

## CHAPTER 29

### FENCES

#### SECTION

- 20-29-01: Purpose
- 20-29-02: Fences

**20-29-01: PURPOSE:** The purpose of this Article is to establish standards for the installation of fencing as may be required by other articles of this Chapter and to protect the general health, safety, and welfare of the City.

**20-29-02: FENCES:**

**A. General Fence Regulations.**

1. Fence Permit. Fences and retaining walls (over three (3) feet tall), shall not be constructed without a building or administrative permit issued by the City of Hanover.
2. Permit Fees. A fee as set forth by City Council ordinance shall be charged for a permit issued under this Article for new fences, as well as the replacement of fences in the same location.
3. Application Requirements. The application shall be accompanied by a certificate of survey clearly describing the type, location and method of anchoring the fence or retaining wall. Verification of lot lines shall be required.

**B. General Provisions.**

1. Non-riparian Lots. In all Zoning Districts, a fence six (6) feet high or shorter may be erected on the rear lot line, the side lot lines and return to the nearest front corner of the principal building.
2. Riparian Lots. In all Zoning Districts, a fence six (6) feet high or shorter may be erected on the side and front (street side) lot lines. A fence six (6) feet high or shorter may be erected adjacent to the water but not below the ordinary-high-watermark of the water body.
3. In Residential Districts, a fence not exceeding four (4) feet in height and having at least seventy-five (75) percent open area for passage of air and light, (i.e., picket, split rail, chain link fence), may be erected on the front

lot line and the side lot lines forward of a line drawn across the front line of the principal building.

4. Lots within Residential Districts which are developed with single family homes, may erect an eight (8) foot high privacy fence along that side of the lot that faces commercial or industrial lots or is located adjacent to County Roads provided:
  - a. Adequate site distance and snow storage exist.
  - b. The fence is not located within a drainage and utility easement.
  - c. The fence is set back a minimum of ten (10) feet from the property line or right-of-way line, whichever is greater.
5. Fences taller than eight (8) feet may be permitted provided a conditional use permit (CUP) is approved by the City.
6. Fences shall not be permitted within any right-of-way or below the 100-year floodplain of any lake, river or wetland.
7. A fence of wood, etc. which requires periodic maintenance shall be located no closer than two (2) feet from any side or rear yard lot line on the property of the person constructing or causing the construction of said fence.
  - a. An exception to the above restriction involving an encroachment up to the side or rear property line may be allowed by written approval of the adjoining property owner(s).
  - b. A fence that is maintenance-free, such as a chain link of steel, plastic or vinyl, and is acceptable as such to the Zoning Administrator may be constructed up to the side or rear yard property line.
8. All posts and supporting structures of a fence shall face inward towards the property on which the fence is constructed. All posts and supporting structures shall be located entirely upon the fence owner's property.
9. Barbed wire fences shall be prohibited in all Residential Districts. Barbed wire fences may be permitted in commercial and industrial areas provided a conditional use permit is obtained. Barbed wire fences are permitted for farming operations within the FRD, Future Restricted Development District and the RA, Residence Agriculture District.

10. Fences shall be residential in nature, such as chain link, wrought iron, vinyl, split rail or board and picket.
11. Wood, plastic, vinyl or other type of slats when used in combination with chain link fencing shall not be permitted within the City.
12. Corn cribbing (snow) fences shall be prohibited in the Residential Districts of the City during the months of April through October for any purpose other than marking tree preservation areas approved as part of a development project.
13. Retaining walls shall be constructed when required by the City to prevent damage to any public area such as a sidewalk or street. Other retaining walls may be constructed under the same restrictions as placed on fences and subject to review by the City Building Inspector and/or City Engineer.
14. Fences up to ten (10) feet in height may be permitted to enclose tennis courts and as backstops for athletic fields provided all other requirements of this Article are met.
15. Fences which include a security gate at a point where access is provided to the property and principal building may be approved if necessary and appropriate as part of a site plan review.
16. No fence shall obstruct natural drainage. No fence shall be placed within an easement that obstructs or impedes the free flow of surface water from, or in any drainage easements. If a fence is constructed within a drainage and utility easement and it is required to be removed, the City shall not be required to pay compensation for any such fence.
17. A wall, fence or hedge may occupy part of a required yard except that on corner lots there shall be a triangular area formed by the property lines of intersecting streets, intersecting streets and alleys, and a line joining points on said lines twenty-five (25) feet distant from said intersection. In this area there shall be no wall, fence or hedge. Trees shall be trimmed from the ground to a height of ten (10) feet above curb level.

**C. Non-Conforming Fences.** It is the intent of this Article to allow the continuation of non-conforming fences existing on February 18, 2002, until they are discontinued as provided herein. However, it is not the intent of this Article to encourage the survival of non-conforming 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 Article 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 Article.

2. Maintenance of a non-conforming fence will be allowed when this includes necessary repair and incidental alterations, which do not expand or intensify the non-conforming fence.