

BUILDINGS, CONSTRUCTION AND HOUSING

Secs. 5-22—5-35. Reserved.

ARTICLE III. FENCES*

Sec. 5-36. Fence Permit required.

No fence shall be constructed or reconstructed without filing an application with the building commissioner and obtaining the required permit. The permit application shall include the height, type, construction materials of the fence, and a site plan. The site plan shall show the location of the fence with relation to the property lines and street/curb/sidewalk and/or house, but this provision shall not be interpreted to require a site plan by a licensed surveyor. Fees shall be in accordance with Chapter 5, Article VI, of the Code of Ordinances.

Sec. 5-37. Definition.

For purposes of this article, a "fence" shall be defined as a structure serving as an enclosure, wall, or barrier constructed of posts, supports, boards, wires, stakes, rails, masonry, or stone.

Sec. 5-38. General Provisions.

(a) *Prohibited materials and construction:*

- (1) Fences shall not be constructed or erected, in whole or in part, with paper, cloth, canvas, bamboo, chicken coop wire, or other like material.
- (2) Fences in the front of the front building line of any residentially zoned or residentially occupied lot shall not be constructed or erected, in whole or part, with chain link, wire, wire mesh, plastic mesh, wooden slated tied together with wire or other like material or construction. This restriction shall apply to all street frontages on corner, through, or any multiple-frontage lots.
- (3) Fences shall be constructed in such a configuration that all framing members and support posts face towards the interior of the property of the person who erects, constructs, or causes the fence to be constructed.

(b) Barbed wire:

- (1) Fences on any residentially zoned or residentially occupied lot shall not be constructed in whole or part with barbed wire or any similar material.
- (2) Fences in nonresidential zoned areas may have barbed wire six (6) feet above grade, except barbed wire or any similar material shall not be on any fence adjacent to the right-of-way or easement line of any public street, alley, sidewalk, or park.

(c) *Electric fences:*

- (1) No fence, as defined in section 5-37, above, shall have an electric current running through it.

*Cross references—Electrical code adopted, § 5-3; zoning, App. A; subdivisions, App. B.

BUILDINGS, CONSTRUCTION AND HOUSING

- (2) No wire except electric, phone, cable television, or other utility shall have an electric current passing through it except as permitted below.
 - a. The wire is installed in strict accordance with National Electric Code, as adopted by the city.
 - b. The wire is located inside an area enclosed and secure from the public.
 - c. The wire is set back a minimum of eighteen (18) inches from the enclosure required in subsection (b) above.
 - d. The wire is set back a minimum of eighteen (18) inches from any property line.
- (3) Underground wire installed within the provisions of the city building code and National Electric Code shall be Exempt from the regulations of subsection (d).

(d) *Wire Fences:*

No fence shall be constructed solely of a single wire or of two (2) wires between posts or supports.

(e) *Swimming Pool Fences:*

Swimming pools shall be enclosed by a barrier in accordance with the City's Property Maintenance Code.

(Ord. No. 9442, §1, 1-6-05)

Sec. 5-39. Height Requirements.

- (a) Fence height shall be measured from the topmost point of the fencing material vertically to the ground.
- (b) Fences shall not exceed six (6) feet in height, except as provided otherwise within this article. Posts may be up to six (6) inches taller than the fencing material.
- (c) Fences located in front of the front building line of any residentially zoned or residentially occupied lot shall not exceed forty-eight (48) inches in height except as provided otherwise within this article. On corner, through, or on any other multiple-frontage lots, this height restriction shall apply only to the frontage upon which the house is addressed.
- (d) Fences built around tennis courts shall be of open mesh construction and shall not exceed fifteen (15) feet in height.
- (e) Fences enclosing an institution, a public park, a public playground, an elementary, middle school or high school site, or a commercial or industrial occupancy shall not exceed ten (10) feet in height.

BUILDINGS, CONSTRUCTION AND HOUSING

Sec. 5-40. Openness Requirements.

- (a) Fences located in the front of the front building line of any residentially-zoned or residentially-occupied lot shall be at least one-third open, except as provided otherwise in this article. On corner, through, or any other multiple-frontage lots, this openness restriction shall apply only to the street frontage upon which the house is addressed.
- (b) Fences constructed of stone or brick which do not exceed thirty-six inches in height are exempt from the openness requirements.
- (c) Fences enclosing an institution; a public park; a public playground; an elementary, middle, or high school site; or a commercial or industrial occupancy or use are exempt from the openness requirements.

Sec. 5-41. Fence Location.

- (a) Fences shall not be located within public right-of-way.
- (b) Fence shall not be located within twelve (12) feet of the curb line of a public street.
- (c) Fences shall not be located within twenty-five (25) feet of the point of intersection of the curb or edge of two intersecting streets.
- (d) Fence shall not be located within one foot of a public right-of-way, a public walkway, or a public sidewalk.
- (e) Fences may be located on property lines, if not otherwise prohibited by the above subsections or any other provision in this code.

Sec. 5-42. General Exemptions.

- (a) *Public Safety Fences.* Fences enclosing utility substations; utility installations; bridge; bridge walkways; bridge abutments; retaining walls along roadways; culvert openings; open drainage areas; fences installed by the City, State, County, or public utility; and temporary construction fences are exempt from this article.
- (b) *Fences Approved by Special Procedure.* Fences specified and approved by the Planning and Zoning Commission and/or City Council as part of a Site Plan Review, Special Use Permit or other procedure are exempt from this article.

Sec. 5-43. Maintenance.

- (a) Fences shall be in good repair and structurally sound.
- (b) Fences shall not have any loose fencing, panels, or other material which moves or vibrates under normal wind conditions.