§ 152.206 FENCE AND WALL REQUIREMENTS.

(A) *Applicability*. The requirements of this section shall apply to the following conditions in all zoning districts, except as exempted in division (B) below:

(1) *New construction*. Construction of a new fence or wall;

(2) *Extension*. Extension of an existing fence or wall;

(3) *Replacement*.

(a) Replacement of an existing fence or wall that is a different size, at a different location or of a different material (e.g. a chain link fence being replaced by a wood privacy fence); or

(b) Replacement of more than 50% of the linear length of an existing fence.

(B) *Exemptions*. This section shall not apply to:

(1) *Zoning districts*. The A-1, Agricultural and R-E, Residential Estate zoning districts, except requirements of placement of razor wire, barbed wire, or electric fences near sidewalks and rights-of-way identified in division (E)(4) below.

(2) *Replacement*. Replacement of less than 50% of the linear length of an existing fence, except that the portion being replaced shall not:

(a) Impede visibility at the sight triangle;

(b) Impede a natural drainage way;

(c) Be located in certain utility easements that require gated access; or

(d) Encroach neighboring property lines.

(C) *Permit required*. A fence permit shall be obtained prior to beginning construction and replacement of all applicable fences and walls, except those shown on an approved preliminary plat or large scale development.

(1) *Application*. To obtain a fence permit, a completed application form and a plot plan (site plan) must be submitted to the Building Inspection Office. The plot plan shall show:

(a) Location of all property lines;

(b) Location of all existing structures;

(c) Location of existing or proposed pools or spas;

(d) Location of existing fencing on or adjacent to the property that is to remain in place;

(e) Portions of existing fence that will be replaced;

(f) Location of new fencing; and

(g) A note indicating the height of the proposed fence and the type of fence construction (i.e., wood privacy, wrought iron, brick, etc.).

(2) *Review and approval*. Once all the required information is submitted, it will be reviewed by Planning Clerk for compliance. If the application is approved, the applicant shall pay the permit fee and the fence permit will be issued.

(3) *Compliance*. All fences or walls must be installed in compliance with the fence regulations and with the information shown on the approved plot plan and fence permit application form.

(4) *Inspection required*. The applicant shall contact Building Inspections to request a final inspection upon completion of the fence. If the Building Inspector determines that the fence is constructed in accordance with the ordinance requirements and the approved fence permit, a certificate of compliance will be issued. If the fence does not pass the inspection, the Building Inspector shall prepare an inspection report detailing the deficiencies.

(D) *Fence location.*

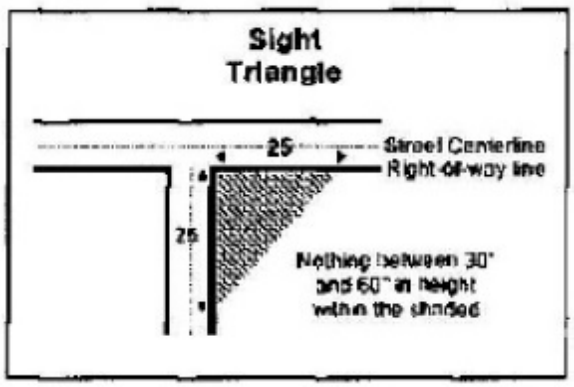
(1) *Private property*. All fences and walls shall be located on private property and shall be built with the consent of the property owner. The fence installer and/or property owner shall be responsible to correctly locate property boundaries. Fences and walls shall not encroach neighboring property lines.

(2) *Front yard.* A fence over 36 inches in height shall not be located in the front yard or be positioned any closer to the front property line than the front surface of the building for a typical residential lot. Decorative fencing not exceeding 36 inches is allowed in front yards.

(3) *Rear and side yards.* A fence or wall may be located in the rear or side yard, but shall be in compliance with other regulations of this section.

(4) *Adjacent to right-of-way*. Fences and walls adjacent to a public right-of-way shall be placed no closer than five feet to the right-of-way.

(5) *Sight triangle.* Fences or walls constructed near street intersections shall stay clear of the "sight distance triangle," shown below, in order to provide a reasonable degree of traffic visibility.



Remove Drawing, or delete note "Nothing between 30" and 60" in height within the shaded area"

(6) *Easements*.

(a) *Utility easements*. Walls used as fences and footings for retaining walls are prohibited in a utility easement. Construction of all other fences in utility easements is permitted, but the fence installer and/or property owner assumes some risk by doing so. The fence enclosing utility easement(s) shall have a gate installed to permit access to the easement.

(b) *Drainage easements*. Fences or walls shall not impede the normal flow of stormwater and shall not cross an open drainage channel. Fences or walls proposed in drainage easements shall be approved on a case-by-case basis.

(c) *Access easement*. Fences or walls shall not be constructed over a public access easement. Fences or walls proposed over private emergency access easements must be approved by the Fire Department to ensure right-of-way line.

(E) *Design standards*. The following design standards shall apply to any new or replacements of any fence or wall where the length of the replacement exceeds 50% of the length of the existing fence.

(1) *Height*. Maximum height shall be eight feet above average grade.

(2) *Finished surface*. Finished surface shall face outward from the property when visible from a public right-of-way. Posts and support beams shall be inside the finished surface or designed to be an integral part of the finished surface.

(3) *Gates*. All fence segments abutting a thoroughfare, except for corner lots, shall provide one gate opening per lot to allow access to the area between the fence and the street pavement for maintenance and mowing. An exception may be granted if the city receives a letter from the home owners' association stating that this area is maintained by the association and not by individual homeowners.

(4) *Fence types*.

(a) *Razor wire*. Razor wire shall be prohibited. Exception. Razor wire shall be permitted in A-1, Agricultural and R-E, Residential Estate districts and shall not be placed within five feet of a public sidewalk or within four feet of a street right-of-way where a public sidewalk does not exist.

(b) *Barbed wire*. ~~Barbed wire shall be prohibited in residential zoned areas except RE Residential Estate Districts.~~ Barbed wire shall be permitted in commercial and agricultural zones and shall not be placed within five feet of a public sidewalk or within five feet of a street right-of-way where a public sidewalk does not exist. **Barbed wire shall be permitted in residential zones where farm animals are permitted in accordance with section 153.046. Distances from sidewalk and right-of-way shall meet the same requirements as commercial and agricultural zones.**

(c) *Electric fences*. Electric fences shall be prohibited. Exception. Electric fences shall be permitted in A-1, Agricultural and RE Residential Estate Districts and shall not be placed within five feet of a public sidewalk or within four feet of a street right-of-way where a public sidewalk does not exist. Underground electric pet fences shall be permitted.

(F) *Pools and spas*. Outdoor pools, spas and hot tubs shall be protected by an enclosure designed to restrict access by children. If a fence is intended to serve as the required enclosure, it shall meet the following requirements in addition to those that apply to a fence or wall.

(1) *Height*. The minimum height of the fence enclosure shall be at least 48 inches. The maximum clearance between the bottom of the fence and the ground shall be two inches.

(2) *Gates*. Gates in the enclosing fence shall swing away from the pool/spa area and be designed to be self-closing and self-latching. If the latch or latch-release hardware is on the outside of the fence, it shall be at least 54 inches above the ground. If the latch hardware is on the inside of the fence, it must be at least three inches below the top of the fence and there shall not be any openings more than one-half inch in width within 18 inches of the latch. Gates more than five feet in width and designed for equipment access to the fence area are not required to be self-closing or self-latching provided they are locked at all times except when needed for equipment access.

(3) *Design*. The fence shall be designed so that there are no openings large enough to allow the passage of a four-inch diameter sphere and so that no “ladder effect” is created on the outside. If a chain link fence material is used, the maximum size of the openings (i.e., the distance between parallel wires) shall not exceed one and one-half inches.

(G) *Detention/retention ponds.* If a fence or wall is installed around a detention or retention pond with permanent water two feet deep or more, the fence or wall shall meet the requirements of division (F) above.

(Ord. 2013-04-417, passed 4-2-13; Am. Ord. 2013-09-440, § 152.1300.17, passed 9-3-13; Am. Ord. 2014-12-488, passed 12-2-14)