

## FENCING/SCREENING/LANDSCAPING

### Sec. 117-1127. Fences.

- (a) *Purpose.* The purpose of this section is to provide for the installation of fences and protect the public's health, safety, and general welfare.
- (b) *Permit required.*
- (1) No person, except as exempted under subsection (c) of this section, shall construct or cause to be constructed or erected within the city any fence without first applying for a fence permit. A building permit shall be obtained if required by the building code.
- (2) The permit shall include:
- a. The name, address, phone number, and signature of the property owner and applicant.
  - b. The address of the property on which the fence is to be constructed.
  - c. The name and contact information for the person installing the fence.
  - d. A sketch showing the proposed locations of the fence on the property in relation to property lines, existing buildings, and other pertinent information.
  - e. A description of the fence material, height, design, and dimensions.
- (3) Permit fee. The city council may by ordinance establish a fee for a permit issued under this section. The permit application shall not be considered complete until the permit fee has been received by the city.
- (c) *Exempt fences.* The following fences are exempt from this section provided the requirements of section 117-1035, as may be amended, are achieved:
- (1) Fences used for containment of livestock in conjunction with farm and related agricultural uses within the U-R urban reserve district.
  - (2) Ornamental fences as defined in section 117-1.
  - (3) Temporary fences associated with limited, short-time special events.

- (4) Fences associated with public safety emergencies or operations.
- (5) Silt fences.
- (6) "Invisible" fences used for containment of domesticated pets.
- (7) Fences not exceeding six feet in length and not reasonably contiguous.
- (d) *Prohibited fences.* The following fences are prohibited within the city:
  - (1) A series of gates.
  - (2) Electric or high tensile wire, except in conjunction with agricultural operations in the U-R urban reserve district.
  - (3) Barbed wire or razor wire fences, except as provided in subsection (c) of this section.
  - (4) Fences including creosote lumber.
  - (5) Fences including chicken or woven wire, except in the U-R district.
  - (6) Makeshift, flimsy materials, or material such as paper, twine, rope, tin and the like, except when used for traffic control or police security.
  - (7) Plastic webbing, except when used for police control. This shall not prohibit the use of prefabricated plastic material intended to resemble wood products.
  - (8) Any fence which is or has become dangerous to the public safety, health, or welfare. Such fences shall be declared a public nuisance and the city shall commence proper proceedings for the abatement thereof.
  - (9) Fences with components not designed or intended for employment as fence material, including, but not limited to, garage doors, tires, sheet metal, ribbed steel, metal siding, corrosive metal, solid (i.e., more than 90 percent opaque) metal, galvanized ribbed steel, household items (appliances, fixtures, furniture), and the like.
  - (10) Fences made of pallets so long as the pallets are made only of milled lumber and are not stamped with the following markings:



- (e) *General requirements.*
- (1) Fences placed upon utility easements are subject to removal by the city or utility company if required for maintenance or improvement of the utility. In such case, costs for removal and replacement shall be the responsibility of the property owner.
  - (2) Living fences as defined in section 117-1 placed on utility easements containing overhead wires shall not exceed 15 feet in height. Such living fences shall be the property owner's responsibility to maintain except that the owner of adjacent property may trim or prune parts of the living fence that extend onto their property.
  - (3) Construction and maintenance standards.
    - a. Every fence shall be constructed in a substantial manner and of material reasonably suited for the purpose for which the fence is proposed to be used.
    - b. 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.
    - c. Solid walls up to eight feet in height which are not part of buildings may be constructed and maintained only in the area of a lot where buildings are allowed. Solid wall fences over four feet in height require the issuance of an interim use permit.
    - d. Except for solid walls, fences shall be at least five percent open vertically for passage of air, light and drainage. The five percent opening does not include horizontal surfaces above or below the fence.
    - e. No fence shall be constructed which is approximately parallel to an existing fence and closer than two feet so as to create an area between the fences which has limited accessibility for purposes of maintenance.
    - f. If using wooden pallets, they shall be uniform in size, color and pattern.
  - (4) Boundary line fences. A fence which requires periodic maintenance shall be located no closer than two feet from any lot line on the property of the person constructing or causing the construction of the fence unless

encroachment up to the property line is authorized in writing by the adjoining property owners. A fence that is prefabricated and marketed as maintenance-free material may be constructed up to any property line without written approval of the adjacent property owner provided all parts of the fence, including post anchors, are located within the property of the owner.

(f) *Residential fencing and screening.*

- (1) Except as provided herein, fences outside the building area of a lot may not exceed six feet in height.
- (2) Except as provided herein, fences within the buildable area of a lot or in the case of a rear lot line at least ten feet from the rear lot line, may not exceed eight feet in height.
- (3) Fences extending across front yards and side yards abutting a public right-of-way shall not exceed six feet in height and shall be at least 75 percent open space for passage of air and light and shall conform to subsection (e) of this section and provided the requirements of section 117-1035, as may be amended, are achieved.
- (4) Fences extending across rear yards abutting alleys may be constructed to the property line provided the requirements of section 117-1035, as may be amended, are achieved.

(g) *Business and industrial fencing.*

- (1) Except in a required front yard, business and industrial fences may be erected up to eight feet in height. Fences in excess of eight feet, not located in a required front yard, shall require a conditional use permit.
- (2) Business and industrial fences with barbed wire security arms shall be erected a minimum of six feet in height (measured without the security arm). The security arm shall be angled in such a manner that it extends only over the property of the permit holder and does not endanger the public. Such security fencing shall be prohibited within a required front yard or when located along a property line abutting a residential use.
- (3) Fences extending across rear yards abutting alleys may be constructed to the property line provided the requirements of section 117-1035, as may be amended, are achieved.

(h) *Special purpose fences.* Fences for special purposes and fences differing in construction, height or setback that are not constructed within a required front yard may be permitted in any district as an interim use permit subject to special conditions. See

division 7 of article II of this chapter.

(i) *Nonconforming fences.* It is the intent of this chapter to allow the continuation of such nonconforming fences until they are discontinued as provided herein. However, it is not the intent of this chapter to encourage the survival of nonconforming fences and such fences that are declared to be incompatible with permitted fences within the city. Such fences shall be regulated by the following provisions:

- (1) An existing fence not allowed by this chapter in the district within which it is located, except when required by law or ordinance, shall not be enlarged, extended, reconstructed, or structurally altered unless such fence is changed to comply with the requirements of this chapter.
  - (2) Maintenance of a nonconforming fence will be allowed when this includes necessary repair and incidental alterations which do not expand or intensify the nonconforming fence.
- (Ord. No. 02-2006, exh. 1(19.01), 6-5-2006)