

Sec. 58-593. Fences and hedges.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meaning ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Fence means an enclosed barrier consisting of vegetation, wood, stone or metal, which is intended to prevent ingress or egress. Such term includes plantings, such as hedges and shrubbery. No fence shall be constructed of unsightly or dangerous materials which would constitute a nuisance.

(b) *Classifications.* Fences shall be categorized into the following five classifications:

- (1) *Boundary fence.* A fence placed on or within three feet of the property lines of adjacent properties.
- (2) *Protective fence.* A fence constructed to enclose a hazard to the public health, safety and welfare.
- (3) *Architectural or aesthetic fence.* A fence constructed to enhance the appearance of the structure or the landscape.
- (4) *Hedge.* A row of bushes or small trees planted close together, which may form a barrier, enclosure or boundary.
- (5) *Picket fence.* A fence having a pointed post, stake, pale or peg placed vertically, with the point or sharp part pointing upward, to form a part of the fence.

(c) *Height of Fences Regulated.*

- (1) A fence or wall may be erected, placed, maintained along a lot line on residentially zoned property or adjacent thereto a height not exceeding six feet above ground level, except that no such fence, wall, hedge or shrubbery which is located in a required front or corner side yard shall exceed a height of three feet. Where such lot line is adjacent to a non-residentially zoned property, there shall be an eight-foot limit on the height of a fence or wall.
- (2) In any residential district, no fence, wall, hedge or shrubbery shall be erected, constructed, maintained or grown to a height exceeding three feet above the street grade nearest thereto, within 25 feet of the intersection of any street lines or projected street lines.

(d) *Setback for residential properties.* Fences in or adjacent to a residential property shall have a minimum three-foot side and rear yard setback. Fences may be constructed alongside lot lines, but shall not extend into the front setback area as extended to the side lot lines.

(e) *Security fences.* Security fences are permitted on the property lines in all districts, except residential districts, but shall not exceed ten feet in height, and shall be of an open type, similar to woven wire or wrought iron fencing.

(f) *Prohibited fences.* No fence shall be constructed which is a picket fence or of an otherwise dangerous condition or which conducts electricity or is designed to electrically shock, or which uses barbed wire; provided, however, that barbed wire may be used in industrially zoned areas if the devices securing the barbed wire to the fence are ten feet above the ground or in height, and project toward the fenced property and away from any public area.

(g) *Maintenance and repair; placement of finished and decorative sides.* All fences shall be maintained and kept safe and in a state of good repair, and the finished side or decorative side of a fence shall face adjoining property.

(h) *Protective and warning fences.* Fences erected for the protection of plantings or to warn of construction hazards, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four-foot intervals. Such fences shall comply with the setback requirements of this section. The issuance of a permit shall not be necessary for temporary fences as described in this subsection, but such fences shall not be erected for more than 45 days.

(i) *Nonconforming fences and hedges.* Any fence or hedge existing on the effective date of the ordinance from which this division is derived, and not in conformance with this section, may be maintained, but no alteration, modification or improvement of such fence or hedge shall be made unless it complies with this section.

(Code 1988, § 10-1-142; Ord. of 8-10-2005(14))