTICE IS HEREBY GIVEN that the City Council of the City of Fontana, at a Regular Meeting held on September 12, 2017 in the City Council Chambers, 8353 Sierra Avenue, Fontana, California, considered adoption of the following ordinances:

1. Waive further reading of and introduce **Ordinance No. 1768**, an Ordinance of the City of Fontana approving ZCA No. 16-004, amending the Zoning and Development Code (Chapter 30) for Light Industrial (M-1) and General Industrial (M-2) zoning districts and permitting electric fences in the General Commercial (C-2) zone subject to the electric fence development standards and amending Miscellaneous Provisions and Offenses (Chapter 16) text of the Fontana Municipal Code in regard to electric fences, and that the reading of the title constitutes the first reading thereof.

2. Waive further reading of and introduce **Ordinance No. 1769**, an Ordinance of the City of Fontana approving SPA No. 15-003, amending the Southwest Industrial Park Specific Plan (SWIP) text in regard to electric fences for the Speedway Industrial, Freeway Industrial, Slover West, Slover East, Slover Central, Jurupa North, and Jurupa South land use districts of the SWIP Specific Plan, 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: SEPTEMBER 27, 2017

PUBLICATION OF SUMMARY OF ADOPTED ORDINANCES NO. 1768 AND 1769

PUBLISH ONE TIME ONLY ON OR BEFORE OCTOBER 6, 2017 ONE AFFIDAVIT PUBLICATION REQUESTED.

SUMMARY OF ADOPTED ORDINANCES NOS. 1768 AND 1769

NOTICE IS HEREBY GIVEN that the City Council of the City of Fontana, at a Regular Meeting held on September 26, 2017 in the City Council Chambers, 8353 Sierra Avenue, Fontana, California, adopted the following ordinances:

1. **Second Reading/ Adopt Ordinance No. 1768**, an Ordinance of the City of Fontana approving ZCA No. 16-004, amending the Zoning and Development Code (Chapter 30) for Light Industrial (M-1) and General Industrial (M-2) zoning districts and permitting electric fences in the General Commercial (C-2) zone subject to the electric fence development standards and amending Miscellaneous Provisions and Offenses (Chapter 16) text of the Fontana Municipal Code in regard to electric fences.

2. **Second Reading/ Adopt Ordinance No. 1769**, an Ordinance of the City of Fontana approving SPA No. 15-003, amending the Southwest Industrial Park Specific Plan (SWIP) text in regard to electric fences for the Speedway Industrial, Freeway Industrial, Slover West, Slover East, Slover Central, Jurupa North, and Jurupa South land use districts of the SWIP Specific Plan.

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

