

**FENCE
REGULATIONS**

ARTICLE 6.07 FENCES

Division 1. Generally

Sec. 6.07.001 Definitions

For the purpose of this article, the following terms, phrases and words shall have meanings respectively ascribed to them by this section:

Code official. The administrative official or the designated representative charged with the responsibility of enforcement of this article.

Approved. Approved by the code official or the city council.

Corner lot. A lot situated at the intersection of two (2) streets, the interior angle of such intersection not to exceed one hundred thirty-five (135) degrees.

Fence. Any wall, berm or structure more than two and one-half (2-1/2) feet in height erected or maintained for the purpose of enclosing, screening, restricting access to or decorating the surrounding lot, parcel, building or structure, located entirely on private property.

Front yard. An open, unoccupied space on a lot facing a street and extending from the building or the required building line across the front of a lot.

Height (of fence). Measured from ground level at the base of the fence to the uppermost part of the fence.

Interior lot. A lot other than a corner lot.

Interior lot line. The side yard lot line that is adjacent to a corner lot or an interior lot's side yard line.

Rear yard. A yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the principal buildings.

Reverse frontage corner lot. A corner lot where the rear lot line is adjacent to a side lot line of an adjoining lot or across an alley from such side lot line.

Side yard. An open unoccupied space on the same lot with the building, extending from the building or the required building line and the same [side] lot line.

Street. For the purpose of this article, shall refer to public and private streets.

Through lot (double frontage lot). A building lot not a corner lot, where both the front and rear lot lines adjoin street lines. For the purpose of this section, both street lines shall be deemed front lot lines.

Vision triangle. That imaginary area created by measuring along two (2) intersecting property lines a distance as indicated below, then drawing a line diagonally. A fence or fences in these vision triangles shall not exceed two and one-half (2-1/2) feet in height.

(1) Street-street intersections. The vision [triangle] is determined by measuring back from the intersecting point of the two (2) property lines parallel to the intersecting streets a distance of twenty-five (25) feet, and drawing an imaginary line across these two (2) points.

(2) Alley intersections. The vision triangle is determined by measuring back from the intersecting point of the two (2) property lines parallel to the intersecting alley a distance of ten (10) feet, and drawing an imaginary line across the two (2) points. (See figure 5 at the end of this article.)

Sec. 6.07.002 Encroachment on public property

No fence, guy wires, braces or any post of such fence constructed pursuant to this article shall be constructed upon or caused to extend or otherwise encroach over public property that the city or the general public has dominion and control, owns or has a right of access over, under, around or through, except upon utility easements which are permitted to be fenced.

Sec. 6.07.003 Construction within easements

(a) Permission to build a fence upon a utility easement does not remove the obligation of the owner of said fence to remove the fence upon demand of the utility company. Removal of any fence and any rebuilding of any fence shall be the responsibility of the owner of said fence and at the owner's expense.

(b) Fences shall be designed, constructed and maintained so as not to interfere with utility lines.

(c) Fences shall be designed, constructed and maintained so as not to interfere with normal drainage.

Sec. 6.07.004 Height limitation in rear and side yards

It shall be unlawful to erect, maintain, suffer or permit a fence at a height exceeding (8) feet in any rear yard or along any rear yard lot line, or in any side yard or along any side yard line, except by appeal to the zoning board of adjustment board and by favorable vote from same.

Sec. 6.07.005 Height limitation in front yards

Front yard fences shall be constructed within the required front yard according to the following:

- (1) The fence is forty-eight (48) inches or less in height, and the fence is fifty (50) percent visibility open (no solid fences). (See figure 1 at the end of this article.)
- (2) In the case of a corner lot, the fence is forty-eight (48) inches or less in height, and the fence is fifty (50) percent visibility open (no solid fences). (See figure 2 at the end of this article.)
- (3) Metal fabric material (chain-link) fence materials are not allowed within the required front yard except for the repair or replacement of an existing chain-link fence to its original height.

Sec. 6.07.006 Reverse frontage lots

- (a) On all reverse frontage lots located on property zoned for residential use, or used for residential use, it shall be unlawful to construct, maintain, suffer or permit a fence within the required side yard area that is adjacent to a front yard area at a distance closer than ten (10) feet of the side property line.
- (b) It shall be an affirmation of defense to subsection (a) above that the fence is four (4) feet or less in height and the fence allows at least fifty (50) percent through vision. (See figure 3 at the end of this article.)

Sec. 6.07.007 Barbed wire or electrically charged fences

- (a) Only fences as part of an agricultural or farming or ranching related activities erected, maintained or permitted shall be electrically charged in any manner or form. The exclusion includes but is not limited to fences electrically charged by battery or those tied in with the regular electrical outlet.
- (b) No fence erected, maintained or permitted shall be made with barbed wire unless as part of an agricultural or farming or ranching related activities.
- (c) No fence erected, maintained or permitted shall be made with concertina wire, razor wire or anything capable of causing significant harm to the general public.
- (d) Any barbed wire portion of a fence for a commercial application must be on that portion of the fence over six (6) feet in height. The barbed arms shall not extend over public rights-of-way or easements or over private property of another person. When adjoining property is zoned or used for residential purposes or public rights-of-way, barbed arms shall extend inward. (See figure 4 at the end of this article.)

(Ordinance 2011-03-06 adopted 3/14/11)

Sec. 6.07.008 Fence construction, materials, and setback

(a) All fences, unless prohibited elsewhere in this article, shall be constructed or maintained with wire or metal fabric material (chainlink), wood, brick, stone, concrete, vinyl, ornamental iron or other approved materials as approved by the code official. Fence posts shall be constructed or made of metal, brick, stone, concrete, fiberglass or other material approved by the code official. All fence posts must be placed at a depth of at least twenty-four (24) inches into the ground filled and anchored with concrete footers or encasement.

(b) The zoning board of adjustments of the city is hereby designated the appeal body to hear any appeals to decisions rendered from the strict application of this section. Any material proposed not outlined in the above subsection is considered prohibited for use as a fence construction material.

(c) Fencing in commercial and industrial districts behind the front building line shall be constructed of the primary masonry materials of the building, wrought iron, chainlink, living plant material or other material as approved by the code official.

(d) All fences shall be set back a minimum of five (5) feet from the front of a structure. In the event that district-specific fence regulations duly adopted by the city council conflict with this subsection (d), those district-specific regulations will control.

(Ordinance 2017-08-28 adopted 8/14/17)

Sec. 6.07.009 Gates

It shall be unlawful for any person to erect, construct or maintain any fence without providing a gate or other means of entrance and exit into and out of the area which the fence encloses, and it shall further be unlawful for any person to erect, construct or maintain any fence along or near a rear property line which adjoins an alley or easement without providing a reasonable means of access to such alley or easement. Gates must swing inward toward private property and are not allowed to swing outward across property lines into public rights-of-way.

Sec. 6.07.010 Inspection

Upon completion of the installation of a fence, the building inspection department shall be called upon for inspection. An acceptance tag will then be issued or a rejection tag indicating the defects in the same not in compliance with approved plans or city ordinances.

Sec. 6.07.011 Maintenance

All fences shall be maintained by the owners of the property so as to comply with the requirements of this article and shall also be maintained in good condition; such condition shall not deviate from the maintenance standards as follows:

(1) The fence shall not be out of vertical alignment more than twenty (20) degrees.

(2) Any and all broken, damaged, removed or missing parts of said fence shall be replaced within ten (10) days of receiving notification by regular mail, or notice delivered in person by the code official or his authorized representative. The code official may, upon written notice from the owner that unusual circumstances prevent the timely repair of a fence, extend the replacement time as necessary. Replacement materials to be the same material, size, shape and quality of the original fence to which the repair is being made except when a post is damaged, removed or missing. Replacement materials of fence posts shall conform to the standards established by section 6.07.008 above. Such post shall be replaced with metal or steel (095 or schedule 40) or other material approved by the code official. Except in cases where a fence or fences are ordered to be constructed on property as a result of a specific order of the city council or through operation of the development code of the city, the above requirements shall not be construed so as to not allow a fence or fences to be removed.

Secs. 6.07.012–6.07.040 Reserved

Division 2. Permit

Sec. 6.07.041 Required

It shall be unlawful for any person, firm or corporation to erect or have erected or to make substantial repairs, suffer or permit a fence or any part of a fence of permanent construction without first obtaining a fence permit from the office of the code official.

Sec. 6.07.042 Application

Any person making application for a fence permit shall sign an application which shall contain the following information:

(1) Applicant's name and address, and if the applicant represents a corporation, the name and address of the registered agent of the corporation, and if the applicant represents an association, the name and address of the higher manager or agent of the association.

(2) Name of the owner of the property.

- (3) Address where the fence is proposed to be erected.
- (4) Type of fence construction and buildings to be utilized.
- (5) Height of fence.
- (6) Site plan showing proposed location of the fence and listing relevant dimensions between the fence and other structures on the lot and the location of property lines, easements and public rights-of-way.

Sec. 6.07.043 Fee

Upon approval of the application and at the time of issuance of the permit, the applicant shall pay a fee as set forth in the master fee schedule. Any fence constructed without first being issued the required building permit, the permit fee may be doubled.

Sec. 6.07.044 Right of appeal; variances

(a) Upon denial of a fence permit application by the code official, an applicant may appeal in writing to the zoning board of adjustment for consideration of variances. Whenever the applicant can show that a strict application of the terms of this article will impose upon him unusual or practical difficulties, the zoning board of adjustment may consider such variances when the board is satisfied that granting of such variation will not merely serve as a convenience but will alleviate some demonstrable and unusual hardship or difficulty to warrant a variance and, at the same time, the surrounding property will be properly protected.

(b) Areas that warrant a hearing before the zoning board of adjustment would be fence materials, fence setbacks and overall height of the fence. These are the only areas that may be considered for considering a variance by the zoning board of adjustment.

Sec. 6.07.045 Appeal procedure

(a) After denial of a fence permit, the applicant may file an application for appeal for a variance hearing with the planning department to be considered or scheduled for a hearing before the zoning board of adjustment.

(b) An appeal fee as provided for in the master fee schedule shall accompany such application.

(c) Site plan drawings and elevations of the proposed fence shall accompany the application.

(d) The zoning board of adjustment shall hear the appeal from the applicant and render a decision.

Figure 1. Interior Lot Figure

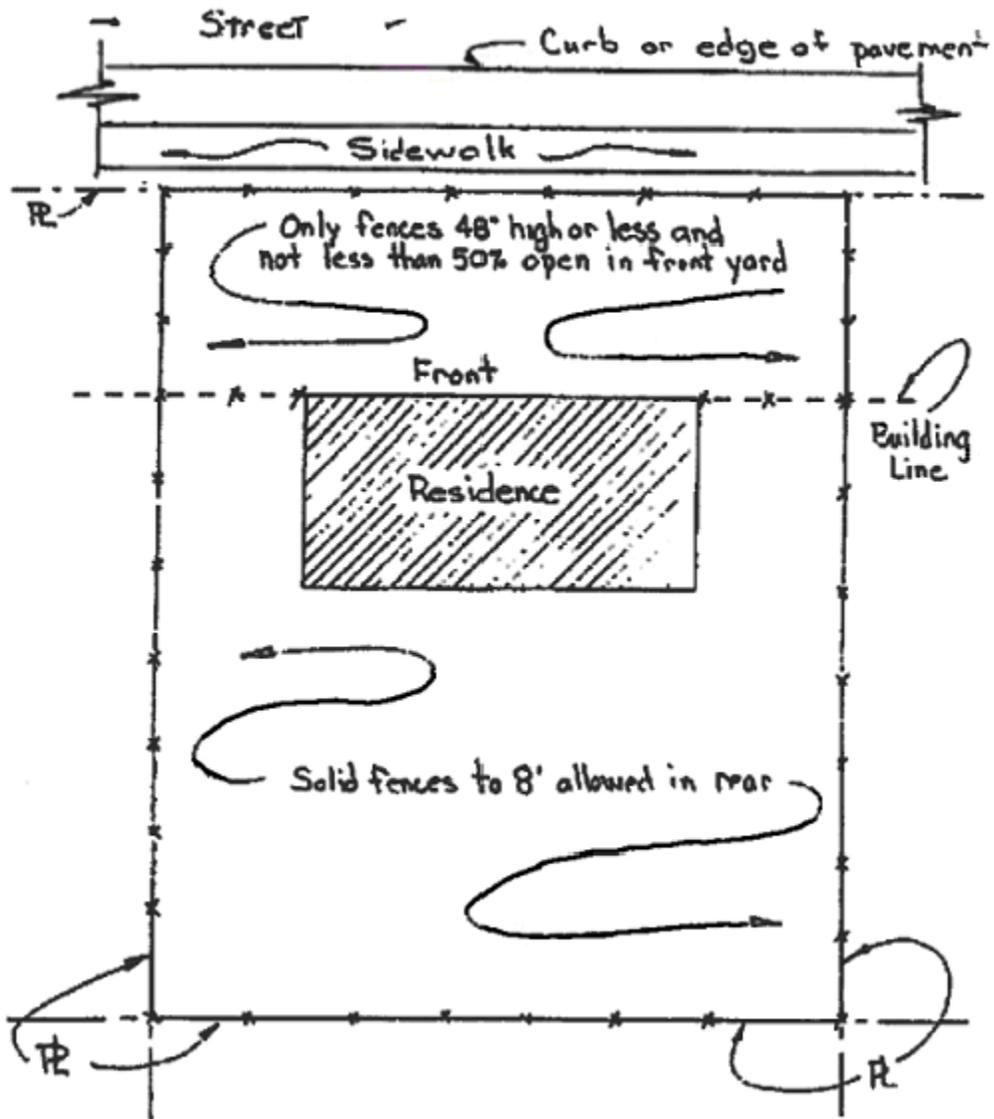


Figure 2. Corner Lot

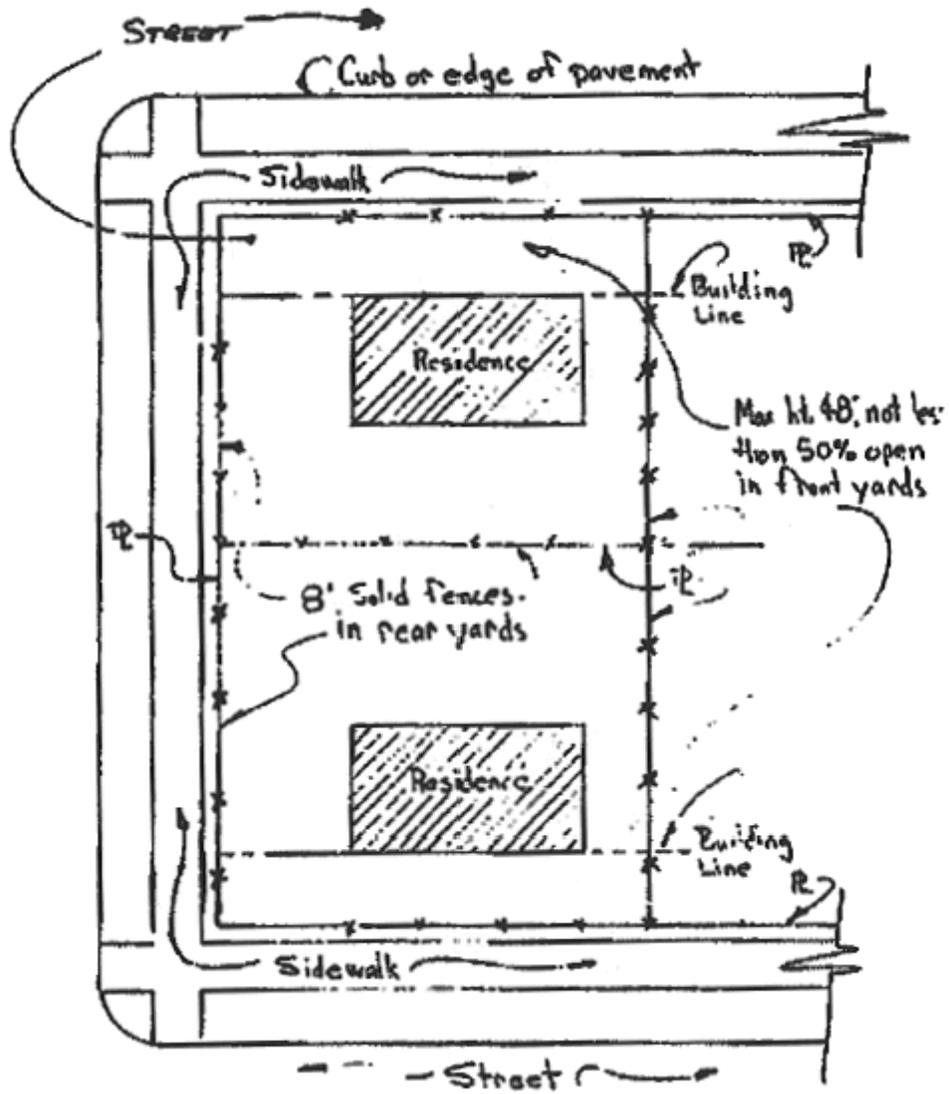


Figure 3. Reverse Frontage Lot

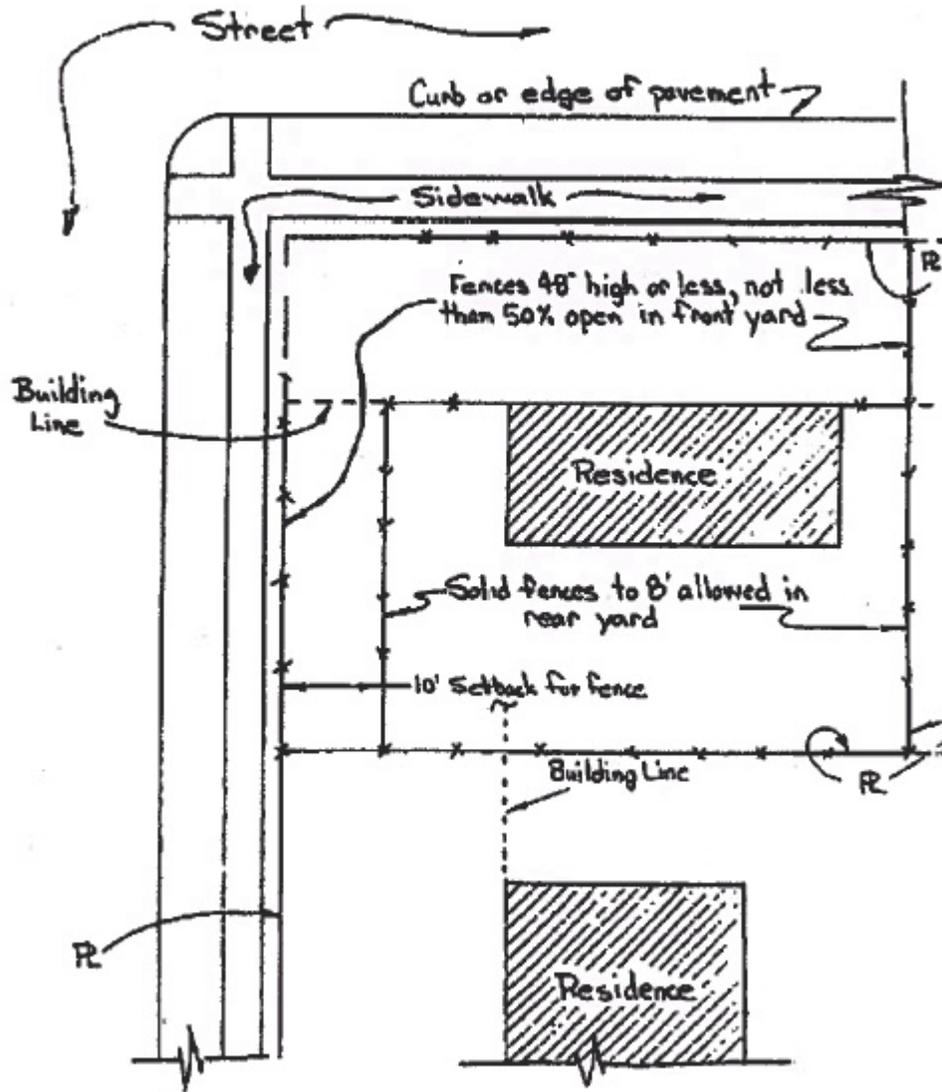


Figure 4. Barb-type Wire Fences

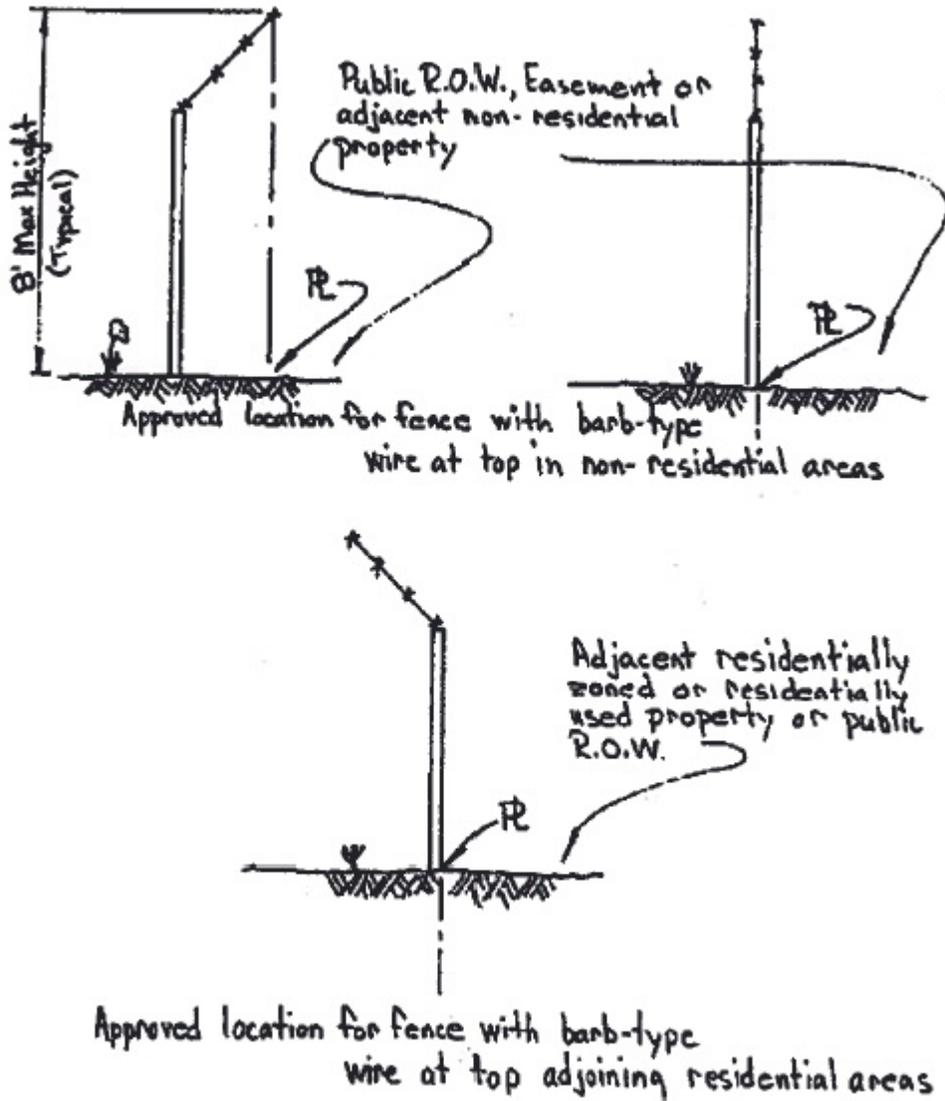
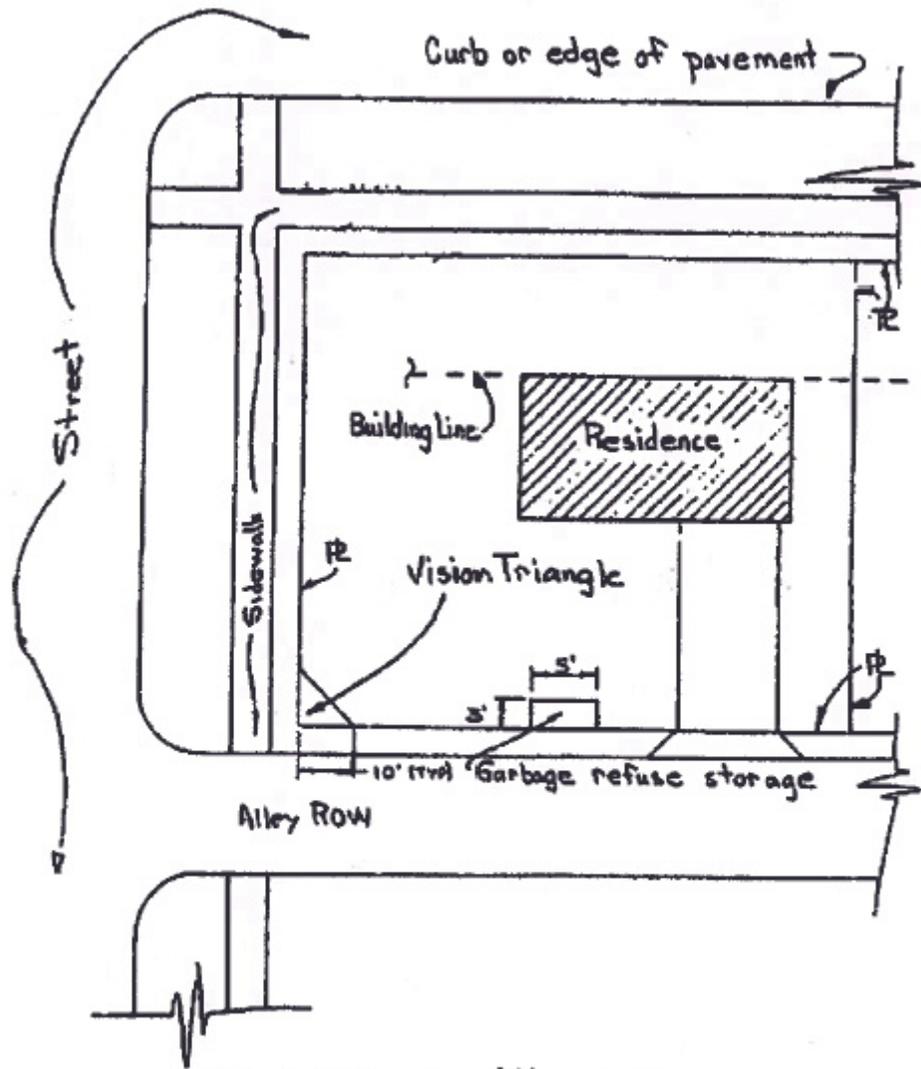


Figure 5. Vision Triangle/Garbage Receptacle Detail



1) Vision Triangle - Alley - In

2) Garbage Receptacle Detail