

Section 10-30. Fences

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
- Boundary fence* means any structure or partition that is more than 12 inches in height and constructed or erected parallel to and on or within three feet of any lot line.
- Decorative fence* means any structure, partition or chain dividing a piece of land, other than a boundary fence, into distinct portions or into two or more separate contiguous parcels of land, regardless of the size of the resulting parcels. A decorative fence shall include any fence, structure, partition or other similar border that is more than 12 inches in height but less than 31 inches in height.
- (b) *Permit required.* Prior to the construction of any fence, an application for a permit to construct the fence shall be filed with the building department. No fence shall be constructed without first obtaining this permit.
- (c) *Plan required.* A plan showing the location and dimensions of the proposed fence, and a statement of type of fence, its material and height shall be submitted with the permit application. Boundary fences shall also include a mortgage survey or, at the building inspector's request, a recent survey signed and sealed by a registered land surveyor, showing the proposed fence location and the location and dimensions of the property.
- (d) *Permit fee.* The fee for the permit shall be established by council resolution.
- (e) *Construction requirements.* All fences shall comply with the following requirements:
- (1) All fence posts shall be set at least 42 inches below grade and all post holes shall be inspected prior to setting the post;
 - (2) The fence shall be erected one inch off the lot line, unless the fence abuts a city sidewalk, at which location the fence shall be at least 12 inches from the edge of the sidewalk. Any fence erected alongside of an existing fence shall be placed at least six inches from the existing fence and shall not be attached to the existing fence;
 - (3) All bracing for the fence, including cross bars and nailer strips, shall be on the installer's side of the fence;
 - (4) When installed alongside of an existing fence, all sections of privacy fence between the posts shall be removable for maintenance. This provision shall not apply if a plastic, metal or similar type fence material is used;
 - (5) All fence shall comply with all other state construction code requirements; and

- (6) All fences shall have a final inspection by the building inspector and any deficiency noted shall be corrected immediately.

(f) *Fencing material.*

- (1) Fences shall not be brick, masonry, concrete or similar material which results in a solid-type fence, unless the fence is along a commercial alley, expressway, open drainage ditch, railroad or parking facility.
- (2) Fences in nonindustrial zoned properties shall not contain or be constructed with any barbed wire, razor tape or similar type material.
- (3) Fences shall not be constructed of cloth, plastic sheeting, roofing panels or other similar material. Any question concerning a noncustomary fencing material shall be resolved by the building inspector.
- (4) Fences shall not be electrified.

(g) *Boundary fence.* Boundary fences shall only be installed and erected as follows:

- (1) Shall not be installed in the front yard, unless along a commercial alley, in which case the fence may be installed along the alley line toward the front sidewalk.
- (2) Shall not exceed four feet in height, including posts, other supporting structures, decoration or ornaments. A height of six feet shall be permitted along the rear lot line and along the side yard lines up to the rear of the principal building on the lot. Continuation of the six-foot height into the side or front yards shall be allowed only if:
 - a. The lot is adjacent to a commercial alley, in which case the fence shall be reduced to four feet at the front line of the house and then reduced to two feet within six feet of the front sidewalk; or
 - b. The property is a corner lot, in which case the fence may be permitted to be extended along the side yard line two feet beyond any side door adjacent to the street.
- (3) A gate of the same permitted height as the fence may be installed along any of the fence lines.

(h) *Decorative fences.* Decorative fence shall be allowed only if installed as follows:

- (1) Not on or within three feet of any property line;
- (2) Not closer than three feet to any driveway of an abutting property owner;

- (3) If installed in the front yard, the fence shall not be constructed or installed parallel to the city sidewalk for a distance of more than four feet and shall not be installed closer than three feet from the edge of the sidewalk;
 - (4) Shall not exceed a height of 30 inches;
 - (5) Shall not be constructed of brick, masonry, concrete or similar material;
 - (6) If installed in the front yard, the fence shall not be constructed of material which results in a solid-type fence; and
 - (7) Shall not enclose any area and shall not have any gate.
- (i) *Maintenance and repair.* The owner of the fence shall maintain the fence in good condition. Maintenance shall include the paint or finish of the fence and maintaining the space between any fence in a neat and weed-free condition. Any privacy fence not properly maintained may be ordered removed at the owner's expense by the building inspector. Any section of the fence that is repaired, replaced or repainted shall be done so that it is of the same color and design as the remaining segments of the fence.

(Code 1978, § 6-25; Ord. No. 95-13, § 1, 5-16-1995; Ord. No. 2000-26, § 1, 5-22-2001)

Section 52-902. Fences

- (a) In any residential zone, no fence or wall shall be erected within a required front yard; except, however, that on lots with a side lot line adjacent to an alley, a fence may be constructed along the alley line to the front of said lot. No fence, wall or similar structure including posts, other supporting structures and decorations or ornaments, shall exceed six feet in height. The six-foot height shall be permitted only along the rear lot line and along the side yard lines up to the rear house only. However, where the house is located on a corner lot or with a side lot line adjacent to an alley, the fence may be extended, along the side yard line, two feet beyond any side door adjacent to the street or alley. A gate of the same height may be installed along any of these lines. No fence shall hereafter be erected, or constructed, of solid brick, masonry, wood or any other material which results in a solid-type fence, or a different placement of height, unless and until the same shall have been approved by the zoning board of appeals. Fences may be constructed of wood or other materials, providing the construction does not result in a solid-type fence. Where a residential lot abuts a commercial alley, an expressway, open drainage ditch or railroad, a solid-type fence may be constructed. Fences enclosing swimming pools shall not be subject to the restrictions of this section, but shall be governed by the state construction code. This section shall not apply to retaining walls.

- (b) Prior to the construction of any fence, an application for a permit to construct the fence shall be filed with the building inspector, together with a plot plan and survey signed and sealed by a registered land surveyor, showing the location and dimensions of the property to be fenced and the location of the proposed fence, and permit fee in the amount as currently established or as hereafter adopted by resolution of the city council from time to time. No fence shall hereinafter be constructed without first obtaining this permit.
- (c) Shrubbery and hedges located in any part of a front yard along the exterior lot line of a lot shall not exceed three feet in height.
- (d) Construction requirements.
 - (1) All fence posts shall be set 42 inches below grade and all post holes shall be inspected prior to setting the post.
 - (2) The fence shall be erected one inch off the lot line, unless the fence abuts a city sidewalk at which location the fence shall be at least 12 inches from the edge of the sidewalk. A privacy fence erected along side of an existing fence shall be placed at least six inches from the existing fence and shall not be attached to the existing fence.
 - (3) All bracing for the fence, including cross bars and nailer strips shall be on the installer's side of the fence.
 - (4) All sections of privacy fence between the posts shall be removable for maintenance.
 - (5) All fences shall comply with the state construction code requirements.
- (e) The owner of the fence shall maintain the fence in good condition. Maintenance shall include the paint or finish of the fence and maintaining the space between any fence in a neat and weed-free condition. Any privacy fence not properly maintained may be ordered removed at the owner's expense by the building inspector.
- (f) All fences shall have a final inspection by the building inspector and any deficiency noted shall be corrected immediately.

(Ord. No. 68-15, § 4.33, 10-22-1968; Ord. No. 74-12, § 3, 9-10-1974; Ord. No. 83-7, §§ 1, 2, 6-12-1984; Ord. No. 85-13, § 1, 5-28-1985; Ord. No. 89-6, § 1, 4-10-1990)