

ORDINANCE NO. 5436

AN ORDINANCE TO ALLOW ELECTRIFIED FENCES AND BARBED WIRE FENCING IN THE AIRPORT ZONING DISTRICT BY AMENDING SECTION 15.40.090 OF THE RAPID CITY MUNICIPAL CODE.

WHEREAS, Rapid City has adopted a comprehensive plan and zoning regulations pursuant to the authority granted to it in Chapter 11-4 of the South Dakota Codified Laws; and

WHEREAS, Chapter 15.40 of the Rapid City Municipal Code regulates the City's Fences and Walls; and

WHEREAS, electrified fences and barbed wire fencing are not currently allowed without an exception in the City's Airport Zoning District; and

WHEREAS, electrified fences and barbed wire fencing may be necessary to comply with Federal and State regulations within the City's Airport Zoning District; and

WHEREAS, the Common Council of the City of Rapid City has determined that it is in the City's best interests to allow electrified fences and barbed wire fencing in the City's Airport Zoning District by amending Section 17.40.090 of the Rapid City Municipal Code.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that, Section 15.40.090 of the Rapid City Municipal Code be and hereby is amended to read as follows:

15.40.090 Prohibited fences.

- A. No electrified fences nor fences designed to function as an electrified fence shall be permitted in any zoning district except the general agricultural zoning district and the airport zoning district. Any electrified fence lawfully installed shall have a controller which is labeled and listed by an accepted testing laboratory.
- B. No barbed wire fencing shall be permitted in any park forest, residential, mobile home, neighborhood commercial, center, public or floodway zoning district except in association with hazardous utility substations. When used in association with a utility substation, the barbed wire fencing shall be not less than 6 feet above the ground.
- C. Barbed wire fencing may be permitted in a general agricultural zoning district to contain livestock and in the airport zoning district.
- D. Barbed wire fencing materials may be used as a fence in a central business, general commercial, light industrial, heavy industrial or mining and extraction zoning district when the material is located not less than 6 feet above the ground.

- E. Exceptions. The Common Council may permit the use of prohibited fencing materials if it is determined that the allowance is not contrary to the public interest and will not be injurious to the surrounding neighborhood. Area property owners shall be notified by published notice of the Common Council hearing at which the exception will be considered.

(Ord. 3908, 2003; Ord. 2787, 1989; prior code § 17-11 (e))