

SECTION 1107.02 FENCES.

1107.02 SUBD. 1. PERMITTED.

Fences shall be permitted in all yards subject to the conditions of this Section.

1107.02 SUBD. 2. PERMIT REQUIRED.

It is unlawful for any person to construct or cause to be constructed or erected within the City, any fence without first making an application for and securing a **zoning permit, or, if the fence is seven feet or great in height, a building permit.**

1107.02 SUBD. 3. LOCATIONS.

All fences shall be located entirely upon the private property of the person constructing, or causing the construction, of such fence and shall be set back two (2) feet from all lot lines unless the owner of the property adjoining agrees, in writing, that such fence may be erected on the division line of the respective properties. **The Public Works Superintendent may approve placement of fences on property lines shared with public property.** The Building Official or the Zoning Administrator may require the owner of the property upon which a fence now exists, or may require any applicant for a fence permit, to establish the boundary lines of his/her property by a survey thereof to be made by any registered land surveyor. **Fences are not allowed in easements unless an easement encroachment permit is issued. Fences placed in drainage and utility easements are subject to removal at the expense of the property owner if required for easement facility access, maintenance, or improvement.**

1107.02 SUBD. 4. CONSTRUCTION AND MAINTENANCE.

1. Every fence shall be constructed in a substantial, professional-like manner and **composed of substantial, durable, weather-treated materials widely accepted in the fencing industry for residential or commercial/industrial purposes, but not agricultural purposes. Fences shall blend with the overall character of the adjacent locale and be** ~~substantial material-reasonably suited for the purpose for which the fence is to be used.~~
2. Every fence shall be maintained **plumb, square, and true and** in a condition of reasonable repair. **Fences** ~~and~~ shall not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance. Any such fence which is, or has become dangerous to the public safety, health, or welfare, is a public nuisance, and the Zoning Administrator shall commence proper proceedings for the abatement thereof.
3. Link fences, wherever permitted, shall be constructed in such a manner that no barbed ends shall be at the top.
4. That side of the any fence considered to be its evident finished side or face (i.e. the finished side having no structural supports) shall front abutting property. If the fence is located in a commercial or industrial district and visible to the public from both sides, as determined by the Zoning Administrator, it shall contain finished surfaces on both the interior and exterior of the fence.
5. Fence shall not obstruct natural drainage **or a sight triangle at intersections as defined in Section 1101.**
6. A fence may be located within the rear yard and side yard to a maximum height of six (6) feet up to the point where it is parallel with the front edge of the building. Fences located within the front yard or side-street yard to the right-of-way shall have no more than 50-percent opacity and not exceed four (4) feet in height as measured from grade. **Fences adjacent to alleys shall be setback a minimum of five (5) feet.** In any residential district, no opaque fence, hedge, wall or similar structure shall rise over thirty (30) inches across the front yard and along the side lot line to a distance equal to the required front yard setback. **Fences may be attached to and placed closer than ten feet to structures on the subject parcel.**

**Proposed Changes Section 1107.02
Draft (Ordinance 21-04)**

7. Fences exceeding six (6) feet in height, or a variation from the requirements of this Section, shall require a conditional use permit.
8. Design Committee review is required for fences facing public streets, alleys, and sidewalks within the B-3 Central Business District. Fences shall respect design standards contained in the Belle Plaine Design Manual, as may be amended.