

Sec. 102-13. - Fences.

- (a) *Permit required before work may commence.* No person may construct, or cause to be constructed or erected within the city, any fence without first making application for and securing a permit therefor from the zoning administrator.
- (b) *Location.* Boundary line fences shall be located entirely upon the private property of the person constructing or causing the construction of such fence unless the owner of the property adjoining agrees, in writing, that such fence may be erected on the division line of the respective properties. The zoning administrator may require the owner of the property upon which a fence now exists, or may require any applicant for a fence permit to cause to establish the boundary lines of his property by a survey thereof to be made by any registered land surveyor.
- (c) *Construction and maintenance.* A fence shall be constructed in a substantial, workmanlike manner and of substantial material reasonably suitable for the purpose for which the fence is proposed to be used. The fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance, public or private. Link fences, wherever permitted, shall be constructed in such manner the barbed end is at the bottom of the fence and the knuckle end is at the top thereof.
- (d) *Nuisances.* Any fence which is, or has become dangerous to the public safety, health or welfare, is a public nuisance. The zoning administrator may commence proper proceedings for the abatement thereof.
- (e) *Barbed wire or electric fence.* Barbed wire fences are permitted only in Industrial Districts as provided by this code. Electric boundary fences are not permitted within the city.
- (f) *Residential District fences.* All fences in Residential Districts shall be constructed in such manner that at least 25 percent of the plane between the ground and the top of the fence is open, and in calculating such percentage, distances of 50 feet may be averaged beginning at the permitted point opposite the principal building. All boundary line fences in Residential Districts shall be erected or maintained to measure no more than four feet in height except that:
 - (1) Fences on any corner lot erected within 30 feet of the intersecting curb line are subject to section 102-12;
 - (2) Fences on side property lines shall not be more than six feet in height for the distance commencing from a point on such side property line located at the rear lot line and proceeding thence along such side property line to a point therein which would be intersected by the rear wall line of the then existing principal building on that lot on either side of such fence, which building line intersecting such fence line is closest to the rear lot line from which such fence commences provided that if such principal building is located more than 50 feet away from such fence line and is owned by someone other than the fence owner or erector, then such six-foot side yard fence may be constructed to a point of such side yard which would be intersected by the rear wall of the principal building on the lot thus fenced;
 - (3) Fences along any rear property line, which is also the rear property line of an abutting lot shall not exceed six feet in height;
 - (4) Fences along a rear property line which line constitutes the side lot line of an abutting lot may not exceed six feet in height for a distance calculated as in subsection (f)(2) of this section and may not exceed four feet in height thereafter;
 - (5) Fences on side street lot lines shall not be more than six feet in height for the distance commencing from a point on such side street lot line located at the rear lot line and proceeding thence along such side lot line to a point thereon which is 40 feet distant from the front lot line, but in no case shall the fence extend forward of the front line of the house;
 - (6) Property line fences abutting R Districts shall conform to those conditions applying to the R Districts.

- (7) Fences enclosing swimming pools must have a minimum height of four feet and shall not exceed six feet subject to the provisions of this section.
 - (8) The side of residentially zoned properties abutting a state or county road may have an opaque fence.
 - (9) The side of the fence facing the public right-of-way shall not contain the structure and/or support of the fence.
- (g) *Business District fences.* Property line fences in a B District shall not exceed six feet in height. The council may grant a conditional use permit for a fence up to eight feet in height, provided:
- (1) That applicant has an approved open sales lot;
 - (2) Open sales lot classified as a non-conforming use;
 - (3) Has a commercial or industrial operation which requires the storage of equipment outside the building;
 - (4) The premises or use may be dangerous to the public;
 - (5) The use is an attractive nuisance and the applicant can show that for security reasons a fence of six feet will not be adequate.
- (h) *Industrial District fences.* Property line fences in an I District shall not exceed eight feet in height except that:
- (1) Fences in Industrial Districts which are primarily erected as a security measure may have arms projecting into the applicant's property on which barbed wire can be fastened commencing at a point at least seven feet above the ground; and
 - (2) A fence located in the front yard of premises in an Industrial District abutting a right-of-way containing 50 feet or more in width shall conform to setback requirements for buildings in said district. Said area consisting of the setback shall be landscaped in accordance with a plan approved by the city. Ornamental fences utilized for landscaping purposes are excluded from the provisions of this chapter.
- (i) *Special purpose fences.* Fences for special purposes and fences differing in construction, height or length may be permitted in any district in the city by the issuance of a conditional use permit and by the council upon proof and reasons submitted by the applicant and upon the signing by said bodies that such special purpose is necessary to protect, buffer or improve the premises for which such fence is intended. The special fence permit, if issued, may stipulate and provide for the height, location, construction and type of special fence thereby permitted.
- (j) *Institutional District fences.* In an Institutional District no boundary line fence shall be erected or maintained more than four feet in height except that, fences along any property line that abuts a parking lot may exceed four feet but shall not exceed six feet in height.

(Code 1986, § 520.13; Ord. No. 613; Ord. No. 87-601; Ord. No. 88-613; Ord. No. 95-777, 1-3-1996; Ord. No. 97-797, 4-15-1997; Ord. No. 2000-833; Ord. No. 13-1064)