

## § 480-72. Fences.

- A. Fences defined. As used in this section, the following terms shall have the meanings indicated:

FENCE — An enclosed barrier consisting of vegetation, wood, stone or metal intended to prevent ingress or egress. No fence shall be constructed of unsightly or dangerous materials which would constitute a nuisance.

- B. Permit required. No person shall install a fence in the City without first obtaining a fence permit and complying in all respects with the terms and conditions and this chapter. A fence permit shall be valid only for the term of issuance, unless sooner suspended or revoked. A fence permit is not required for painting, maintenance, or repair or replacement of less than 16 linear feet of a fence.

- (1) Permit application. A fence permit application shall be filed with the Zoning Administrator, consisting of the following:

- (a) A fully completed fence permit application form and payment of full permit fee.
- (b) A drawing, site plan or plat map displaying property boundaries, the location of the buildings and structures on the property, the proposed location of the fence and its distances from the existing structures on the property.
- (c) If the fence is proposed to be installed on rented or leased property, the written consent of the owner(s) of the property.
- (d) Other information as may be required by the Zoning Administrator to assist in the review of the application.

- (2) Permit fee. A permit fee in an amount as set from time to time by the Common Council shall be remitted upon submittal of the fence application. If any fence is installed, in full or part, prior to the issuance of a permit, five times the fee shall be charged for the permit. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

- (3) Application review and approval required, permit issuance. The Zoning Administrator shall review, approve and issue the fence permit, provided that the application is in compliance with this chapter and the standards of this chapter for the fence to be installed have been met. The fence permit may contain reasonable conditions stated in the permit.

- (4) Completion of installation. A fence authorized by a fence permit shall be fully installed in accordance with this chapter and permit conditions, within 180 days of the date of permit issuance. A fence permit shall expire 180 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.

- (a) A permit applicant may file a written request for an extension of the fence permit stating the reason for the request, for up to 180 additional days to complete the fence installation. The zoning administrator, in administering this chapter, shall

grant the request if good cause is shown.

- C. Fences categorized. Fences shall be categorized into three classifications:
- (1) Boundary fence. A fence placed on or within three feet of the property lines of adjacent properties.
  - (2) Protective fence. A fence constructed to enclose a hazard to the public health, safety and welfare.
  - (3) Architectural or aesthetic fence. A fence constructed to enhance the appearance of the structure or the landscape.
- D. Approved fence materials. All fences shall meet the following material requirements:
- (1) Fences to be situated in side and/or rear yards shall be constructed using materials suitable for residential-style fencing, including but not limited to brick, fieldstone, wrought iron, vinyl, chain link (with a minimum thickness of nine gauge and a required top rail support), stockade or board-on-board wood.
  - (2) No fence shall be constructed of used or discarded materials in disrepair, including but not limited to pallets, tree trunks, trash, tires, junk, or other similar items. Materials not specifically manufactured for fencing, such as railroad ties, wooden doors, landscape timbers or utility poles shall not be used for or in the construction of a fence.
  - (3) Residential front yard fences shall be 50% open (see-through) and be of split rail or wrought iron.
- E. Setback and height of fences regulated. Fences and walls are allowed in all yards, provided they are within the height limitations as follows unless otherwise stated:
- (1) In front yards, not to exceed four feet in height, except at corner lots where it may not exceed three feet.
  - (2) In side and rear yards, not to exceed six feet.
- F. Security fences. Security fences are permitted on the property lines in all districts except residential districts, but shall not exceed 10 feet in height and shall be of an open type similar to woven wire or wrought iron fencing.
- G. Prohibited fences. No fence shall be constructed which is a picket fence or is designed to electrically shock or which uses barbed wire; provided, however, that barbed wire may be used in industrially zoned areas if the devices securing the barbed wire to the fence are 10 feet above the ground or height and project toward the fenced property and away from any public area. Additionally, barb wire may be placed on top a fence at least six feet in height that surrounds a public utility structure and/or equipment.
- H. Fences to be repaired. All fences shall be maintained and kept in a state of good repair.
- I. Temporary fences. Fences erected for the protection of planting or to warn of construction hazard, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four-foot intervals. Such fences shall comply with the setback

requirements set forth in this section. The issuance of a permit shall not be necessary for temporary fences as described herein, but said fences shall not be erected for more than 45 days.

- J. Nonconforming fences. Any fence existing on the effective date of this Municipal Code and not in conformance with this section may be maintained, but any alteration, modification or improvement of said fence shall comply with this section. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**