

ARTICLE VI. - FENCES<sup>[2]</sup>

## Sec. 25-601. - Applicability.

The requirements of this article shall apply to the construction, installation, extension, repair and replacement of all fences.

(Ord. No. 4944, art. 1, 3-6-17)

## Sec. 25-602. - Permit required.

A fence permit shall be required for the construction, installation or extension of any fence. A fence permit shall also be required for the repair or replacement of any fence if the extent of repair or replacement exceeds thirty (30) percent of the fence area. Application for a fence permit shall be submitted to the city manager using a form provided by the city, and contain all necessary information as determined by the city manager. The fence permit fee shall be per the city's fee schedule. All work shall be in compliance with the approved fence permit. The city manager may require inspections as necessary to ensure compliance. This section shall not apply to any fence that is part of a public improvement project.

(Ord. No. 4944, art. 1, 3-6-17)

## Sec. 25-603. - General requirements.

- (a) No fence shall be located on or across a property line unless both properties are owned by the fence owner or written permission is obtained from the other property owner and a copy submitted to the city manager as part of the fence permit application. Where a fence crosses a property line, such fence shall contain two (2) mounting posts that abut at the property line. The fence owner shall be responsible for locating the property lines.
- (b) No fence or portion thereof shall be located in an easement, except as approved by the city manager.
- (c) No fence or portion thereof shall be located in a public street or alley right-of-way, except as approved by the city manager.
- (d) No fence or portion thereof shall be located within thirty (30) feet of a street intersection, as measured from the right-of-way line, except as approved by the city manager.
- (e) No fence shall impede or restrict authorized access to utility or stormwater drainage infrastructure.
- (f)

No fence shall impede or restrict the flow of stormwater.

(g) No fence shall be connected to an electrical current, except as follows:

(1) Electric fences not exceeding an input of twelve (12) volts shall be permitted for gardens and orchards.

(2) Electric fences that are non-lethal to humans shall be permitted in agricultural districts.

(h) No fence shall be used to display a commercial sign, except for fences used in conjunction with school or public athletic fields.

(i) No yard shall be completely enclosed by fences in a manner that impedes emergency access.

(j) All fences shall be constructed in a workmanlike manner and maintained in their original upright condition.

(k) For fences using in-ground posts, each post shall have an in-ground depth equal to one half (0.5) the fence height and a post hole equal to three (3) times the diameter of the post.

(l) For fences having a front and a back, the front or finished side shall face outward from the property on which the fence is located.

(m) Missing fence components shall be replaced in a timely manner, as determined by the city manager. Replacement components shall match or be comparable to existing components of the same type in terms of material, style and finish.

(Ord. No. 4944, art. 1, 3-6-17)

#### Sec. 25-604. - Height and surface requirements.

(a) Fences shall comply with the height and surface standards in the following table:

Use Type	Location	Height	Surface
Agricultural and rural estate residential <sup>1</sup>	Front yard	Maximum of five (5) feet	Minimum of 50% open
	Rear and side yards	Maximum of six (6) feet	
Residential, non-rural estate	Front yard	Maximum of three (3) feet	Minimum of 50% open

	Rear and side yards	Maximum of six (6) feet	
Commercial	Front yard <sup>2</sup>	Maximum of four (4) feet	Minimum of 50% open
	Rear and side yards	Maximum of eight (8) feet	
Manufacturing/industrial	All yards	Maximum of eight (8) feet	
Playground, as part of a school or park	Front yard	Maximum of six (6) feet	Minimum of 75% open
	Rear and side yards	Maximum of six (6) feet	
Athletic field	Front yard	Maximum of twelve (12) feet	Minimum of 75% open
	Rear and side yards	Maximum of twelve (12) feet	
Tennis court	All yards	Maximum of twelve (12) feet	Minimum of 50% open
Swimming pool	All yards	Minimum of four (4) feet	In accordance with <u>section 13-37</u> of the City Code

<sup>1</sup> Rural estate residential shall mean a residential use in a rural estate residential district.

<sup>2</sup> Chain link fences in the front yard are prohibited.

<sup>3</sup> Baseball backstops are exempted.

- (b) For any use not specifically listed in the foregoing table, the standards of the most similar use specifically listed shall apply, as determined by the city manager.
- (c) Fence height shall be measured from the ground to the highest point of the boards, pickets, panels, or other elements between the vertical supports. Posts and other vertical supports, including any finials, shall be permitted to extend above the fence height by no more than fifteen (15) percent. The creation of mounds, slopes or terraces to elevate the ground at the fence line above the adjacent yard is prohibited.

(Ord. No. 4944, art. 1, 3-6-17)

Sec. 25-605. - Material requirements.

- (a) Fences shall be comprised of conventional, rigid fence materials such as wood, metal, vinyl, brick, or stone. Other materials may be approved by the city manager on a case-by-case basis. Fence materials, finishes, and design shall be visually compatible with the character of the property on which it is located and the surrounding properties.
- (b) Barbed wire shall be permitted as follows:
  - (1) Agricultural uses - all yards, on top of a fence at least four (4) feet in height, permanent or temporary.
  - (2) Manufacturing/industrial uses - all yards, on top of a fence at least six (6) feet in height, permanent or temporary.
  - (3) Public utility stations and substations, telecommunication facilities, airports, and government facilities requiring security fences - all yards, on top of a fence at least six (6) feet in height, permanent or temporary.
- (c) Razor wire shall be permitted for manufacturing/industrial uses, public utility stations and substations, telecommunication facilities, airports, and government facilities requiring security fences in all yards, on top of a fence at least six (6) feet in height, permanent or temporary.
- (d) Except for subsection 25-605(b)(3), barbed wire and razor wire shall be prohibited on any fence adjacent to an elementary or middle school, or a commercial day care.
- (e) Barbed wire and razor wire shall not protrude outward from a fence in a manner that encroaches on a public street or alley right-of-way or extends over a public sidewalk.

(Ord. No. 4944, art. 1, 3-6-17)

Sec. 25-606. - Exemptions.

- (a) The requirements of section 25-602, subsection 25-603(h), subsection 25-603(k), subsection 25-604, and subsection 25-605(a) shall not apply to the following temporary fences:
- (1) Fences installed to control soil erosion on a site as part of any land disturbance activity;
  - (2) Fences installed to secure a construction or demolition site, or a burned or condemned building, from unauthorized entry;
  - (3) Fences installed to secure parking and other areas as part of a special event; and
  - (4) Fences installed by or for a government entity for temporary security, traffic control, and other purposes.
- (b) All temporary fences shall be removed in a timely manner following the conclusion of the activity or event for which the fence was installed, as determined by the city manager.

(Ord. No. 4944, art. 1, 3-6-17)

Secs. 26-607—25-700. - Reserved.