

ARTICLE VI. FENCES

Sec. 18-531. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Fence means and includes any wall, barrier, screen or other structure installed for the purpose of separating, screening, obscuring or protecting property.

(Code 1976, § 5-08.02; Ord. No. 430, § 1(5-08.02), 2-18-1998)

Cross references: Definitions generally, § 1-2.

Sec. 18-532. Purpose.

Regulations governing the installation and replacement of fences in the city are established in this article to protect and promote the public health, welfare and safety.

(Code 1976, § 5-08.01; Ord. No. 430, § 1(5-08.01), 2-18-1998)

Sec. 18-533. Violations.

Any person who violates any section of this article shall be responsible for a municipal civil infraction.

(Code 1976, § 5-08.05; Ord. No. 409, § 7, 3-5-1997; Ord. No. 430, § 1(5-08.05), 2-18-1998)

Sec. 18-534. Nonconforming fences.

It shall be unlawful for any person to keep or maintain any fence to which this article applies that does not conform to the standards for fences set forth in section 18-536 unless a variance was obtained.

(Code 1976, § 5-08.06; Ord. No. 430, § 1(5-08.06), 2-18-1998)

Sec. 18-535. Applicability.

(a) *Generally.* The standards for fences contained in section 18-536 shall apply to all fences installed or replaced in the city before or after the effective date of the ordinance from which this article derives, subject only to those exceptions set forth in subsection (b) of this section.

(b) *Exceptions.* This article shall not apply to the following fences installed or replaced:

- (1) In accordance with a site plan approved under chapter 138 pertaining to zoning; or
- (2) Swimming pool enclosures as specified in the state construction code.

(Code 1976, § 5-08.03; Ord. No. 430, § 1(5-08.03), 2-18-1998)

Sec. 18-536. Standards.

Only those fences which meet all of the following standards shall be allowed:

(1) *Location.* Fences shall be located entirely on the owner's property, except that fences owned in common by adjoining property owners may be located on the common property line.

(2) *Height.* Fences shall not exceed eight feet in height measured from the ground surface.

(3) *Materials.* Materials shall be as follows:

a. *Generally.* Any natural or synthetic material that is all-weather resistant and is engineered and designed to be used for permanent installation as a fence or screening material shall be used.

b. *Chainlink slats.* Chainlink fences may be supplemented with woven metal (i.e., aluminum, galvanized or other metal with protective coating) insertable slats.

c. *Used materials.* No used materials, not including rock and brick, shall be used as fence material unless approved by the building department.

(4) *Barbed wire.* Barbed wire may not be installed on fences, except that barbed wire may be installed above the top line of a six-foot fence located in a nonresidential zoning district and enclosing a storage area. Barbs on a chainlink fence are not allowed on any exposed portion of the fence below six feet.

(5) *Proper installation and maintenance.* Fences shall be installed and maintained free from defects, safety hazards and collapse, and shall be kept in good repair. No signs, words, letters, images or illustrations, except for those signs required in subsection (6) of this section, may be painted or otherwise affixed to fences.

(6) *Electrification.* Electrically charged fences are prohibited, except that the building department may approve electric fences for the purpose of retaining animals under the following circumstances:

a. *Nonhazardous.* Sufficient proof has been presented that the fence will not be hazardous to persons or animals;

b. *Power source.* The power source shall be obtained from a listed electric fence controller; and

c. *Signs.* Signs shall be conspicuously located on the fence warning that the fence is electrified.

(7) *Corner clearance.* The corner clearance requirements of chapter 138 shall be observed.

(Code 1976, § 5-08.04; Ord. No. 430, § 1(5-08.04), 2-18-1998)

Secs. 18-537--18-564. Reserved.