

## SECTION 7-111. FENCES, CONSTRUCTION AND LOCATION

Fences shall be permitted in all yards subject to the following:

A. Approval Required: No person shall hereafter construct or cause to be constructed or erected within the city any fence without first making an application for and securing approval by the building official or their designee for fences not exceeding six feet (6') in height, or a building permit for fences exceeding six feet (6') in height.

- a. The permit fee for fences not exceeding six feet (6') in height shall be \$30.00.
- b. The permit fee for fences exceeding six feet (6') in height shall be \$60.00.

B. Locations; Boundary Line Fences:

- a. Fences, including footings, shall be located entirely upon the private property a minimum of 2 feet for which the administrative approval or building permit has been issued. The owner of the property on which a fence exists or is proposed to be constructed is responsible for verifying their property lines by:
  - i. Locating their property lines; or
  - ii. If the property lines cannot be located:
    1. The zoning administrator or the building official may require the owner of property upon which a fence now exists, or may require any property owner proposing to construct a fence to establish the boundary lines of the property by a survey thereof to be made by a registered land surveyor; or
    2. The owner of property upon which a fence now exists, or the property owner on which the fence is to be constructed and the owner(s) of the adjoining properties enter into an agreement regarding the location of the fence to be recorded with the titles of the respective properties, subject to approval of an administrative permit.
    3. No fences shall be placed on or extend into public rights of way or onto public property.
    4. Fences in easements shall not impede the flow of water. If the city needs to utilize the easement, the fence will be removed and relocated at the expense of the property owner.

C. Construction And Maintenance:

- a. Every fence shall be constructed in a substantial, workmanlike manner and of substantial material reasonably suited for the purpose for which the fence is proposed to be used. Fences constructed of barbed wire, tires, scrap metal, sheet metal, vinyl siding except for pre-engineered vinyl fence panels, or any other recycled materials shall be prohibited. 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, public or private. Any such fence which is, or has become dangerous to the public safety, health or welfare, is a public nuisance, and the building official shall commence proper proceedings for the abatement thereof.

- b. Except as otherwise permitted, security fences, wherever allowed shall be constructed in such a manner, that no barbed ends shall be at the top.
  - c. That side of any fence considered to be its "face" (i.e., the finished side having no structural supports) shall face abutting property or street right of way.
- D. Solid Walls: Structurally engineered solid walls constructed of natural stone, brick or other masonry material up to eight feet (8') in height that are not part of buildings may be constructed only within commercial and industrial districts.
- E. Traffic Sight Visibility Triangle: On corner lots, no fence or screen shall be permitted within the area defined as the traffic sight visibility triangle by section 612 & 613 of the Zoning Ordinance.
- F. Residential Fencing and Screening:
- a. Open for Passage: Except as provided herein, fences shall be at least five percent (5%) open for passage of air, light, and drainage.
  - b. Height outside Buildable Area: Except as provided herein, fences may not exceed six feet (6') in height.
  - c. Setbacks From Public Rights Of Way:
    - i. Within front yards, side yards of a corner lot or rear yards of a double frontage lot abutting a public right of way the fence shall not exceed forty eight inches (48") in height and shall be at least seventy five percent (75%) open space for the passage of air and light, except as allowed by subsection F(c) (ii) of this section.
    - ii. A fence with a height greater than forty eight inches (48") or less than seventy five percent (75%) open space may be constructed within a required side yard of a corner lot abutting a public right of way, or within the required rear yard of a double frontage lot abutting a public right of way of a major collector or minor street, provided that:
      - 1. The fence shall be set back ten feet (10') from the property line abutting a public right of way on lots of record and preliminary platted lots having legal standing established after January 1, 1994, except where additional setback is required by subsection E of this section.
      - 2. The fence within a side yard abutting a public right of way shall not extend into a required front yard and shall be no closer to the front lot line than a point intersecting the front line of the principal building.
      - 3. For interior lots, a gate constructed of the same material as the fence shall be provided in the fence to allow for maintenance of the street side boulevard.

#### G. Swimming Pool Protection:

- a. Approval by the building official or their designee shall be required for swimming pools having a depth of twenty four inches (24") at any point and a surface area exceeding one hundred fifty (150) square feet.
- b. Each application for a permit to construct or erect a swimming pool shall be accompanied by plans of sufficient detail to show:
  - i. The proposed location of the pool and its relationship to the principal building on the lot.
  - ii. The size of the pool.
  - iii. Fencing and other fixtures existing and proposed on the lot, including utility location and trees.
  - iv. The location, size, and types of equipment to be used in connection with the pool, including, but not limited to, filter unit, pump fencing, and the pool itself.
  - v. That the requirements contained in this subsection G2 and subsection G3 of this section will be satisfied including submission and approval of a site plan.
- c. All swimming pools for which a permit is required and granted shall be provided with safeguards to prevent children from gaining uncontrolled access. This can be accomplished with fencing, screening or other enclosure, or any combination thereof, of sufficient density as to be impenetrable. If fences are employed, they shall be at least four feet (4') in height. The bottoms of the fences shall not be more than four inches (4") from the ground nor shall any open space in the fence be more than four inches (4"). Fences shall be of a noncorrosive material and shall be constructed as to be not easily climbable. All fence openings or points of entry into the pool enclosure shall be equipped with gates or doors. All gates or doors to swimming pools shall be equipped with self-closing and self-latching devices placed at a sufficient height so as to be inaccessible to all small children. The fencing requirements of this subsection G need only be provided around the means of access on above ground pools which have four feet (4') high, vertical or outward inclined side walls. Prior to filling the pool, the approved fence and/or screen must be completely in place and inspected and approved by the city building official.
- d. In all residential districts, swimming pools and any attached or functionally related deck that is more than thirty inches (30") above grade shall be set back ten feet (10') from all adjoining lots and, except for fences and pump enclosures, shall be located at least ten feet (10') away from any other building or structure on the same lot and shall not be located within a drainage or utility easement or required buffer yard. Swimming pools shall not be permitted in a front yard or in the area between the street right of way and the minimum required building side yard setback line.

## H. Commercial, Institutional And Industrial Fencing:

### a. Location:

ii. Commercial districts and institutional uses: Except in a required front yard, or rear or side yard abutting a public street, fences may be erected up to eight feet (8') in height. Fences in excess of eight feet (8'), may be allowed by approval of a conditional use permit, but shall not be located within a required front yard.

### ii. Industrial districts:

1. Fences may be erected up to a maximum of eight feet (8') in height, except as may be allowed by approval of a conditional use.
  2. Fences extending across front yards and side yards abutting a public right of way shall be at least seventy five percent (75%) open space for the passage of air and light except as allowed by subsection H(a)(ii)(3) of this section.
  3. Within the LI and GI districts, a privacy fence or solid wall may encroach into a required side yard of a corner lot or rear yard of a double frontage lot abutting a public right of way for those streets not classified as major collector or arterial by the zoning map by administrative permit provided that:
    - a. The solid wall or privacy fence shall be set back fifteen feet (15') from the public right of way except where additional setback is required by subsection E of this section.
    - b. The solid wall or privacy fence shall be constructed of a nonwood maintenance free material such as vinyl, stone, brick, split face block, textured or architectural concrete panels, synthetic or composite products, or similar materials as approved by the building official.
    - c. The location of gates across driveways accessing the site shall be set back a sufficient distance so as not to cause congestion in the public street.
    - d. The area on the street side of the solid wall or privacy fence shall be landscaped in accordance with section 610 of the Zoning Ordinance.
- b. Chain-link Fences: Except for fences accessory to essential services, chain-link fences within commercial districts shall be coated with integral color vinyl and shall not include vinyl, plastic or metal slats within the fence.