Sec. 74-221. Fences.

(a) Location. All fences shall be located entirely upon the private property of the persons constructing or causing the construction of such fence, unless the owner of the adjoining property agrees, in writing, that such fence may be erected on the division line of the respective properties. No fences shall be allowed on public rights-of-way. Where the property line is not clearly defined, a certificate of survey may be required by the building official to establish the property line.

(b) Construction and maintenance. All fences shall be constructed and maintained to meet the following standards:

(1) Every fence shall be installed so that the more finished side faces the adjacent property. If the fence has posts on one side, the posts shall be placed on the inside side of the fence.

(2) All fences must be constructed in a substantial, workmanlike manner and of materials reasonably suited for the purpose for which the fence is proposed to be used. Every fence shall be erected and maintained straight and plumb, maintained in a condition of reasonable repair, and shall not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance, public or private. Any such fence which is or has become dangerous to the public safety, health or welfare is a public nuisance, and the city administrator shall commence proper proceedings for the abatement thereof or take other enforcement action as permitted by code.

(3) Chainlink fences, wherever permitted, shall be constructed in such a manner that no barbed ends shall be at the top. Electric and barbed wire fences shall not be permitted, except as provided under subsection (e) of this section.

(4) Solid walls in excess of six feet above adjacent ground grades shall be prohibited.

(5) Temporary fencing shall be allowed without a permit as follows:
   a. Snow fences for the purpose of controlling drifting snow provided the fence is four feet in height or less, not within five feet of any side or rear property line, or placed within the public right-of-way. Such fencing shall not be placed prior to November 1 and shall be removed by April 1.
   b. Erosion control fences are allowed without a permit in all districts in conjunction with a permitted activity necessitating such fencing.
   c. Fencing of a temporary nature for the protection of excavation and construction sites and/or for the protection of plants or trees during excavation and construction may be allowed without a permit when associated with permitted activities.

(c) Private swimming pools. All fencing around private swimming pools shall comply with chapter 18, article IV.

(d) Residential district fences. In all parts of the city zoned residential, all fences shall conform with district setback requirements and no fence shall be erected or maintained more than four feet in height except that:

(1) Fences on all corner lots erected within 30 feet of the intersecting property line shall be subject to section 74-223

(2) Subject to other restrictions contained in this section, fences may be constructed to a height of six feet on or along the rear property line, the side property lines and it may return to the front corner of the principal structure.

(3) Fences along any rear property line which is also the rear property line of an abutting lot may be constructed to a height of six feet.

(4) Fences along a rear property line which line constitutes the side lot line of an abutting lot shall not exceed six feet in height and shall not exceed four feet in height when abutting a front yard line.

(5) Fences shall be residential in nature such as chain link, wrought iron, vinyl, split-rail, or board and picket.

(6) Poultry fencing may be permitted only in association with a permit for the limited keeping of chickens in section 10-10.
(e) **Business and industrial district fences.** Fences in all business and industrial districts shall not exceed eight feet in height except that:

(1) Fences abutting residential districts shall conform to those conditions applying to the residential district.

(2) Fences which are primarily erected as a security measure may have arms projecting into the applicant's property on which barbed wire must be fastened commencing at a point at least seven feet above the ground.

(3) Fences erected within the required front yard shall not be over six feet in height and shall be of a chainlink construction permitting maximum visibility. (f) Special purpose fences. Fences for special purposes and fences differing in construction, height or length than as required in this section may be permitted in any district in the city by issuance of a conditional use permit approved by the planning commission and city council. Findings shall be made that the fence is necessary to protect, buffer or improve the premises for which the fence is intended.

(g) All fences within the boundaries of the RD river development district shall observe the structure setbacks delineated in section 74-795(a).

(h) **Permits required.** It is unlawful for any person to construct or cause to be constructed any fence without first making an application for and securing a permit. A fee in the amount set forth in chapter 42 of this Code shall be paid for all fences constructed in the city. Submission materials are as required by section 74-42. Fees may be waived for fences being placed in conjunction with a separate use permit application.

(Code 1982, § 15:065; Ord. No. 594, § 1, 7-21-03; Ord. No. 643, § 1, 3-16-09; Ord. No. 647, § 6, 5-18-09; Ord. No. 705, § 2, 1-21-14)
FENCES

NOTE: Subject to other restrictions contained in Section 74-221, fences may be constructed to a height of six (6) feet on or along the rear and side property lines and it may return to the front corner of the principal structure.

City Code Section 74-223 Traffic Visibility

On corner lots in all districts, no structure or planting in excess of 30 inches above the street centerline grade shall be permitted within a triangular area defined as follows: Beginning at the intersection of the projected property lines of two intersecting streets, thence 30 feet along one property line, thence diagonally to a point 30 feet from the point of beginning on the other project line, then to the point of beginning.