

# Prince George's County Council

## Agenda Item Summary

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**Meeting Date:** 7/21/2009  
**Reference No.:** CB-022-2009  
**Draft No.:** 3  
**Proposer(s):** County Executive  
**Sponsor(s):** Olson, Dernoga, Turner  
**Item Title:** An Ordinance amending the Zoning Ordinance for the purpose of defining how fences and walls are measured and prohibiting barbed, razor wire and electrically charged/energized fences and walls

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**Drafter:** Jacqueline B. Woody, Department of Environmental Resources  
**Resource Personnel:** Thomas F. Matzen, Department of Environmental Resources

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### LEGISLATIVE HISTORY:

<b>Date Presented:</b>	6/2/2009	<b>Executive Action:</b>	
<b>Committee Referral:</b>	6/2/2009 - PZED	<b>Effective Date:</b>	9/7/2009
<b>Committee Action:</b>	6/17/2009 - FAV(A)		
<b>Date Introduced:</b>	6/23/2009		
<b>Public Hearing:</b>	7/21/2009 - 10:00 AM		
<b>Council Action (1)</b>	7/21/2009 - ENACTED		
<b>Council Votes:</b>	MB:A, WC:N, SHD:A, TD:A, CE:-, AH:A, TK:N, EO:A, IT:A		
<b>Pass/Fail:</b>	P		
<b>Remarks:</b>			

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### AFFECTED CODE SECTIONS:

27-420, 27-447, 27-465

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### COMMITTEE REPORTS:

#### PZED Committee Report

**Date 6/17/2009**

Committee Vote: Favorable with amendments, 3-0 (In favor: Council Members Exum, Dernoga and Olson)

Staff summarized the purpose of CB-22-2009 and informed the committee of written referral comments that were received. This legislation amends the Zoning Ordinance to define how fences and walls over four (4) feet high are measured in all zones. The bill also prohibits barbed, razor wire and electrically charged/energized fences and walls.

The Office of Law reviewed CB-22-2009 and found it to be in proper legislative form with no legal impediments to its enactment. The Planning Board supports the legislation with amendments as follows. The first amendment would be to provide an exemption for electrically charged and energized fences for livestock. The second amendment would be to provide an exemption from the barbed wire regulations for public uses, examples include correctional facilities.

Yates Claggett of the Soil Conservation District addressed the committee requesting an exemption to the barbed wire regulation for cattle. Mr. Claggett also wanted to ensure that deer fencing over four feet high would still be permitted.

Council Member Dernoga indicated that the agricultural community has expressed concerns to him as well regarding the limitations on fences proposed in this legislation and he suggested that the restrictions should not apply to property under an agricultural assessment.

Tom Matzen, representing the Department of Environmental Resources, commented that it is not the intent of the legislation to prohibit fences exceeding four feet in height; the legislation is intended to provide clarification on how walls and fences are measured. Mr. Matzen concurred with the exemption for agricultural property.

The Legislative Officer suggested that revisions to the Building Code can address these issues and that Building Code enforcement is easier than Zoning Ordinance enforcement. Mr. Dernoga commented that rather than starting over with Building Code legislation, it may be better to move forward with CB-22-2009 and supplement it later with amendments to the Building Code.

The committee voted favorably on CB-22-2009 to include the word “stranded” before the words “barbed and/or razor wire” on page 2, lines 6 and 17, and to provide the exemption discussed for land that is assessed for agricultural use.

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**BACKGROUND INFORMATION/FISCAL IMPACT:**

(Includes reason for proposal, as well as any unique statutory requirements)

This legislation will amend the Zoning Ordinance to define how fences and walls are measured and prohibit barbed, razor wire and electrically charged/energized fences and walls.

7/21/2009 - CB-22-2009 (DR-2) amended on the floor; DR-3 enacted.

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**CODE INDEX TOPICS:**

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**INCLUSION FILES:**

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