

## Chapter 15.12 (Ord. 09-05)

### FENCES

#### Sections:

- 15.12.005 Definitions
- 15.12.010 Extension of fences not on corner lots.
- 15.12.020 Extension of fences on corner lots.
- 15.12.030 Additions to fences--Compliance required.
- 15.12.040 Building permit and Completion required.
- 15.12.050 Height restrictions.
- 15.12.060 Types and Maintenance
- 15.12.070 Installation
- 15.12.080 Penalty

**15.12.005 Definitions.** The following words and terms, for purposes of this Ordinance, shall have the meanings herein provided:

"Arbor" A decorative solid or latticework structure or trellis which is used as an entrance focal point along a barrier which serves the purpose of a fence.

"Berm" A mound of earth higher than the general finished grade of a lot.

"Fence" Fence means a generally self supporting, vertical screen device used to provide privacy, visual or otherwise, or for containment. Fence includes but is not limited to trellises, railings and walls. Trellises affixed flat to a structure's wall for the sole purpose of training decorative plantings are excluded from this ordinance.

"Retaining Wall" A structure that holds back soil or rock from a building, structure or area. Retaining walls provide support for vertical or near-vertical grade changes, and prevent down slope movement or erosion.

"Trellis" A frame or structure of open latticework.

#### **15.12.010 Extension of fences not on corner lots.**

A. As to all houses which are not erected on a corner lot, any fence constructed shall not extend toward the front of the house beyond a point one-half the distance of the side walls of such house, it being the intent and purpose of this subsection, that there be no fence constructed near the front of the house at a point beyond one-half of the distance of the side wall, all fences are to be built in the rear behind this point.

B. The front of a house as referred to in subsection A of this section, means the side most often seen or used as the main entrance, and/or would be shown as the "front view" in a real estate depiction.

C. For purposes of this Chapter 15.12, the words "front," "rear," and sides of a house shall refer to those respective sides of a house, regardless of its positioning on the lot and is not to be confused with the definitions of the sides of a lot as opposed to the sides of a house.

#### **15.12.020 Extension of fences on corner lots.**

A. As to all houses erected on a corner lot:

1. Any fence constructed to the side of the house farthest from the side street shall not extend toward the front of the house beyond a point one-half the distance of such side wall of the house, it being the intent and purpose of this section that the fence constructed on such side of the house shall not be constructed near the front of the house at a point beyond one-half the distance of such side wall, such portion of the fence to be built in the rear behind this point. (CC § 151.071)

2. Any fence constructed to the side of the house closest to the side street which such side faces, shall not extend toward the front of the house beyond the rearmost corner of the house/garage on such side, and shall not extend toward the side street beyond the shortest distance between the side street and the rearmost corner of the house/garage at any point, it being the intent and purpose of this section that the fence constructed on such side of the house shall be entirely to the rear of the house and no closer to the side street than the rearmost corner of the house on such side. In no case shall any portion of any fence extend beyond the allowable building line on the side of a property that is bounded by a street.

B. The front of a house as referred to in subsection A of this section, means the side most often seen or used as the main entrance, and/or would be shown as the "front view" in a real estate depiction.. The rear of a house means the wall opposite the front, and the side(s) mean the wall(s) which connect the front and rear walls.

**15.12.030 Additions to fences--Compliance required.**

Any additions to fences erected prior to the enactment of this chapter, and contrary hereto, shall not be permitted.

**15.12.040 Building permit and Completion required.**

A. PERMIT - Prior to any fence being constructed, the owner of the lot on which the fence is to be constructed shall submit the description and specifications of the fence to the city, and must secure a building permit based on the fence description and specifications. The description shall include a drawing, site plan or plat map displaying property boundaries, the location of the fence and structures on the property, the proposed location of the fence and its distances from the existing structures on and boundaries of the property. Such building permit shall cost one hundred dollars (\$100.00).

B. COMPLETION - Completion of Installation. A fence authorized by a fence permit shall be fully installed in accordance with this Ordinance and permit conditions, within ninety (90) days of the date of permit issuance. A Fence Permit shall expire ninety (90) days after the date of issuance. After a Fence Permit expires, no work requiring such a permit shall be commenced, resumed or undertaken until a new permit is issued or the original permit is extended. The owner may file a written request for an extension of the fence permit stating the reason for the request, for up to ninety (90) additional days to complete the fence installation. The Council may grant the request if good cause is shown.

C. COMPLIANCE - All fences permitted per this chapter shall comply with all requirements and restrictions enumerated herein unless otherwise approved by the City Council.

**15.12.050 Height restrictions**

A. Restriction. A fence may not exceed six (6) feet above the finished grade in the area in which it is placed. The height of a fence shall be measured from the finished grade at the base of the fence; except that where the fence is on or immediately adjacent to the high side of a retaining wall or other nearly vertical change in grade, the height shall be measured from the average of the finished grade levels at each side of the change in grade; and further excepted that any fence on the uphill side of such change in grade may, for safety considerations, be at least three feet, six inches (3'6") high, notwithstanding any other height restrictions herein. Berms, fill or other methods to raise the elevation at the base of the fence above that of the general finished grade shall not be used to circumvent the height restriction and their height will be included in the measurement of the fence height.

**15.12.060 Types and Maintenance**

A. Permitted Materials and Placement - Fences shall be constructed using materials suitable for residential-style fencing, including:

1. Wood
2. Wood-polymer
3. Masonry (brick or stone) or stucco wall

4. Chain link, minimum 9 gauge, provided it is vinyl clad of either black or dark green color. Chain link fence must also be constructed with a top rail and installed such that the knuckled edge of the chain link fabric is at the top. Fence posts and rails must be of the same color as the chain link fabric. Chain link fence shall not be equipped with privacy slats of any type.

5. PVC (PolyVinyl Chloride)
6. Wrought iron
7. Aluminum

B. Non-permitted Materials include, but are not limited to, the following:

1. Unfinished concrete or cinder block
2. Bare wire, either single or multi-strand, whether electrified or not.
3. Barbed or razor wire; however, such may be permitted on commercial or industrial property for security purposes where it is atop a fence of at least six (6) feet in height and in a non-residentially populated area.
4. Materials not generally considered appropriate for residential fencing.

C. Color

1. Unfinished natural wood or natural wood colored stains.
2. Vinyl cladding of black or dark green for chain link.
3. Black or white, either where it is the native material color, or painted. Other colors as may be indicated to blend with adjacent structures or landscaping may be allowed, but only if specifically authorized by the fence permit.
4. Any change in fence color after the completion of construction, from that specified in the fence permit, shall require a new permit. Where the only change is color, the permit fee will be waived.

D. Prohibitions – No owner shall install or allow to exist:

1. A chain link fence with the cut or salvage end of the fence exposed at the top.
2. A fence which creates a hazard to users of the street, sidewalk or to nearby property.
3. A fence composed solely of fence posts.
4. An incomplete fence.

E. Maintenance - Fences shall be maintained in a manner as to prevent rust, corrosion, rot and deterioration, so as not to become a public or private nuisance, and so as not to be dilapidated or a danger to adjoining property owners or the public. Fences shall not present a patchwork appearance, which is indicative of a state of disrepair. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair including, but not limited to, noticeable leaning, missing sections, broken supports, non-uniform height, or noxious or overgrowth of vegetation.

#### **15.12.070 Installation**

A. General Requirements - No Fence shall be installed, except in strict compliance with this Ordinance, site specific permit conditions, and the following requirements:

1. Structural and support components of a fence shall face away from adjacent properties.
2. Fences shall be installed with the finished side facing the adjacent property or public right-of-way, and the fence posts must be located on the inside of the fence facing the property on which the fence is located.
3. Fences shall be installed plumb and the top finish of the fence shall be uniform. Fences shall follow the contour of the ground to the extent practical. Adjustments for grade shall occur at the bottom of the fence.

B. Obstruction of Ingress/Egress Area of a Dwelling. No fence shall be installed in any yard that will shield any window or opening in a habitable space of a dwelling. A minimum distance of three (3) feet shall be maintained between any solid fence and any such window or opening in a dwelling.

**15.12.080 Penalty** Any person who violates any provision of Chapter 15.12 of this Code of Ordinances or fails to conform to any of the provisions of these sections, or fails to obey any order of any officer charged with the enforcement of the provisions of these sections in relation to matters or things herein contained shall be guilty of a misdemeanor and shall be fined not more than \$500 for each offense. Each day's continued violation shall constitute a separate offense.