

Council Excerpt
06/20/16

Hearing no objections, the following items were heard under New Business:

- There was a consensus of the City Council to direct the City Attorney and Building Official to review the fence ordinance in order to determine suitable criteria for solid fences. This item is to be addressed at a future Committee-of-the-Whole.

ARTICLE IX. - FENCES

Sec. 8-274. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adjacent property means a property having a common boundary line.

Fence means any structure erected or placed along or within four feet of the property line to act as a boundary marker or erected for the purpose of restricting access to or from a lot or parcel of land, whether enclosing all or a part of said lot or parcel in all zoning districts.

Front yard means that portion of the front yard established between the sidewalk and ten feet behind the front most main building line. If a sidewalk does not exist, the front yard shall mean that portion of the front yard established between the end of the city right-of-way and ten feet behind the front most main building line.

Ornamental tops means wood, vinyl or metal decorative caps placed on the tops of fence posts, corners, ends or gateposts.

Property grade line, for determining the height of a fence or landscaping used in place of fencing, means the level of the ground or pavement adjacent to the fence or landscaping.

Rear yard means that portion of the yard between the rearmost corner of the main building line and the rear property line.

Side yard means that portion of the yard between the residential home and side property line, beginning at ten feet back from the front most main building line to the rearmost corner of the main building line.

(Code 1997, § 10-321; Ord. No. 748, § 1, 6-19-2000; Ord. No. 865, 9-21-2015)

Sec. 8-275. - Compliance required.

It shall be unlawful for the owner or occupant of premises to erect, place or install any fence in violation of the provisions of this article. No resident may plant or permit the planting of any shrubs, bushes or hedges that will be used as fences in a front yard in violation of the provisions of this article.

(Code 1997, § 10-322; Ord. No. 748, § 1, 6-19-2000; Ord. No. 865, 9-21-2015)

Sec. 8-276. - Permit.

Before any fence shall be erected, placed or installed, a permit therefore shall be obtained from the building inspector, upon application in writing. Such application shall set forth a description of the fence proposed to be erected, placed or installed and the location thereof, together with such additional information as shall be required to evidence compliance with the provisions of this article. Upon the issuance of a permit for the erection, placing or installing of a fence, a permit fee as currently established or as hereafter adopted by resolution of the city council from time to time shall be paid.

(Code 1997, § 10-323; Ord. No. 748, § 1, 6-19-200; Ord. No. 865, 9-21-20150)

Sec. 8-277. - Landscape screening—Front yard.

Shrubs, bushes or hedges, to be used in the place of front yard fencing, shall be limited to a height of 30 inches from the property grade line. Such shrubs, bushes or hedges shall be kept trimmed by the owner or occupant of the property so as not to extend over the property lot line.

(Code 1997, § 10-324; Ord. No. 748, § 1, 6-19-2000; Ord. No. 865, 9-21-2015)

Sec. 8-278. - Fence ownership.

Ownership of a fence shall be determined by the fence permit applicant as follows:

- (1) By a search of permits issued to the property in question and adjacent properties; or
- (2) By mutual agreement of the adjacent property owners. If a fence is located upon a lot line and ownership cannot be determined, then each party owning property adjacent to the fence shall be responsible for the care, upkeep and maintenance of the fence facing their property; or
- (3) By proof showing that a current or former property owner built the fence; or
- (4) The building official may determine ownership by other means if subsections (1), (2) or (3) are insufficient.

(Code 1997, § 10-325; Ord. No. 748, § 1, 6-19-2000; Ord. No. 865, 9-21-2015)

Sec. 8-279. - General requirements and maintenance.



The following are general requirements for fences:

- (1) All fences shall be constructed of open lattice work of metal, wood, vinyl or of woven wire in such a manner so that there shall be a minimum of two-inch openings throughout 50 percent of the length or height of the fence.
- (2) Fences shall not be constructed with sharp points at the uppermost portion of the fence.
- (3) The supporting framework of any fence shall not face adjacent properties or streets.
- (4) Fences shall not be attached to existing fences, i.e., cyclone fence attached to wooden fence.
- (5) No fence shall be erected adjacent to another fence.
- (6) No fence shall have barbed wire, razor wire, electrical current, concertina wire or other similar material.
- (7) The owner of any fence shall maintain their fence in accordance with the provisions of this Code.
- (8) All fences shall be maintained plumb and true with adequate support in a safe manner. The owner of a fence shall remove and/or repair a fence that is dangerous, dilapidated or otherwise in violation of this Code.
- (9) Any person who erects, builds and/or constructs any fence upon property which such person owns and/or leases shall be responsible for the repair, upkeep and maintenance of the fence.
- (10) Any person who owns property upon which a fence has been constructed by a previous owner shall be responsible for the care, upkeep and maintenance of the fence.
- (11) It shall be the responsibility of the person installing the fence to ensure such fence is placed on or within their own property line.

(Code 1997, § 10-326; Ord. No. 748, § 1, 6-19-2000; Ord. No. 865, 9-21-2015)

Sec. 8-280. - Front yard fences.

Front yard fences shall have a minimum height of 24 inches and a maximum height of 30 inches from the property grade line. Front yard fences shall be placed a minimum of 18 inches from the sidewalk. If a sidewalk does not exist, front yard fences shall be placed a minimum of 18 inches from the edge of the established public right-of-way.

(Code 1997, § 10-327; Ord. No. 748, § 1, 6-19-2000; Ord. No. 865, 9-21-2015)

Sec. 8-281. - Rear yard fences.

Rear yard fences shall be constructed to a maximum height of four feet from the property grade line.

(Code 1997, § 10-328; Ord. No. 748, § 1, 6-19-2000; Ord. No. 865, 9-21-2015)

Sec. 8-282. - Side yard fences.

The following are requirements for side yard fences:

- (1) Side yard fences shall be constructed to a maximum height of four feet from the property grade line.
- (2) Side yard fences on the street side of corner lots may be constructed to a maximum height of six feet from the property grade line.
- (3) Side yard fences on corner lots shall be placed a minimum of 18 inches from the sidewalk. If a sidewalk does not exist, side yard fences shall be placed a minimum of 18 inches from the edge of the established public right-of-way.

(Code 1997, § 10-329; Ord. No. 748, § 1, 6-19-2000; Ord. No. 865, 9-21-2015)

Sec. 8-283. - Ornamental fence tops.

Ornamental tops shall not be considered as a part of the allowable fence height and are limited to a maximum height of eight inches.

(Code 1997, § 10-330; Ord. No. 748, § 1, 6-19-2000; Ord. No. 865, 9-21-2015)

Sec. 8-284. - Exceptions to this article.

(a) *Exceptions.* Notwithstanding anything to the contrary provided in this article, exceptions from the provisions of this article shall be made under the following circumstances:

- (1) *Rear fences.* Rear yard fences may be constructed to a maximum height of six feet from the property grade line with the adjacent property owners' consent. Consent from the adjacent property owners must be submitted to the building department in writing with the permit application. If a rear yard is directly parallel to a public street and not a residential lot, property owners are then the city, and consent from the city administrator is required.

- (2) *Side yard fences.* Side yard fences may be constructed to a maximum height of six feet from the property grade line with the adjacent property owners' consent. Consent from the adjacent property owners must be submitted to the building department in writing with the permit application. If a side yard is directly parallel to a public street and not a residential lot, property owners are then the city, and consent from the city administrator is required.
- (3) *Solid fences.* Notwithstanding the general requirements found in subsection 8-279(1), solid fences are permitted under the following circumstances:
- For that portion of a fence that faces a street on a corner lot;
 - When a fence faces an alley.
- (4) *Special circumstances.* Applications meeting the requirements of this article and subsections (a)(1), (2) or (3) above do not require a public hearing, and shall be approved by the building inspector if the application otherwise meets the requirements of this chapter. All other exceptions from the provisions of this article require a public hearing and approval from the city council. The council may consider any or all of the following, along with other information:
- Balancing the relative hardships between the property owner and adjacent property owners;
 - Whether special circumstances or conditions exist;
 - Whether pedestrian or vehicular vision will be affected;
 - The general health, safety and welfare of the neighborhood.
- (b) *Public hearing.* Any applicant seeking a hearing under the provisions of this article shall pay to the city a hearing notice fee set by council resolution for the scheduling of such hearing. Payment shall be made at the time the application is made for a hearing. The public hearing fee may be modified by a resolution of the city council as adopted from time to time. The city shall mail notice of the hearing to adjacent property owners at least seven days prior to the hearing date.

(Code 1997, § 10-331; Ord. No. 748, § 1, 6-19-2000; Ord. No. 865, 9-21-2015)

Secs. 8-285—8-301. - Reserved.

COMMITTEE-OF-THE-WHOLE EXCERPT
05-09-16

Hearing no objections, the following items were discussed under New Business:

- The Mayor suggested an assessment of the cost to identify and replace all lead water service lines, both the City's and the property owner's. The Treasurer/Comptroller stated it would be a suitable charge to the water/sewer fund as long as the work would be City-wide. The Director of Public Services stated an inspection from the inside of the house will identify materials. Administration was asked to find out why copper piping was used at the Rivers and on other new construction. Administration is to provide Council with corrosive test results. There was a consensus of the Committee to find out the cost of identifying and replacing lead leads.