

## CHAPTER 157: FENCES

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### § 157.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**AGRICULTURAL AREA.** Property located in the Agricultural District (A) as defined in Chapter 159 of the Code of Ordinances and used for agricultural purposes.

**ELECTRIC FENCE.** A fence designed and constructed to continuously conduct electrical current.

**ESTATE LOT.** A residential lot with an area of five acres or greater.

**FENCE.** Any man-made barrier or any structure of any material, the purpose of which is to provide protection from intrusion (both physical and visual), to mark a boundary, enclose, screen, restrict access, decorate or provide right-of-way edge treatment for any lot, building, structure, swimming pool, spa or development. A gate is considered part of the **FENCE**.

**FENCE HEIGHT. FENCE HEIGHT** shall be measured from grade. Fences situated on a retaining wall shall be measured from the top of the highest ground elevation adjacent to the retaining wall.

**FRONT BUILDING LINE.** A line adjacent to the front-most portion of a structure containing the main front entrance and generally parallel to the street right-of-way line which the structure faces; not a building setback line.

**FRONT BUILDING SETBACK LINE.** A line parallel to the street right-of-way line, which the building faces and takes primary access from.

**FRONT YARD.** An open, unoccupied space on a lot facing a street extending across the front of the lot between the side lot lines and from the front of the main building to the front property or street line.

**KEY LOT.** A corner lot that is so designed that the lots located directly behind it face the side street of the corner lot and are not separated by an alley.

**LOT.** An undivided tract or parcel of property which is designated as a distinct and separate tract.

**NON-RESIDENTIAL AREA.** Property that is not zoned residential or agricultural and is primarily commercial, retail or industrial in nature.

**PARALLEL FENCE.** A fence that runs in the same general direction of, and is located within five feet of, an existing fence. To be considered a **PARALLEL FENCE**, the fence does not necessarily have to maintain a precise constant distance from the other fence.

**REAR YARD.** An open, unoccupied space on a lot, except for accessory building/structure as herein permitted, extending between the side lot lines and from the rear of the main building to the rear lot line. The **REAR YARD** shall be at the opposite end of the lot from the front yard.

**RESIDENTIAL AREA.** An area within a platted subdivision or used primarily for residential uses.

**SIDE YARD.** An open, unoccupied space on a single lot, except for accessory building/structure as herein permitted, on one or two sides of a main building, on the same lot with the building, extending from the main building to a side lot line and from the front of the main building to the rear of the main building.

**SIGHT TRIANGLE.** The portion of a lot within a triangular area formed by connecting together the point of intersection of the edge of a driveway or alley and an adjacent street curb line (or, if there is no street curb, what would be the normal street curb line) and points on the driveway or alley edge and the street curb line 35 feet from the intersection.

**SUBDIVISION/DEVELOPMENT.** A platted subdivision or development. For purposes of this chapter, a **SUBDIVISION** or **DEVELOPMENT** consisting of a single lot shall be regulated as a lot and not as a **SUBDIVISION** or **DEVELOPMENT**.

(2005 Code, § 9-15-1) (Ord. 970605C, passed - - ; Ord. 140722A, passed 7-22-2014)

**§ 157.02 FENCES IN RESIDENTIAL AREAS.**

(A) No fence, guy wire, brace, light standard, sign, vee-arm barbed wire base and arm, or any structure attached to a fence shall protrude over a property line.

(B) No fence is permitted with the sight triangle nor shall any fence obstruct or cause sight restrictions at or near any street, roadway or alley in the city and so as to promote safety for vehicles and pedestrians.

(C) Fences in the front yard and side or rear yards abutting a street may have a maximum height of four feet.

(D) On any property line that is shared with another residential property, the fence shall be located either on the property line or not less than five feet from the property line.

(E) Fences in front of the front building line of the residence or structure on the subject lot shall be ornamental wrought iron or tubular steel and shall have at least 75% open area per linear foot.

(F) Fences on or behind the front building line, except side and rear yards abutting a street, may have a maximum height of eight feet.

(G) Fences on lake front properties shall be ornamental wrought iron or tubular steel with at least 75% open area per linear foot to maintain surrounding lake views. Fences located more than 35 feet from the rear property line of a lake front lot and constructed entirely behind the main residential structure may be privacy fences constructed in accordance with the provisions of this chapter.

(H) Fences shall be constructed of and repaired with new material of good quality including natural, decay-resistant wood, stained or unstained, for privacy fences, powder coated for metal fences, natural, decay-resistant wood, stained or unstained, for rail fences.

(I) Privacy fences shall be constructed with metal or galvanized steel posts set in concrete at a minimum depth of 18 inches and a distance of no more than eight feet apart. Fences shall be required to be constructed so that the fence posts face the interior side of the fence and, with the exception of the top cap, are not visible from the public way.

(J) Front gates for fences shall be no taller than seven feet, except on estate lots which shall have a maximum front gate height of ten feet.

(K) Masonry or stone columns shall match the main residential structure.  
(2005 Code, § 9-15-2) (Ord. 970605C, passed - - ; Ord. 140722A, passed 7-22-2014) Penalty, see § 10.99

**§ 157.03 FENCES IN AGRICULTURAL AREAS.**

- (A) No privacy fences shall be permitted in Agricultural Areas.
- (B) Fences constructed of barbed wire of any type or dimension shall only be permitted for the fencing of livestock. Field fencing and pipe fencing are permitted for any Agricultural Area.
- (C) Split rail fences are permitted in Agricultural Areas and may be constructed with wood posts.
- (D) Fences may have a maximum height of five feet and shall provide for an open atmosphere.
- (E) Electric fences are permitted except adjacent to a residential lot where electric fences shall be prohibited.
- (F) The use of razor wire shall be prohibited.
- (G) Fences in front of the front building line of the residence or structure on the subject lot shall have at least 75 % open area per linear foot.
- (H) No fence shall be permitted within the sight triangle.  
(2005 Code, § 9-15-3) (Ord 970605C, passed - - ; Ord. 140722A, passed 7-22-2014) Penalty, see § 10.99

**§ 157.04 FENCES FOR NON-RESIDENTIAL AREAS.**

When required by the Zoning Ordinance, fences and screening walls shall comply with the following requirements:

- (A) Fences in Non-Residential Areas shall be masonry or ornamental wrought iron and shall be have least 75% open area per linear foot in front of the front building line of the structure. All other fencing shall be considered in conjunction with the site plan.
- (B) No fence shall be permitted within the sight triangle.  
(2005 Code, § 9-15-3) (Ord. 970605C, passed - - ; Ord. 140722A, passed 7-22-2014) Penalty, see § 10.99

**§ 157.05 PERIMETER FENCES FOR DEVELOPMENT/SUBDIVISIONS AND ESTATE LOTS.**

- (A) Perimeter fences for development/subdivisions and estate lots should provide an open atmosphere.

(B) *Fence design.*

(1) No more than 10% of the total length shall be masonry columns.

(2) The height of the masonry columns shall not exceed ten feet.

(3) The remainder of the fence shall be of ornamental or wrought iron type with a maximum height of eight feet, with a maximum of 12 inches and a minimum of four inches minimum between the vertical bars.

(4) Posts are to be no more than eight feet apart.

(C) No fence shall be permitted within the sight triangle.

(D) No fence shall be constructed that will obscure existing view corridors from any street, roadway, or alleyway in the city.  
(2005 Code, § 9-15-4) (Ord. 970605C, passed - - ; Ord. 140722A, passed 7-22-2014) Penalty, see § 10.99

**§ 157.06 MISCELLANEOUS.**

These provisions shall apply to all fences.

(A) Fences shall be maintained in good repair by the owner. **GOOD REPAIR** shall mean that:

(1) The fence shall not be out of vertical alignment more than one foot from the vertical height measured at the top of the fence for fences greater than four feet in height; except, however, for fencing four feet or less in height, the fence shall not be out of vertical alignment more than six inches from the vertical height measured at the top of the fence; and

(2) Any and all broken, loose, damaged, insect damaged, or missing parts (i.e., slats, posts, wood rails, bricks, panels) shall be replaced or repaired.

(B) Unless otherwise allowed within this chapter, fences constructed of chained link, wire fencing including chicken wire, barbed wire or razor wire shall not be permitted.

(C) Electric fences are prohibited except in Agricultural Areas as provided in § 157.03(E).

(D) All structural elements of a fence shall remain in sound condition as determined by the Building Official.

(E) When a fence is to be located on a key lot, the regulations regarding height, location and materials applicable to the front yard or front building line shall apply regardless of where the fence is situated.

(F) Key lot fences shall have at least 75% open area per linear foot and may be located up to five feet from the property line of the side of the house. A fence that has at least 75% open area per linear foot may be located in the front yard building line of a key lot.

(G) All fences that include an access entry gate must meet all requirements of the approved International Fire Code.

(H) Fences may not be constructed in the 100-year floodplain, except as approved by the City Engineer.

(I) No fence shall be permitted within a sight triangle.

(J) Fences enclosing a permitted sports court may be constructed of chain link materials but must be vinyl coated.

(K) If a fence has stone or masonry columns, the column height may exceed the permitted height of the fence by up to six inches except as provided in § 157.05. All stone or masonry columns four feet or greater in height shall have a footing approved by the Building Official.

(L) Parallel fences are prohibited.

(M) Should regulations in this chapter conflict with each other, the most restrictive regulation shall apply.

(2005 Code, § 9-15-5) (Ord. 970605C, passed - - ; Ord. 140722A, passed 7-22-2014)

#### **§ 157.07 PERMIT REQUIRED.**

A permit is required for construction of a new fence, alteration or repair of an existing fence if the repair exceeds 25% of the total fence area. A fence permit fee shall be established by the City Council. (Ord. 140722A, passed 7-22-2014)

#### **§ 157.08 VARIANCES.**

(A) The City Council may allow a variance to the provisions of this chapter after a public hearing if it determines that the enforcement of a provision in a particular instance:

- (1) Is not in the best interests of the public;

- (2) Constitutes waste or inefficient use of land or other resources;
- (3) Creates an undue hardship on the applicant for a permit; or
- (4) Does not serve its intended purpose, is not effective or necessary.

(B) Before the tenth day prior to the public hearing on the variance, the city shall send notice via regular mail to all property owners, as indicated by the most recent tax appraisal roll, within 200 feet of the property on which the variance is requested.

2005 Code, § 9-15-6) (Ord. 970605C, passed - - ; Ord. 140722A, passed 7-22-2014)

#### **§ 157.09 EXCEPTIONS.**

(A) Fences existing and in place at the time of the enactment of this chapter shall be excused from permit provisions. Any such fence or any fence in the area annexed by the city after the effective date hereof shall be subject to this chapter in the event of reconstruction modification, enlargement, extension, alteration or any construction thereto other than normal maintenance.

(B) City of Health municipal properties shall be excepted from the requirements of this chapter. (2005 Code, § 9-15-7) (Ord. 970605C, passed - - ; Ord. 140722A, passed 7-22-2014)

#### **§ 157.10 NONCONFORMING FENCES.**

(A) An existing fence that was lawfully permitted and constructed, and does not conform to the provisions of this chapter on the date of adoption, may be maintained in accordance with the maintenance provisions contained herein.

(B) If the repair area of an existing fence that does not conform to the provisions of this chapter, does not exceed 50% of the total area aggregated on a rolling 12-month basis, the fence may be repaired with new material of like design and color.

(C) If the repair area of an existing fence that does not conform to the provisions of this chapter, exceeds 50% of the total area aggregated on a rolling 12-month basis, the fence must be removed or replaced and the new fence must conform to the provisions of this chapter.  
(Ord. 140722A, passed 7-22-2014)