

FACT SHEET

CITY OF SHREVEPORT, LOUISIANA

TITLE	DATE	ORIGINATING DEPARTMENT
An ordinance to amend various articles and sections in the City of Shreveport, Louisiana, Unified Development Code, for the purpose of updating the regulations for the electrification of fences, and to otherwise provide with respect thereto.	February 27, 2024	Shreveport Caddo Metropolitan Planning Commission (“MPC”) COUNCIL DISTRICT City-wide SPONSOR

PURPOSE
To amend the code text in the Shreveport Unified Development Code.

- BACKGROUND INFORMATION**
- The MPC has seen a spike in development’s wanting to construct electric fences throughout the City of Shreveport. This is due to the rise in theft and other safety issues that has added expense to local businesses.
 - Currently, the Shreveport UDC prohibits the electrification of fences.
 - In December 2023, a property owner wishing to install an electric fence challenged the legality of this provision, citing state law (La. R.S. 33:1376).
 - Additionally, the City Attorney has advised MPC Staff that the original blanket prohibition on the electrification of fences within the UDC needs to be amended to become more in compliance with state law.
 - MPC staff proposes adding a new definition for battery-charged fence, as well as additional language to the development standards for fences. These revised development standards mirror those found in state law, and when combined with the existing location and other performance standards, better protect potential unintended interaction with electric fences.

TIMETABLE		ATTACHMENTS	
MPC Introduction:	February 7, 2024	Exhibit “A”	Summary of Proposed Amendments
MPC Review & Recommendation:	February 7, 2024	Exhibit “B”	Detailed Amendment Memo
Introduction to City Council:	February 27, 2024	Exhibit “C”	MPC Staff Report for 24-01-CTAC
Final Passage by City Council:	March 12, 2024		

SPECIAL PROCEDURAL REQUIREMENTS
MPC Recommendation. Pursuant to La. R.S. 33:140.27 and La. R.S. 33:140.35, as amended, no amendment shall become effective unless it be first submitted to and approved (recommendation) by the MPC. The MPC reviewed these amendments and provided a favorable recommendation on February 7, 2024. Therefore, the City Council may render its decision to approve the amendments by a simple majority vote. See La. R.S. 33:140.27 and La. R.S. 33:140.35, as amended, and Shreveport UDC 16.1 (D)(3)(b).

Notice and Public Hearing at MPC. In accordance with the intent of La. R.S. 33:140.27 and La. R.S. 33:140.35, as amended, for a Public Hearing and Notice to be issued, the MPC held a Public Hearing at its Public Meeting on September 6, 2023, before voting on the proposed amendments. At least ten (10) days’ notice of the time and place of the Public Hearing was published on January 16, 2024, in *The Shreveport Times* (a newspaper of general circulation in the municipality).

FINANCES	SOURCE OF FUNDS
\$0	NA

ALTERNATIVES
(1) Adopt the ordinance as submitted, or (2) Amend the ordinance, or (3) Reject the ordinance.

RECOMMENDATION
It is recommended that the City Council adopt the ordinance.

FACT SHEET PREPARED BY: Adam Bailey, Community Planning and Design Manager

ORDINANCE NO. _____ OF 2024

AN ORDINANCE TO AMEND VARIOUS ARTICLES AND SECTIONS IN THE CITY OF SHREVEPORT, LOUISIANA, UNIFIED DEVELOPMENT CODE, FOR THE PURPOSE OF UPDATING THE REGULATIONS FOR THE ELECTRIFICATION OF FENCES, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

BY COUNCILMEMBER:

WHEREAS, the City desires to make every effort to notify the public and to encourage public participation and input on these proposed *code text amendments* to the Shreveport Unified Development Code; and

WHEREAS, on February 7, 2024, the first draft proposals of these *code text amendments* were submitted to the Shreveport-Caddo Metropolitan Planning Commission (MPC), at its regular public board meeting, for review and discussion; and

WHEREAS, on February 7, 2024, these *code text amendments* were submitted to the Shreveport-Caddo MPC, at its regular board meeting, for review and recommendation in accordance with [La. R.S. 33:140.27](#); and

WHEREAS, in accordance with the intent of [La. R.S. 33:140.27](#) for a Public Hearing and Notice to be issued, the MPC held a Public Hearing at its Public Meeting, on February 7, 2024, before voting and providing a favorable recommendation, to the City Council, regarding the proposed amendments; and

WHEREAS, in accordance with the intent of [La. R.S. 33:140.35](#), at least ten (10) days' Notice of the time and place of the Public Hearing was published, at the request of the Shreveport-Caddo MPC staff, in *The Shreveport Times* (a newspaper of general circulation in the municipality) and said Notice was published on January 16, 2024; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Shreveport, Louisiana, in a due, legal and regular session convened, that the following amendments to the City of Shreveport, Louisiana, Unified Development Code ("Shreveport UDC") are hereby authorized as follows:

1. Add new definition "Battery-Charged Fence" in ARTICLE 2. DEFINITIONS AND RULES OF MEASUREMENT, SECTION 2.3 DEFINITION OF GENERAL TERMS in the Shreveport UDC. This new definition will need to be alphabetized accordingly.

2.3 DEFINITION OF GENERAL TERMS

Battery-Charged Fence. A new or existing alarm system and ancillary components or equipment attached to such a system, including but not limited to: a fence, a battery-operated energizer which is intended to periodically deliver voltage impulses to the fence connected to it, and a battery charging device used

exclusively to charge the battery. However, "battery-charged fence" does not mean an electrically charged fence used for agriculture or animal containment purposes.

* * * * *

2. Amend development standard regulation in “Fences and Walls” in ARTICLE 7. ON-SITE DEVELOPMENT STANDARDS, SECTION 7.3 ACCESSORY STRUCTURES AND USES, SUBSECTION 7.3.L in the Shreveport UDC.

7.3 ACCESSORY STRUCTURES AND USES

* * * * *

L. Fences

* * * * *

4. Fence and Wall Construction and Design Requirements

- a. When only one side of a fence is finished, the finished side of all fences must face away from the lot on which it is located. Fences constructed on property lines dividing single-family residential lots are exempt from this provision.
- b. A fence or wall, including all posts, bases, and other structural parts must be located completely within the boundaries of the lot on which it is located.
- c. No fence may be electrified, unless it is a battery-charged fence and meets the following requirements, as established by state law:
 - i. Interfaces with a monitored alarm device in a manner that enables the alarm system to transmit a signal intended to summon law enforcement in response to an intrusion or burglary.
 - ii. Is located on property that is not zoned exclusively for residential use.
 - iii. Has an energizer that is powered by a commercial storage battery that is not more than twelve volts of direct current.
 - iv. Has an energizer that meets the standards set forth by the International Electrotechnical Commission Standard 60335-2-76, current edition.
 - v. Is surrounded by a nonelectric perimeter fence or wall that is not less than five feet in height.
 - vi. Is the higher of ten feet in height or two feet higher than the height of the nonelectric perimeter fence or wall.
 - vii. Is marked with conspicuous warning signs that are located on the battery-charged fence at not more than forty-foot intervals and that read: "WARNING-ELECTRIC FENCE".

State law reference—La. R.S. 33:1376

BE IT FURTHER ORDAINED that the Mayor of the City of Shreveport, or his/her designee, and the Executive Director of the Shreveport-Caddo Metropolitan Planning Commission, or his/her designee, shall be and is hereby authorized to do any and all things and to sign any and all documents in a form acceptable to the City Attorney, or his/her designee, necessary to effectuate the purposes set forth herein.

BE IT FURTHER ORDAINED that if any provision or item of this Ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this Ordinance which can be given affect without the invalid provisions, items or applications and to this end the provisions of this Ordinance are hereby declared severable.

BE IT FURTHER ORDAINED that all ordinances, resolutions or parts thereof in conflict herewith are hereby repealed.

BE IT FURTHER ORDAINED that this Ordinance shall become effective in accordance with the provisions of Shreveport City Charter Section 4.23.

THUS DONE AND ORDAINED by the City Council of the City of Shreveport, Louisiana.

APPROVED AS TO LEGAL FORM:

City Attorney's Office



Office of the MPC

505 Travis Street | Suite 440 | Shreveport, LA | 71101
318-673-6440 | fax 318-673-6112

SHREVEPORT UDC CODE TEXT AMENDMENT SUMMARY: 24-01-CTAC
—Electric Fences—

MPC Case #24-01-CTAC recommends two (2) text amendments.

REQUEST: These proposed code text amendments would amend *Article 2. – Definitions and Rules of Measurement* and *Article 7. – On-Site Development Standards*, updating the UDC’s regulations for the electrification of fences—mirroring state law, La. R.S. 33:1376, for battery-charged fences.

MASTER PLAN CONSISTENCY: Staff certifies that the proposed UDC amendments are consistent with the Shreveport-Caddo 2030 Great Expectations Master Plan.

STAFF ANALYSIS: The MPC has seen a spike in development’s wanting to construct electric fences throughout the City of Shreveport. This is due to the rise in theft and other safety issues that has added expense to local businesses.

Recently, a property owner wishing to install an electric fence challenged the legality of this provision, citing state law (La. R.S. 33:1376).

Additionally, the City Attorney has advised MPC Staff that the original blanket prohibition on the electrification of fences within the UDC may need to be amended to become more in compliance with state law.

Therefore, staff proposes adding a new definition for battery-charged fence, as well as additional language to the development standards for fences.

These revised development standards mirror those found in state law, and when combined with the existing location and other performance standards, better protect potential unintended interaction with electric fences.

RECOMMENDATION: MPC Staff concludes that the recommendation to APPROVE these code text amendments is warranted.

RECOMMENDED UDC CODE TEXT AMENDMENTS. 24-01-CTAC.

The City of Shreveport Unified Development Code (UDC) undergoes regular review to ensure that the Code promotes sound, stable, and desirable development to correct errors in the text or to reflect the changing nature of business in our community. These proposed amendments will be intended to be more user-friendly, concerning the electrification of fences, with all provisions included herein.

Staff is requesting the Shreveport UDC be amended as follows: ~~strikeout~~ indicates deleted text, underline indicates added text].

1. Add new definition "Battery-Charged Fence" in ARTICLE 2. DEFINITIONS AND RULES OF MEASUREMENT, SECTION 2.3 DEFINITION OF GENERAL TERMS in the Shreveport UDC. This new definition will need to be alphabetized accordingly.

2.3 DEFINITION OF GENERAL TERMS

* * * * *

Battery-Charged Fence. A new or existing alarm system and ancillary components or equipment attached to such a system, including but not limited to: a fence, a battery-operated energizer which is intended to periodically deliver voltage impulses to the fence connected to it, and a battery charging device used exclusively to charge the battery. However, "battery-charged fence" does not mean an electrically charged fence used for agriculture or animal containment purposes.

* * * * *

2. Amend development standard regulation in "Fences and Walls" in ARTICLE 7. ON-SITE DEVELOPMENT STANDARDS, SECTION 7.3 ACCESSORY STRUCTURES AND USES, SUBSECTION 7.3.L in the Shreveport UDC.

7.3 ACCESSORY STRUCTURES AND USES

* * * * *

L. Fences and Walls

* * * * *

4. Fence and Wall Construction and Design Requirements

- a. When only one side of a fence is finished, the finished side of all fences must face away from the lot on which it is located. Fences constructed on property lines dividing single-family residential lots are exempt from this provision.
- b. A fence or wall, including all posts, bases, and other structural parts must be located completely within the boundaries of the lot on which it is located.
- c. No fence may be electrified, unless it is a battery-charged fence and meets the following requirements, as established by state law:
 - i. Interfaces with a monitored alarm device in a manner that enables the alarm system to transmit a signal intended to summon law enforcement in response to an intrusion or burglary.
 - ii. Is located on property that is not zoned exclusively for residential use.
 - iii. Has an energizer that is powered by a commercial storage battery that is not more than twelve volts of direct current.
 - iv. Has an energizer that meets the standards set forth by the International Electrotechnical Commission Standard 60335-2-76, current edition.
 - v. Is surrounded by a nonelectric perimeter fence or wall that is not less than five feet in height.
 - vi. Is the higher of ten feet in height or two feet higher than the height of the nonelectric perimeter fence or wall.
 - vii. Is marked with conspicuous warning signs that are located on the battery-charged fence at not more than forty-foot intervals and that read: "WARNING-ELECTRIC FENCE".

State law reference—La. R.S. 33:1376

STAFF REPORT – CITY OF SHREVEPORT

FEBRUARY 7, 2024

AGENDA ITEM NUMBER: XX
MPC Staff Member: Adam Bailey
City Council District: All Districts
Parish Commission District: All Districts

CASE NUMBER: 24-01-CTAC: City of Shreveport Code-Text Amendments
APPLICANT: METROPOLITAN PLANNING COMMISSION
REQUEST: Code Text (Ordinance) Amendments to the Shreveport UDC

SUMMARY OF CODE TEXT AMENDMENT(S):

These proposed code text amendments would amend the following UDC articles: *Article 2. – Definitions and Rules of Measurement* and *Article 7. – On-Site Development Standards*, updating the current regulations for the electrification of fences to mirror state law—La. R.S. 33:1376—for battery-charged fences.

MPC Staff concludes that the recommendation to APPROVE these code text amendments is warranted.

DESCRIPTION: The Executive Director has requested the Metropolitan Planning Commission to review and recommend code changes regarding the regulations of the electrification of fences. These proposed code text amendments would amend the following articles: *Article 2. – Definitions and Rules of Measurement* and *Article 7. – On-Site Development Standards*.

MASTER PLAN CONSISTENCY:

These proposed changes are consistent with the following provisions of the Shreveport-Caddo 2030 Great Expectations Master Plan:

- Ensuring regulatory processes are responsive, efficient, and customer friendly,
- Making the UDC more customer friendly, and
- Revising regulations for best practices and enforcement.

NOTIFICATION/ COMMUNITY OUTREACH:

Notifications of the MPC public hearing were published pursuant to the following:

- Notice of the February MPC public hearing was provided through legal advertisement in *The Shreveport Times* on January 16, 2024. No comments have been received to date. Mailed notifications for applications for a code text amendment are not required.
- Following the MPC public hearing on February 7, 2024, the Shreveport City Council will review the proposals at a February 20, 2024, and March 12, 2024, public hearing.

STAFF REPORT – CITY OF SHREVEPORT

STAFF ANALYSIS: The MPC has seen a spike in development's wanting to construct electric fences throughout the City of Shreveport. This is due to the rise in theft and other safety issues that has added expense to local businesses. As currently written in the Shreveport UDC, electric fences are not allowed, Per Section 7.3.L.4(c): *No fence may be electrified.*

Recently, a property owner wishing to install an electric fence challenged the legality of this provision, citing state law (La. R.S. 33:1376). Additionally, the City Attorney has advised MPC Staff that the original blanket prohibition on the electrification of fences within the UDC may need to be amended to become more in compliance with state law. Therefore, staff proposes adding a new definition for *battery-charged fence*, as well as additional language to the development standards for fences. The proposed performance standards include that the fence:

- Interfaces with a monitored alarm device in a manner that enables the alarm system to transmit a signal intended to summon law enforcement in response to an intrusion or burglary.
- Is located on property that is not zoned exclusively for residential use.
- Has an energizer that is powered by a commercial storage battery that is not more than twelve volts of direct current.
- Has an energizer that meets the standards set forth by the International Electrotechnical Commission Standard 60335-2-76, current edition.
- Is surrounded by a nonelectric perimeter fence or wall that is not less than five feet in height.
- Is the higher of ten feet in height or two feet higher than the height of the nonelectric perimeter fence or wall.
- Is marked with conspicuous warning signs that are located on the battery-charged fence at not more than forty-foot intervals and that read: "WARNING-ELECTRIC FENCE".

These revised development standards mirror those found in state law, and when combined with the existing location and other performance standards, better protect potential unintended interaction with electric fences.

These code amendments include the following edits to fences to *Article 2. – Definitions and Rules of Measurement* and *Article 7. – On-Site Development Standards*, drafted by MPC Staff and reviewed by City Attorney, and are attached to the staff report in draft form as *Exhibit B- Amendment Details*.

PROPOSED UDC CODE TEXT AMENDMENT(S):

Staff is proposing the following amendments to the Shreveport UDC at this time: **See Exhibit "B" for a detailed list of changes with blue colored underlines for new language and red strikethroughs for deleted language, as applicable.**

STAFF REPORT – CITY OF SHREVEPORT

Amendment 1. Add new definition for *Battery - Charged Fence* in **Article 2. Definitions and Rules of Measurement.**

Amendment 2. Amends subsection *Fence and Wall Construction and Design Requirements* standards in **Article 7. – On-Site Development Standards**, adding regulations that would mirror state law.

ATTACHMENTS: See Exhibit “A” for a one-page summary of proposed amendments.
See Exhibit “B” for a detailed list of changes.

APPROVAL STANDARDS: The purpose of Section 16.1.E.1 is to provide a uniform means for amending the text of the UDC whenever the public necessity, convenience, general welfare, comprehensive plan, or appropriate land use practices justify or require doing so. In determining whether to recommend approval or denial of the proposed text amendment, the MPC shall weigh the relevance to which the proposed amendment:

- a. **Promotes the public health, safety, and welfare.**
The proposed text amendments promote the public health, safety, and welfare.
- b. **Promotes the Master Plan and any adopted land use policies.**
The proposed text amendments are consistent with the Master Plan.
- c. **Promotes intent of this Code.**
These amendments will simplify current practices, thus promoting the intent of the Code.
- d. **Corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy.**
The proposed amendments reflect changes in policy.
- e. **The extent to which the proposed amendment creates nonconformities.**
These amendments help alleviate nonconformities, not create them.

STAFF RECOMMENDATION: Based on staff analysis, review of the above standards, and the facts of record, MPC Staff concludes that the recommendation to **APPROVE** these code text amendments is warranted. If approved by City Council, **Article 2** and **Article 7** of the *Shreveport UDC* would be amended, as described within. A majority vote of the MPC Board members present and voting is required to recommend approval to the City Council.

Alternatively, based on information provided at the public hearing, the MPC Board may:

- Deny the proposed code text amendment;
- Deny specific provisions and/or amendments, and approve any subsequent amendments and/or provisions; or
- Modify specific language in the proposed amendment and approve, as modified.

STAFF REPORT – CITY OF SHREVEPORT

PUBLIC ASSESSMENT: No support or opposition was present.

**MPC BOARD
RECOMMENDATION:** The Board voted unanimously to recommend this application for approval.

**SHREVEPORT METROPOLITAN PLANNING COMMISSION OF CADDO PARISH
SUMMARY MINUTES OF THE PUBLIC HEARING FEBRUARY 7, 2024**

A regularly scheduled public hearing of the Shreveport Metropolitan Planning Commission of Caddo Parish was held on Wednesday, February 7, 2024 at 3:00 p.m. at Government Plaza Chamber, 505 Travis Street, Shreveport, Caddo Parish, LA. The members met in the MPC Conference room prior to the hearing for case manager presentations.

Members Present

Winzer Andrews, Chair
Bill Robertson
Gabriel Balderas
Chris Elberson
Harold Sater
Rachel Jackson
Rose Wilson McCulloch
Toni Thibeaux

Staff Present

Stephen Jean, Deputy Director
Adam Bailey, Community Planning & Design Manager
Kamrin Hooks, Executive Assistant/Planner 1
Emily Trant, Planner II
Jomari Smith, Planner 1
Christian Terrell, Planner 1
Tanner Yeldell, City Attorney's Office
Reginald Jordan, Zoning Administrator

Members Absent

Fred Moss, IV

The hearing was opened with prayer by **MS. JACKSON** . The Pledge of Allegiance was led by **MR. ELBERSON**

The meeting was called to order & the procedure for hearing the applications on today's agenda was explained. Speakers should speak clearly into the microphone & give their name & mailing address for further reference. Comments on any item not on the agenda will be limited to 3 minutes at the end of the public hearing. Any written comments that were submitted may be viewed in the public record files.

All decisions rendered by the Metropolitan Planning Commission are subject to appeal to the appropriate governing body, the City Council. Appeals must be filed within 10 days from the date a decision is rendered by the Metropolitan Planning Commission.

A motion was made by MR. BALDERAS, seconded by MS. JACKSON, to approve the minutes of the January 10, 2024 public hearing as submitted.

The motion was adopted by the following 8-0 vote: Ayes: Messrs. ANDREWS, BALDERAS, ELBERSON, ROBERTSON, & SATER and Meses. WILSON MCCULLOCH, JACKSON & THIBEAUX Nays: NONE. Absent: Messrs. MOSS

PUBLIC HEARING

CASE NO. 24-01-CTAC CODE TEXT AMENDMENT

Applicant: Metropolitan Planning Commission
Request Code Text (Ordinance) Amendments to The Shreveport UDC

Representative &/or support: NONE

Opposition: NONE

A motion was made by MR. ELBERSON, seconded by MR. SATER to recommend this application for approval.

The motion was adopted by the following 8-0 vote: Ayes: Messrs. ANDREWS, BALDERAS, ELBERSON, ROBERTSON, & SATER and Meses. WILSON MCCULLOCH, JACKSON & THIBEAUX Nays: NONE. Absent: Messrs. MOSS

END OF PUBLIC HEARING

OLD BUSINESS

JORDAN stated from Year to Date for Commercial Certificate of Occupancies, there have been 22 and 2 from February 1-7. From the Year to Date for Home-Based Certificate of Occupancies, there have been 16 and 3 from February 1-7. He stated there have been 52 violations from year to date and 6 from February 1-7.

JEAN stated that the Update of the Masterplan has kicked off and more information will be coming soon, as the MPC Board will be very involved with the process.

NEW BUSINESS

OTHER MATTERS TO BE REVIEWED BY THE COMMISSION

A motion was made by MR. ROBERTSON, seconded by MR. ANDREWS to adjourn the meeting.

The motion was adopted by the following 8-0 vote: Ayes: Messrs. ANDREWS, BALDERAS, ELBERSON, ROBERTSON, & SATER and Meses. WILSON MCCULLOCH, JACKSON & THIBEAUX Nays: NONE. Absent: Messrs. MOSS

A motion was made by MRS. WILSON MCCULLOCH, seconded by MRS. JACKSON to go back into session.

The motion was adopted by the following 8-0 vote: Ayes: Messrs. ANDREWS, BALDERAS, ELBERSON, ROBERTSON, & SATER and Meses. WILSON MCCULLOCH, JACKSON & THIBEAUX Nays: NONE. Absent: Messrs. MOSS & BALDERAS and Meses. THIBEAUX & JACKSON

Public Comment:

David Hackney 9660 Railsback Ridge, Shreveport, LA, 71106

Hackney stated that he spoke to this Board on June 7, 2023. He said that ROBERTSON invited him to come back and speak again if his issue was not resolved. He stated that the Esplanade subdivision had a PUD that was done in 2007 that has a long list of amenities that the PUD required for approval. He stated one of those amenities was sidewalks being on each side of the street. He stated they still do not have those sidewalks and he has spoken with many people in the MPC office and the developer. Nothing has been accomplished or fixed. He stated that JEAN informed him that there has been slow response because of the litigation brought up about this case. Hackney then stated that CLARKE has told him that new plans have been submitted to bring the PUD into requirement, but still nothing has been done.

JEAN stated that there have been discovery requests made about this case and as there is active litigation going on, counsel has advised no comments to be made on the record.

CHAIR/BOARD MEMBER'S COMMENTS

ADJOURN 5:15 p.m.

Winzer Andrews, Chair

Rachel Jackson, Secretary

CC3825

NOTICE TO THE PUBLIC

Control #24006

Notice is hereby given that the Shreveport Metropolitan Planning Commission of Caddo Parish, LA, will hold a public hearing on Wednesday, February 7, 2024 at 3:00 p.m. in the **Government Plaza Chamber, 1st Floor, 505 Travis Street, Shreveport, LA**, for the purpose of considering the following subdivision applications &/or amendments to the City of Shreveport and Caddo Parish Unified Development Codes & the official Zoning Map for the Shreveport Metropolitan Planning Area of Caddo Parish, LA.

CASE NO. 24-01-CTAC: UDC CODE TEXT AMENDMENTS. In accordance with Shreveport Unified Development Code (UDC), *Article 16, Section 16.1*, an application has been submitted by the staff of the Office of the Shreveport Metropolitan Planning Commission of Caddo Parish to consider public comments and testimony regarding a text amendment to the Shreveport UDC, amending *Article 7. – On-Site Development Standard* to update the regulations for the electrification of fences, with all provisions included therein.

Alan Clarke, Executive Director
Metropolitan Planning Commission
The Shreveport Times