

§ 153.058 FENCING.

(A) *Building permit required.*

(1) No fence, except temporary fencing, shall be constructed without a building permit. The application shall be accompanied by a plot plan clearly describing the type, location, and method of anchoring the fence.

(2) Boundary line fences shall be located entirely upon the private property of the party constructing the fence unless the owner of the property of the adjoining property agrees, in writing, that the fence may be erected on the division line of the respective properties. The persons, firms, or corporations constructing or causing the construction of the fence shall be responsible for maintaining that part of their property between fence and property line. City staff will require any applicant for a fence permit to establish the boundary lines of his or her property by a survey thereof to be made by any registered land surveyor or by showing the stake markers of the surveyed lot.

(3) Permanent fencing is required to meet the standards of the State Building Code.

(B) *Fencing standards for all districts.* Fencing in all districts shall conform to the following.

(1) Fences in all districts shall be maintained so that the exposed outer surface shall be uniformly painted or stained in a neat and aesthetically pleasing condition.

(2) No fence shall be permitted on a public right-of-way or boulevard area without special permission from the City Council.

(3) No fence shall be erected on a corner lot that will obstruct or impede the clear view of an intersection by approaching traffic.

(4) All snow-stop fencing may be used from November 1 to April 1. No permit shall be required for temporary fencing.

(5) Any fence which is dangerous to the public safety or general welfare and health is a public nuisance and the city may commence proceedings for the abatement thereof. Electric fences may not be used as boundary fences, and material such as hog wire fencing, barbed wire fencing, or snow fencing will not be allowed as permanent fencing.

(6) The side of the fence considered to be the face (finished side as opposed to structural supports) shall face abutting property. Abutting property owners will be notified by the constructor of the fence five calendar days before the building permit is issued.

(C) *Fencing standards in residential districts (R-1 and R-2).*

(1) A fence may be located along the rear lot line to a maximum height of up to six feet and to a maximum height of six feet along the side lot lines up to the point where it is parallel with the front edge of the house. From this point forward to the right-of-way, the height of the fence shall not exceed three feet. Any fence that crosses the width of the front yard shall not exceed three feet in height. The maximum height may be increased to four feet if the material type of the fence is not more than 50% opaque (such as, chain link). A variance is needed for fences exceeding the above mentioned heights. The front of a house situated on a corner lot shall be the architectural front of the house facing the street from which the house is addressed. No fence may be placed in violation of the restrictions of this section. Refer to Appendix A.

(1997 Code, § 25.08; Am. Ord. passed 10-27-2003)

Residential Fence Requirements		
Fence Location	Maximum Height, in Feet	Maximum Opaqueness
Front yard at right-of-way	3	100%
	4	50%
Rear lot line	6	100%
Side lot lines from rear lot line to the front edge of house	6	100%
Side lot lines from front edge of house forward to right-of-way	3	100%
	4	50%

(1997 Code, Ch. 25, Table 3)

(2) Fences around dog kennels not exceeding 50 square feet in size, fences around garbage cans, and garden fences will not require fence permits but shall adhere to the other regulations of this section.

(D) *Fencing in commercial, manufacturing, and industrial districts (CBD, C-2, and M).* Fences may be located along a lot line to a height of eight feet. Fences over eight feet in height shall require a variance.

(E) *Required fences; swimming pools.*

(1) All swimming pools shall be completely enclosed by a type of fence resistant to being climbed unless specifically

exempted in this section.

(a) All fence openings or points of entry into the pool area enclosure shall be equipped with gates.

(b) The fence and gates shall be at least four feet in height.

(c) One gate shall be equipped with self-closing and self-attaching devices placed at the top of the gate or otherwise inaccessible to small children. Any gate in the fence will be presumed to be solely for maintenance purposes and shall remain locked at all times when not used for maintenance purposes.

(d) The openings between the bottom of the fence and the ground or surface shall not be more than four inches.

(2) Above-ground pools of four feet or more in wall height shall be exempt from complete enclosure by a type of fence resistant to being climbed. However, above-ground pools shall be equipped with a fence and gate system at all points of entry to the pool. The fence and gate system shall effectively control access to the pool and shall be constructed pursuant to the specifications listed in this section.

(F) *Existing fences.* No existing fence in violation of this section will be allowed to be replaced or rebuilt. Should an existing fence be replaced or rebuilt, it must come under the regulation of this section.

(G) *Traffic visibility at corner lots.* On corner lots, in all districts, no fence in excess of 30 inches above the street centerline grade shall be permitted within a triangular area defined as follows: beginning at the intersection of the extension of the existing curb lines of two intersecting streets, thence 30 feet back along one curb line, thence diagonally to a point 30 feet from the point of beginning back along the other curb line, thence to the point of beginning.

(Am. Ord. passed 10-27-2003)

(H) *Violations; remedies.* Violation of this section may be enforced by injunction and the city shall be entitled to the remedy of abatement in order that a fence erected in violation of this section may be removed.

(1997 Code, § 25.08)

(Ord. passed 11-14-1994) Penalty, see § 10.99