

FENCES

CHAPTER 6: BUILDINGS AND BUILDING REGULATIONS ARTICLE IV. FENCES

Sec. 6-201. Permit required.

It shall be unlawful for any person to construct a fence over 2 1/2 feet in height on any lot without having first obtained a fence permit therefore from the building inspection department. Adequate plans and specifications, as determined by the chief building official, must accompany each application for a permit.

(Code 1966, § 5-49)

Sec. 6-202. Inspection and maintenance.

When any fence is completed, it must be inspected. The building inspection department shall be notified upon completion of the fence. The chief building official will issue a card of acceptance if the fence complies with the provisions of this article, or it will be rejected. All fences constructed under the provisions of this article shall be maintained so as to comply with the requirements of this article at all times. Fences shall be maintained by the owner or person in charge of the property in as near as possible the condition of such fence when installed and accepted as provided herein, and shall be maintained as follows:

- (1) Such fence shall not be out of vertical alignment more than 20 percent.
- (2) All damaged, removed or missing portions of such fence shall be replaced or repaired with comparable materials of a comparable color to the remaining portion of such fence.
- (3) Exterior supports shall not be used as a means of maintaining vertical alignment.
- (4) Fence sections shall be securely attached by an approved fastening method to support posts. Nails, screws, and other fasteners must be maintained as to not cause a hazard.

(Code 1966, § 5-58; Ord. No. 3285-A, § 1, 5-8-00; Ord. No. 3716, § 1, 8-11-08)

Sec. 6-203. Appeals.

(a) An appeal from a decision of the chief building official under the terms of this article shall be made to the zoning board of adjustment.

(b) When in its judgment the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially injured, the zoning board of adjustment may authorize special exceptions to the regulations provided in this article in order to permit reasonable development and improvement of property where the literal enforcement of the regulations would result in an unnecessary hardship.

(Code 1966, § 5-59)

Sec. 6-204. Zoning ordinance controls article.

Nothing in this article shall be construed so as to amend, alter, change or repeal any provision of the comprehensive zoning ordinance [appendix A to this Code] and in the event any provision of this article conflicts with the comprehensive zoning ordinance, the provisions of the comprehensive zoning ordinance shall control.

(Code 1966, § 5-60)

Sec. 6-205. Materials.

(a) Permitted materials. Materials permitted are wood, concrete, masonry, chain link, wrought iron, metal tubing, vinyl, fiberglass composite or other materials approved by the building official for exterior exposure as fence material.

(b) Prohibited materials. Materials prohibited are barbed wire, razor ribbon, sheet metal, corrugated steel and fiberglass panel, plywood or any other similar material manufactured for other uses.

(c) Exception. Barbed wire is permitted for fences in rear and side yards in industrial zoned districts when the following conditions are met:

- (1) All strands of barbed wire must be a minimum of six feet above ground level.
- (2) All barbed wire fences must be located a minimum of 300 feet from any residentially zoned district.

(Code 1966, § 5-50; Ord. No. 3285-A, § 1, 5-8-00)

Sec. 6-206. Not permitted on public property.

No fence or any part of such fence shall be constructed upon or caused to protrude over public property. All fences must be maintained in a plane so as not to overhang public property.

(Code 1966, § 5-51)

Sec. 6-207. Certain locations, construction prohibited.

(a) Within easements. No fence shall be located within any easement except by prior written approval of those agencies having interest in such easement.

(b) Electric fences. No fence erected shall be electrically charged.

[(c) Reserved.]

(d) [Screening walls.] Where subdivisions are platted so that the rear or side yards of single-family residential lots are adjacent to a public street on which a screening wall has been provided no wall or fence shall be attached to the screening wall.

(Code 1966, § 5-52; Ord. No. 3285-A, § 1, 5-8-00; Ord. No. 3354-A, § 1, 8-27-01)

Sec. 6-208. Height and construction requirements.

All fence heights shall be measured vertically from the inside natural or mean grade elevation of the yard. To obtain proper sight distance where an alley and street intersect, a clear area formed by a five-foot by 20-foot triangle shall be maintained so as not to cause danger to traffic by obstructing visibility. At the time of reconstruction, existing fences with a clear area ten-foot by ten-foot may maintain the ten-foot by ten-foot clear area. Topography preventing a clear view shall be removed.

(Code 1966, § 5-54; Ord. No. 3285-A, § 1, 5-8-00)

Sec. 6-212. Swimming pool enclosures.

(a) Every person in possession of land within the corporate limits of the city, either as owner, purchaser under contract, lessee, tenant or licensee, upon which is situated a swimming pool, spa or hot tub containing water over 24 inches deep, shall at all times maintain a fence, wall or other solid structure that completely surrounds the swimming pool, spa or hot tub.

(b) A building permit shall be required for the construction of a swimming pool, spa or hot tub within the limits of the city and plans shall show compliance with the requirements of this section. Final inspection shall be withheld until compliance with the requirements of this section has been obtained.

(c) The fence, wall or other solid structure required by this section shall be at least four feet in height. Openings in the fence shall not permit the passage of a four-inch diameter sphere. Doors and gates in the enclosure shall be self-closing and self-latching, and the self-latching device shall be located in the upper quarter of the door or gate. The door of any dwelling occupied by human beings and forming any part of the enclosure required by this section is not required to be self-closing and self-latching.

Exception. An existing fence, between three and one-half feet and four feet in height, may be repaired with the same height fence; however, in the event more than 50 percent of an existing fence less than four feet in height is replaced, the entire fence shall comply with this section.

(Code 1966, §§ 5-61, 5-62; Ord. No. 3285-A, § 1, 5-8-00)