

Chapter 11

FENCES AND HEDGES*

Sec. 11-1. Definitions.

For the purposes of this chapter certain terms are herewith defined:

Fence shall mean any construction, barrier or erection encircling either wholly or any portion of any given area

Hedge shall mean any bush, shrub or any living green fence of any nature encircling, either wholly or any portion of any given area.

Protective measures fence shall mean a fence erected for the expressed purpose of the protection of the enclosed area and its contents in all areas other than residential areas. When such protective measures fence employs barbed wire along the uppermost edge the minimum height for such fence below the barbed wire extension shall be six (6) feet.

Sidewalk line shall mean the edge of the established sidewalk nearest the established lot line of any property within the city.
(Code 1969, § 152.01)

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

Sec. 11-2. Permit required.

(a) No person shall construct or cause to have constructed any fence or hedge upon any city property within the city without first having obtained a permit therefor in the manner hereinafter provided.

(b) Any person desiring to build or to cause to be built a fence or grow a hedge or cause to be grown a hedge upon their property or property owned by the city shall first apply to the city engineering department for a permit. Such application shall contain any and all information required by the engineering department necessary for the determination of whether the erection of such fence or growing of such hedge will violate any ordinance of this city or law of this state.
(Code 1969, §§ 152.02, 152.03; Ord. No. 932, Ch. I, 12-4-97)

***Cross reference(s)**--Buildings and building regulations, Ch. 6; mobile homes and trailers, Ch. 16; planning, Ch. 21; streets, sidewalks and other public places, Ch. 24; subdivision regulations, Ch. 25; vegetation, Ch. 29; zoning, App. A.

Sec. 11-3. Height.

- (a) Front yard. In residential and local business zones, fences and hedges in the front yard area shall not exceed four (4) feet in height.

- (b) Side and rear yards. In residential and local business zones, fences and hedges in the side and rear yard area shall not exceed six (6) feet in height.
- (c) Corner lots. In residential and local business zones, on a corner lot, fences and hedges nearer the street than the established building line shall not exceed four (4) feet in height.
(Code 1969, § 152.04)

Sec. 11-4. Extension of fences and hedges restricted.

- (a) No partition fence or hedge shall extend towards the street beyond two (2) feet from the established lot line, nor shall any fence or hedge or portion thereof be erected in any area on or parallel to the front lot line except that it shall be located a minimum of two (2) feet behind the inside edge of the established sidewalk line. It shall be deemed unlawful to plant or cause to have planted any shrub or bush outside of the established sidewalk line.

- (b) No portion of this chapter shall be construed to allow any hedge growth to extend toward the street beyond two (2) feet from the established lot line.
(Code 1969, § 152.05)

Sec. 11-5. Types of fences restricted.

- (a) No person being the owner, lessee, occupant or agent for the same, of any building in the city shall erect, cause to be erected, or maintain on or about the walk or stairway to the entrance to such building, any railing, fence, guard or other projection on which there shall be affixed or placed, or in any manner attached, any barbed wire construction, nor shall there be maintained, either partially or wholly, around any area adjacent to any street, alley, lane or public way, or in or along any street or sidewalk in front or adjacent to any public space or place, or nail or cause the same to be nailed or fastened, in any form, shape or manner, upon any partition form, any such barbed wire construction, nor shall any electrical current be charged through any fence whatsoever.

- (b) A permit granted by the city engineering department shall be required of those individuals wishing to erect a protective measures fence; such permit shall be granted only after demonstration of the need of such fence. The owner, or agent thereof, of a protective measures fence shall be granted permission to erect necessary and reasonable barriers along the uppermost edge of the protective measures fence that he deems reasonable for the protection of property within the enclosed area.
(Code 1969, § 152.06; Ord. No. 932, Ch. I, 12-4-97)

Sec. 11-6. Owner liable for fence or hedge near sidewalk.

Any person within the corporate limits of the city erecting or maintaining any fence or hedge between the edge of the established lot line and the inside edge of the sidewalk or where any sidewalk would normally be, shall be fully responsible for the care and maintenance of the fence or hedge and shall assume full responsibility for any damages arising due to the erection of such fence or hedge.

(Code 1969, § 152.07)

Sec. 11-7. Waiver of fence requirements by general board of appeals.

(a) Upon complaint in writing by any person directly or adversely affected, the general board of appeals may, after a hearing in accordance with the established procedure of the board, in its sound discretion and in the interests of the public health, safety or welfare of the inhabitants of the community reduce or remit the requirements of this chapter in individual cases coming before the board.

(b) The general board of appeals, in addition to the general duties and power conferred upon it by law, may in specific cases vary or nullify the regulations of this chapter in harmony with their general purpose and intent.

(Code 1969, §§ 152.08, 152.09(B))

Secs. 11-8, 11-9. Reserved.

Sec. 11-10. Municipal civil infraction; penalties and sanctions.

A person who violates any provision of Chapter 11 is responsible for a municipal civil infraction subject to payment of a civil fine of not less than fifty dollars (\$50.00) or more than five hundred dollars (\$500.00), plus costs and other sanctions for each infraction. Repeat offenses shall be subject to all of the provisions of section 1-13 of this Code.

(Ord. No. 919, § 2, 9-19-96)