

LAND DEVELOPMENT REGULATIONS § 30-582
DIVISION 4. SUPPLEMENTAL REGULATIONS

Sec. 30-582. Fences and hedges.

(a) *Intent*: It is the intent of the city commission to promote the general welfare of the city by following regulations relating to fences and hedges.

(b) *Definitions*. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Building line means the line established by law, beyond which a building shall not extend, except as specifically provided by law.

Fence means any construction, barrier or erection, which wholly or partially encircles any given area.

Hedge means a bush or shrub, or any living green fence of any nature, which wholly or partially encircles any given area.

Protective measures fence means a fence erected for the express purpose of the protection of the enclosed area and its contents in all areas other than residential areas. When such protective measures fence employs barbed wire along the uppermost edge of such fence, the minimum height for such fence below the barbed wire extension shall be six feet.

Sidewalk line means the edge of the established sidewalk nearest the established lot line of any property within the city.

(c) *Permit required*. It shall be unlawful for any person to construct, or cause to be constructed, any fence or hedge upon any property within the city without first having obtained a permit therefore in the manner provided for in this section.

(d) *Permit application*. Any person desiring to build or to cause to be built a fence or to grow a hedge or cause a hedge to be grown upon property owned in the city shall first apply to the building inspector for a permit. Such application shall contain all information required by the building inspector necessary for the determination of whether the erection of such fence or growing of such hedge will violate any ordinance of the city or law of the state.

(e) *Height*.

(1) *Front yard*. In residential and local business zones, fences and hedges in the front yard area shall not exceed four feet in height.

- (2) *Side and rear yard.* In residential and local business zones, fences and hedges in the side and rear yard areas shall not exceed six feet in height.
- (3) *Corner lots.* On corner lots in residential and local business zones, fences and hedges nearer the street than the established building line shall not exceed four feet in height.

(f) *Extensions restricted.*

- (1) A partition fence or hedge shall not extend towards the street beyond two feet from the established lot line, nor shall any fence or hedge, or portion thereof, be erected in any area on or parallel to the lot line, unless it shall be located a minimum of two feet behind the inside edge of the established sidewalk line. It shall be unlawful for any person to plant or cause to have planted any shrub or bush outside of the established sidewalk line.
- (2) Nothing in this section shall be construed to allow any hedge growth to extend toward the street beyond two feet from the established lot line.
- (3) Nothing in this section shall be construed to allow a fence or hedge growth to be erected less than three feet from an alley property lot line in a residential or local business zoned area.

(g) *Type of fences restricted*

- (1) No person who is the owner, lessee, occupant or agent of any building in the city shall erect, cause to be erected or maintain on or about the walk or stairway to the entrance of such building any railing, fence, guard or other projection on which there shall be affixed or placed, or in any manner attached, any barbed wire construction; nor shall there be maintained, either partially or wholly, around any street or sidewalk in the front lane or public way, or in or along any street or sidewalk in front or adjacent to any public space or place, nor nailed or caused to be nailed or fastened in any form, shape or manner, upon any partition form, any such barbed wire construction; nor shall any electrical current be charged through any fence.
- (2) A permit granted by the city building inspector shall be required for any person wishing to erect a protective measures fence. Such permit shall be granted only after demonstration of the need of such fence. The owner, or his agent, of a protective measures fence shall be granted permission to erect necessary and reasonable barriers along the uppermost edge of such protective measures fence that he deems reasonable for the protection of property within the enclosed area.

(h) *Owner's liability.* Any person within the corporate limits of the city who erects or maintains a fence or hedge between the edge of the established lot line and the inside edge of the sidewalk, or where any sidewalk would normally be, shall be fully responsible for the care and maintenance of such fence or hedge, and shall assume full responsibility for any damage arising due to the erection of such fence or hedge.

(i) *Waiver.* Upon complaint in writing by any person directly or adversely affected, the planning commission may, after a public hearing in accordance with the established procedure of

the commission, in its sound discretion and in the interest of the public health, safety and welfare of the inhabitants of the city, reduce or remit the requirements of this section in individual cases coming before the commission. Provided however, the provisions of subsection (e) (3) regarding corner lots shall not be subject to waiver under this provision.

(j) *Nonconforming uses.* The lawful erection of a fence or hedge growth existing on December 18, 1986, may be continued although such erection or growth does not conform to the provisions of this section, but if such nonconforming use is discontinued for a period in excess of 90 days, the future erection of a fence or hedge growth shall be in conformity with the provisions of this section.

(Code 1976, § 150.18)