CHAPTER 151

FENCES

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151.01 TYPES OF FENCES. These standards apply to walls, fences, hedges, and other structures used to enclose, divide, or separate parcels or areas of real estate, regardless of their construction or the transparency or opaqueness thereof.

151.02 LOCATION AND HEIGHT. No structures described in Section 151.01 shall exceed the maximum height from the ground surface upward established as follows for each zoning district:

1. Residential and Commercial.

   A. Front Yards. Four feet in height; set back from property line one-half foot.

   B. Side Yards. Four feet in height from the front boundary line to the building line, and eight feet in height for the remaining side yard; set back from property line is one-half foot or on the property line with the consent of adjoining property owners.

   C. Rear Yards. Eight feet in height; set back from property line is one-half foot or on the property line with the consent of adjoining property owners.

2. Industrial.

   A. Front Yards. Four feet in height; set back from property line is one-half foot.

   B. Side Yards. Four feet in height from the front boundary line to the building line, and eight feet in height for the remaining side yard; set back from property line is one-half foot or on the property line with the consent of adjoining property owners.

   C. Rear Yards. Eight feet in height; set back from property line is one-half foot or on the property line with the consent of adjoining property owners.

3. Agricultural.

   A. Street or Road Frontage. Four feet in height, may be placed on the property line. Set back from property line is not required.

   B. Other Locations. Any height is allowed so long as those traveling public ways do not have vision limitations so as to create a safety hazard.

151.03 EXTERIOR FINISH. All fences must be installed with the smooth side or most finished side facing out towards the adjacent property.

151.04 SAFETY HAZARDS. It is unlawful for any person to erect, install or maintain a fence which obscures clear view of traffic at intersections or driveways or which creates a safety hazard to pedestrians or vehicular traffic.

151.05 PERMIT REQUIRED. It is unlawful for any person to install, erect, construct, relocate or alter a fence within the City without first obtaining a permit therefor from the Zoning Administrator. No permit shall be issued if the Zoning Administrator determines that the proposed fence does not meet any of the requirements of this chapter. A sketch or design of the proposed fence, including a description of materials to be used and specification of height, shall be submitted with the application for a permit.

151.06 APPLICATION TO EXISTING FENCES. This chapter does not apply to fences in existence before the effective date of the ordinance from which this chapter derives,[†] except that on sale or transfer of the property upon which a nonconforming fence is located, such fence shall be made to conform to the requirements of this chapter or shall be removed within 30 days of closing or transfer.

151.07 ELECTRIC FENCES. It is unlawful for any person to erect, install or maintain any electrically charged fence within the City, except that the Building Official may issue a permit for an electrically charged fence to retain animals upon proof that the fence will not be hazardous to life.

151.08 BARBED WIRE FENCING. For the purposes of this chapter, barbed wire includes concertina wire, razor wire or any similar material. It is unlawful for any person to install, erect, construct or maintain any barbed wire fencing within the City, except for the following exceptions:

1. Not more than three courses of barbed wire may be installed above the top line of a six-foot tall chain link fence located in a district zoned for industrial or commercial purposes or on property used for industrial or commercial purposes under a valid nonconforming use.

2. Barbed wire may only be used in the following zoning districts, I-1, I-2, C-2, and A with a special exception. Barbed wire fences which comply with State statutes may be erected, constructed and maintained on premises zoned for agricultural uses.

3. Regardless of the zoning district, no barbed wire may be used in locations that are visible to a residential zoned property or within 20 feet of a public road, except with a special exception permit.

151.09 SWIMMING POOLS.

1. Definitions.

A. "Above-ground pool" is a pool that is erected above the earth's surface and is often temporary.

[†] **EDITOR'S NOTE:** Ordinance No. 03-0139, concerning fences, walls and pool enclosures, was adopted by the Council on July 8, 2003.

B. "In-ground pool" is a pool that is permanently affixed below the earth's surface.

C. "Indoor pool" means a pool completely enclosed within the exterior walls and completely covered by the roof of a residential or recreational structure.

2. Requirements of Safety Measures.

A. All in-ground pools shall be completely surrounded by a fence or wall not less than four feet in height, with no gaps larger than four inches. The house or accessory building may be considered part of the fence or wall. When not in use the gate or door must be latched or securely closed.

B. All above-ground pools must provide reasonable measures of safety when pool is not in use.