

10-8-9: FENCES:

A. Height: Fences in districts other than Agricultural and Rural Residential shall conform to the following height:

1. Front Yard Height - The fence shall not exceed four (4) feet (with an additional 6" to compensate for changes in grade) and shall be ornamental or picket style. Ornamental fences shall include fences constructed of aluminum, wrought iron or steel and shall not include chain link fences. Decorative fencing is allowed in the required front yard if no higher than 3½ feet and not designed or serving as an enclosure. Decorative fencing includes such things as split rail, picket, and brick fences, but not such things as chain-link fences.
2. Side and Rear Yard Height – The fence shall not exceed Six (6) feet. However, the height of the post structure (which includes the distance from grade) shall not exceed seven feet (7'0").
3. Chain link fences may not exceed 6 feet in height in residential zones. Fences for tennis courts and athletic fields will be allowed a maximum of 12 feet and shall not exceed 25 percent opacity. Fences up to twenty (20) feet in height may be permitted to enclose back stops for athletic fields.

B. Fence materials:

1. Fences in residential, commercial or industrial areas must be constructed of lumber, iron, maintenance free type material or rust-free chain link. Maintenance free type material shall include vinyl, plastic, wrought iron, aluminum, steel and rust resistant chain link.
2. The following materials are prohibited for fences:
  - a. Barbed wire and electrical fences, except in the rural residential and agricultural district;
  - b. Razor wire;
  - c. Creosote lumber;
  - d. Concrete;
  - e. Masonry, except when less than 30 inches in height and accompanied by a boundary survey at the time of permit application;
  - f. Chicken wire;
  - g. Deer fencing;
  - h. Woven or welded wire, except in the Industrial Districts;
  - i. Plastic webbing, except when used for temporary traffic, police or erosion control. This shall not prohibit the use of plastic materials intended to resemble wood products;
  - j. Makeshift, flimsy materials, such as paper, twine, rope, tin and the like, except when used for traffic control or police security;
  - k. Plywood;
  - l. Pressed Wood

C. Placement:

1. Fences shall be placed at least two feet (2') within the property line unless the adjacent property owner consents in writing to the ability for the applicant to construct and maintain the fence directly on the property line or closer than two feet (2'). Written consent shall be delivered to the City at the time application is made for permit. All posts or similar supporting instruments used in the construction of fences shall be faced inward toward the property being fenced. The side of the fence considered to be its evident finished side or face (the more attractive side) shall front adjacent property.
2. Fences shall not be placed within ten (10) feet of the curb, and/or surface of any street, road or alley. For corner lots the setback may be increased to fifteen (15) if the Zoning Administrator determines that the fence will interfere with traffic or pedestrian visibility. Fences shall have a minimum (2) foot setback from any walking path or outside any trail/recreational easement area.
3. No fence shall be placed on or extend into public right-of-way.
4. No fence shall be allowed below the ordinary high water mark or obstruct a natural drainage way.
5. No fence shall be placed within a pond, wetland, ditch, or infiltration area,
6. Fences may be permitted over a public easement provided that the structure does not interfere in any way with existing underground or over ground utilities nor negatively impact drainage. Fences are not allowed over any manholes. For private utilities, fences may only be permitted if the owner of the utility provides written consent to the City allowing the applicant to construct the fence over the easement area.
7. Removal and replacement of a fence or wall or a portion thereof for the purpose of utilizing an easement shall be at the property owner's expense.
8. No fence shall be constructed which is approximately parallel to an existing fence, and closer than two feet as to create an area between the fences which has limited accessibility for purposes of maintenance unless maintenance can be achieved.

D. Construction and Maintenance:

1. Maintenance free fences and lumber fences within side and rear yards shall have a maximum panel width of six (6) inches. Fences extending across front yards shall have a maximum panel width of three (3) inches and no less than two (2) inches apart.
2. All wood fences, other than those constructed out of redwood or cedar, shall be sealed, stained or painted upon completion of construction and all wood fences routinely thereafter.
3. Chain link fences shall be constructed in such a manner that no barbed ends shall be at the top.
4. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance. Any such fence, which is, or has become dangerous to the public safety, health, or welfare, is a public nuisance, and the Zoning Administrator shall commence proper proceedings for the abatement thereof. Any fence is a public nuisance if it does not comply with the following requirements:
  - a. The fence shall be firmly fastened and anchored in order that it is not leaning or otherwise in the stage of collapse.

- b. The fence shall be free from deterioration, loose or rotting pieces, or holes, breaks, or gaps not otherwise intended in the original design of the fence.
  - c. The fence shall be free from any defects or condition which makes the fence hazardous.
  - d. No fence section shall have peeling, cracked, chipped or otherwise deteriorated surface finish, including but not limited to: paint or other protective covering or treatment, on more than twenty (20) percent of any one linear ten-foot section of the fence.
- E. Access to Fenced Areas and Boulevards: In those instances where a fence exists as an enclosure which restricts access from the front to the rear yard, a gate, identifiable collapsible section, or other such means of recognizable ingress shall be unobstructed and a minimum of three (3) feet in width. The location of such ingress points shall be positioned at any point paralleling the front lot line, between the side lot property line and the principle structure. Access to Boulevards shall be provided to allow for property owners to maintain the boulevard areas adjoining their property.
- F. Permit Required: No person shall construct, erect, or cause to be constructed or erected, any fence within the City limits, without first making application for and securing a fence permit for the construction and erection of a fence from the City Zoning Administrator. Manufactured home parks with approved fence standards are exempt from the permit requirement.
- G. Expiration of Fence Permits: All fence permits issued shall expire (180) days after the day of Issuance. All fees paid under a lapsed permit shall be forfeited to the city.
- H. Application: Every application to construct or erect a fence within the City limits shall include the address and legal description of the property on which the fence is to be constructed and a site plan drawn to scale showing the location of house(s), garage(s), and other improvements on the lot and the location of the fencing and its proximity to the applicant's lot lines as well as the type of fence to be constructed, materials to be used in the construction of the fence, and the height of the fence. The property owner shall be required to provide demonstrable evidence as to the exact location of the property line(s) as required by the City. All survey pins are to be shown and visible to the inspector at the time of the inspection. Public properties shall be exempt from the requirements.
- I. Application Fees: Each applicant shall pay the fees set forth by City Ordinance with each application.

