

**§ 450-102. Fences. [Amended 6-1-2016 by Ord. No. 2-2016; 8-7-2019 by Ord. No. 19-2019]**

A. Permit required.

- (1) No person shall construct a fence in the City without first obtaining a permit from the Zoning Administrator.
- (2) Application fee. Application for a permit shall be filed with the Building Inspector on a form supplied by the Administrator, together with a sketch of the proposed fence and the payment of the required fee as provided by the Schedule of Fees and modified from time to time. A penalty of 100% of the fee shall be added to the fence permit fee if work is started before a valid fence permit is issued.
- (3) Application. The Zoning Administrator shall inspect the site of each proposed fence and shall consider whether the proposed fence will substantially interfere with the view, light or free flow of air. The Zoning Administrator shall then grant the permit or submit his or her report to the City Council.

B. Location.

- (1) Fences and walls in front yard. On any corner lot, no fence, wall or shrub shall be within the vision triangle for such corner. Fences, walls or shrub plantings shall not be erected on any lot within 10 feet of the front property line in such a manner as to interfere with traffic visibility from a driveway. In no case shall a fence, wall or planting in a residential area exceed 3 1/2 feet in height in that part of a front yard which extends 25 feet back from the property line. Decorative fencing in the front yard area may exceed the height limit of 3 1/2 feet as approved by the Zoning Administrator according to the following parameters and procedures:
  - (a) Qualifying properties. Any property within the R-1, R-2 or R-3 Zone.
  - (b) Open view. An "open" fence shall have at least 80% of the total area between the heights of three feet six inches and six feet open to view as viewed to a forty-five-degree angle.
  - (c) Design. The fence shall be compatible with and subordinate to its surroundings. The fence shall contribute to the identification and beauty of the principal use and may not be erected to satisfy any other provision of this code or act as a retaining structure. Revisions to fence design, including simplification of its decorative components, may be required to meet this

objective.

(d) Materials and colors. Chain-link and other mesh fencing are not allowed. Darker and more recessive colors are required in order to meet this objective.

(e) Vehicular access. Driveway gates shall be recessed to allow for safe stacking of at least one vehicle outside of the public right-of-way. In general, a setback of at least 20 feet from the roadbed will be required.

(f) Over-height elements. Portions of the fence may reach a height of up to eight feet to denote vehicular and pedestrian entries. Such portions shall not exceed a width of 10 feet for pedestrian entries or 20 feet for vehicular entries, and a transition shall be provided between that height and the prevailing fence height.

(2) Fences in side yards. No fence or wall, other than a retaining wall, along a side line of a lot shall be higher than six feet unless the adjoining lot is not in a residential district.

(3) Fences in rear yards. Fences having a height of six feet or less may be located within the required rear yards in residential districts.

(4) Location. The property owner shall be responsible for the proper placement and location of the fence. A fence may be placed adjacent to the lot line.

C. Dog pens and runs. Dog pens and runs shall be erected in the rear yard only and shall be located at least 20 feet from any property line.

D. Swimming pool fences. See § 450-103, Swimming pools and hot tubs, Subsection E, Enclosure. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

E. Types of fences; nonconforming fences.

(1) Wire fences. Wire fences are to be of chain-link construction or a vinyl-coated minimum wire gauge of No. 16 with a maximum opening of two inches by three inches.

(2) Wood fences. Redwood or cedar shall be preferred for durability. Other woods may be used, provided that they are suitable and maintained.

(3) Defined. The term "fences" shall not be construed to include racks or trellises used for support of vines or flowers.

- (4) Barbed wire. No fence consisting wholly or in part of barbed wire shall be erected or maintained in the City, except for approved security fences.
- (5) Security fences. The City Council, upon proper application, may approve security fences in nonresidential zones of such design and construction as it shall deem proper.
- (6) Fence side. Posts and framing shall be facing the property for which the fence permit application is being made.
- (7) Nonconforming fences. Present fences may stand even though they do not conform to this article. However, nonconforming fences requiring 50% or more repairs or rebuilding may be restored if completed within 90 days from the date of the need for repairs or rebuilding. After 90 days, the fence repair or rebuilding shall meet the regulations of this section.
- (8) Electric fences shall be prohibited.