

## TITLE VI SPECIAL ORDINANCES

### CHAPTER 18 FENCES, HEDGES & WALLS

- 6-18-1 Definitions
- 6-18-2 Construction of Fences, Hedges and Walls

**6-18-1 DEFINITIONS.** As used in this chapter, the following terms shall have the meanings indicated:

1. "Fence" means a barrier of wooden posts, wire, iron or other material erected for the purpose of enclosing a piece of land or to divide a piece of land into distinct portions or to separate two contiguous estates or which is used as a boundary or means of protection or confinement.
2. "Hedge" means a screen or barrier made of living plants; any self-supporting barrier of living vegetation that encloses, screens, or separates areas. A dense row of bushes, shrubs or small trees planted close together, forming a fence or boundary.
3. "Wall" means a continuous, vertical, linear, unroofed structure, usually constructed of wood, stone, concrete or masonry, that encloses or divides an area for the purpose of delineating a boundary or functioning as a barrier including but not limited to enclosure walls and retaining walls. An upright structure, raised to some height and intended for purposes of providing protection, security or enclosure.

**6-18-2 CONSTRUCTION OF FENCES, HEDGES AND WALLS.** Fences and hedges, when located within a front, side, or rear yard or with in one foot of a lot line shall be subject to the following location and height restrictions:

1. No fence, hedge, or wall shall be constructed without first obtaining a building permit from the City and only after the Council has approved said permit.
2. No portion of a fence shall exceed seven feet in height.
3. Fences and hedges shall be located so no part thereof is within three feet of an alley or three feet of a street right-of-way.
4. In residential districts, fences within the front yard shall not exceed four feet in height.
5. The attractive or finished side of the fence shall be constructed to face toward the adjoining property owner, City Street, or alley, as the case may be. All posts shall face the builder's lot.
6. Before issuing a permit for a fence proposed to be located on a lot line that is shared by two different property owners, the City shall require the following conditions to be met:

- a. The owners of the properties that share the lot line on which the proposed fence will be located must sign a written agreement that outlines the material from which the fence will be constructed, the location of the fence, the height of the fence, and the agreement of both property owners to all of the above conditions.
  - b. The agreement must then be filed with the County Recorder.
  - c. A copy of the agreement and proof of its filing with the County Recorder must be presented to the City official responsible for the issuing of fence permits before the permit will be issued.
  - d. If agreement cannot be reached between the property owners on a shared lot line fence, any fence constructed on either property must be a minimum of three feet from said shared lot line.
7. All permits are issued at the total discretion of the Council.
  8. No setback requirements shall be applicable to the construction of a fence.