

## CHAPTER 152: FENCES

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### § 152.01 DEFINITION.

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**FENCE.** Any vertical structure, other than a building or plant material, which is for the purpose of obstructing visual observation or for the purpose of obstructing pedestrian, automotive or animal movement or for the purpose of beautification, and which is attached to the ground or to a building, but excluding retaining walls.

(1999 Code, § 11-401)

### § 152.02 GENERAL REQUIREMENTS.

Except as otherwise specifically provided in other codes, ordinances or resolutions, the following regulations shall apply to the construction and placement of fences.

(A) No fence shall be constructed which will constitute a traffic hazard.

(B) No fence shall be constructed in a manner to be of design as to be hazardous or dangerous to persons or animals; specifically, the use of barbed wire and electrical fences in any residential district is prohibited. However, barbed wire may be used on the top of fences on public grounds, and barbed wire and electric fences may be used within the Agriculture District controlling the confinement of livestock.

sanitary or storm sewer line, gas line, electric line, cable television or telephone line, or other utility poles, wires or cables shall be constructed of a material and so designed as to be readily removable, as determined by the Building Inspector and appropriate departments or utilities. The fences shall be subject to removal by the city or utility or may be contracted by the city or utility for removal whenever necessary for the construction, maintenance or replacement of any utility line or apparatus. Fences shall be removed or replaced at the expense of the owner of the premises. Replacement shall be the responsibility of the owner of the premises.

(B) In the event that an existing fence violates the public right-of-way or an easement and the city deems it necessary to remove the fence for reasons of street or utility work, the fence shall be removed at the property owner's expense. Replacement shall be the responsibility of the owner of the premises. (1999 Code, § 11-405)

#### **§ 152.06 CONSTRUCTION AND MAINTENANCE REQUIREMENTS.**

(A) All fences shall be constructed of wood, metal, plastic, fiberglass or masonry materials, shall be structurally sound, shall have a neat and finished appearance and shall be straight and true.

(B) Fences shall be so constructed so as to have the finished side facing adjacent properties and street frontages.

(C) Fences shall not be constructed within two feet of any public sidewalk or within one foot of any alley.

(D) Fences must be maintained in good repair. The Building Inspector may order any dilapidated, listing, dangerous, unsound or nonconforming fence repaired or removed. (1999 Code, § 11-406)

#### **§ 152.07 PERMIT FEES.**

A permit fee of \$5 shall be paid upon application for a fence permit. (1999 Code, § 11-407) (Ord. 01-572, passed 9-4-2001)

#### **§ 152.99 PENALTY.**

(A) Any person, or any person's agent or servant, who violates any of the provisions of this chapter, unless otherwise specifically provided herein, shall be deemed guilty of an offense and upon conviction thereof shall be fined in any sum not exceeding \$500. A new violation shall be deemed to have been committed every 24 hours of failure to comply with the provisions of this chapter.