

- (1) All fences shall be maintained in good repair and in structurally sound condition; no fence shall become or remain in a condition of disrepair, including noticeable leaning or missing sections, broken supports, non-uniform height, and peeling, flaking or chipped paint or coating; maintenance of any fence, including the area between the property line and the fence, shall be the responsibility of the owner(s) of the property on which the fence is located. Damaged or missing posts, pickets, or other components of a fence shall be replaced within fourteen (14) days notice with material of the same type and quality.
- (2) All fences, including footings and posts, must be located entirely on the fence owner's property. It is the responsibility of the property owner(s) to establish, through a survey or similar method, property lines and boundaries.
- (3) Fences shall be constructed of materials customarily used as common fence materials; plywood, broken board, wood pallets, chicken wire, scrap lumber, discarded construction materials, wire mesh, tarps, cloth, canvas and other similar coverings secured to a fence are prohibited in all zoning districts except as provided in 123-133(f)(15)(d).
- (4) *3/5/16* No fencing shall create a visual obstruction along public or private streets or rights-of-way that interferes with traffic visibility and safety. All fences higher than forty-two (42) inches shall be reviewed and approved for vehicular and/or pedestrian safety by the traffic engineer.
- (5) The area three (3) feet in radius around all fire hydrants, fire hose connections, and utility boxes must be kept free of any fencing that could impede access to or use of the hydrant, fire hose connection, or utility box.
- (6) Gates to fences must be at least three (3) feet wide to allow for passage of emergency personnel and equipment.
- (7) Any fence that obstructs or blocks the flow of stormwater is prohibited.
- (8) In the event that a fence is erected to replace all or part of an existing fence, the existing fence must be completely removed prior to installation of the new fence.
- (9) All fences shall be erected so as to locate visible supports and other structural components inward toward the subject property.
- (10) Fences in existence at the time of adoption of this ordinance shall be considered legal non-conforming except for maintenance standards contained in this section.
- (11) Fence height shall be measured from the top of the fence to the lowest grade at the base of the fence. In nonresidential districts when a fence is located on top of a retaining wall, the height of the retaining wall shall not be included in the height measurement of the fence.

- (12) Temporary fencing, such as plastic silt fence or snow fencing, is allowable as may be required for active construction projects. Temporary fencing is not to remain in place longer than is necessary to perform its function during construction.
- (13) Non-coated chain link fence is prohibited in any business district along the frontage of the following arterials and collectors:
- a. Broadway (SR 53)
 - b. Grant Street
 - c. 4th Avenue (US 12/20)
 - d. 5th Avenue (US 12/20)
 - e. Melton Road (US 20)
 - f. 25th Avenue
 - g. Ridge Road (US 6)
 - h. Lake Street north of US 12
 - i. Grand Boulevard north of US 12
- (14) The following regulations shall apply to fences in residential districts:
- a. Fences not exceeding four (4) feet in height may be used to locate property lines in required front yards; fences not exceeding seven (7) feet in height may be used to locate property lines in required side and rear yards; fences constructed of wrought iron, tubular steel, or aluminum not exceeding six (6) feet in height may be used to locate property lines in required front yards.
 - b. All fences that completely enclose a residential lot shall have at least one gate as means of ingress and egress to the principal building.
 - d. Any fence adjacent to a public or private street or right-of-way shall be at least fifty percent (50%) open for visibility.
 - e. Barbed wire, concertina wire, chicken wire, razor wire, or electrically charged fences are prohibited in all residential zoning districts.
 - f. Chain link fence is prohibited within any required front, side, or rear yard of a residential dwelling consisting of three or more units.
- (15) The following regulations shall apply to fences in nonresidential districts:
- a. Fences and walls located in front yards shall not exceed six (6) feet in height; fences having a height of more than six (6) feet in height may be used where authorized by the Board of Zoning Appeals in accordance with the provisions of this chapter, except as provided in Sec. 123-133(f)(15)(9).

- b. All front yard fences or walls shall be erected at least ten (10) feet from the property line.
- c. Shrubs, trees, or properly maintained grass shall be planted along the base of any fence or wall that fronts a public or private street or right-of-way.
- d. All chain link fences shall be appropriately screened using fabric privacy screening or a similar material.
- e. Fences not exceeding eight (8) feet in height may be used to locate property lines in required side or rear yards.
- g. ~~Fences constructed to enclose outside storage areas shall be at least eight (8) feet in height and screened.~~
- h. Barbed wire, concertina wire, razor wire and other similar fencing materials capable of inflicting physical injury shall be permitted subject to the following:
 - 1. These materials shall be used only at seven (7) feet or higher.
 - 2. Fences made in whole or in part of these materials are prohibited on any property adjacent to a residential dwelling unless authorized by the Board of Zoning Appeals in accordance with the provisions of this chapter.
 - 3. In B1, B2, B3 and B4 zones, fences made in whole or in part of these materials are prohibited along the frontage of any public or private street or right-of-way, or in required front yards unless authorized by the Board of Zoning Appeals in accordance with the provisions of this chapter.
 - 4. In no case shall these materials project outward past property lines or beyond the base of the fence to which they are affixed.
 - 5. These regulations shall not apply to fencing required by court order.