

Sec. 13-1-182 Fences.

- (a) **Fences Defined.** For the purpose of this Section,
- (1) **Fence.** An enclosed barrier consisting of wood, stone or metal intended to prevent ingress or egress. No fence shall be constructed of unsightly or dangerous materials which would constitute a nuisance.
 - (2) **Boundary Fence.** A fence placed the property lines of adjacent properties.
 - (3) **Protective Fence.** A fence constructed to enclose a hazard to the public health, safety and welfare.
 - (4) **Architectural or Aesthetic Fence.** A fence constructed to enhance the appearance of the structure or the landscape.
 - (5) **Hedge.** A row of bushes or small trees planted close together which may form a barrier, enclosure or boundary.
- (b) **Fence Permit Required.** No person shall erect a fence in the Village without first obtaining a fence permit from the Building Inspector and paying the required fee. The applicant shall provide the Building Inspector with accurate design information for the proposed fence. Permits may only be issued for proposed fences complying with this Section.
- (c) **Height of Fences Regulated.**
- (1) **Standards.** Notwithstanding other provisions of these regulations, ornamental fences, walls, and hedges may be permitted in any required yard, or along the edge of any required yard provided so such fence, wall, or hedge shall exceed a height of three (3) and one-half (3-1/2) feet along the sides or front edge of any front yard and no such fence, wall, or hedge shall exceed a height of six (6) feet in any other required yard. No driveway shall be closer than one (1) foot from any lot line. Hedges shall be maintained within the owner's lot line.
 - (2) **Corner Lots.** On any corner lot where a front or side yard is required or provided, no hedge, or obstruction, or fence through which no object can be seen shall be erected, constructed or maintained which exceeds more than three and one-half (3-1/2) feet in height measured from the established grade of the street so as to interfere with clear vision from one (1) street to another across the corner. In other cases, a fence

through which objects can be easily seen may be erected, constructed or maintained not to exceed three and one-half (3-1/2) feet in height.

- (3) **Mixed Use.** No fence or wall shall be erected, placed or maintained along a lot line on any business or industrially zoned property, adjacent to a residentially zoned property, to a height exceeding eight (8) feet.
- (d) **Security Fences.** Security fences are permitted on the property lines in all districts except residential districts, but shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire or wrought iron fencing.
- (e) **Prohibited Fences.** No fence shall be constructed which creates a 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 (10) feet above the ground or height and project toward the fenced property and away from any public area.
- (f) **Fences to be Repaired.** 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.
- (g) **Temporary Fences.** Fences erected for the protection of planting or to warn of construction hazard, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four (4) foot intervals. Such fences shall comply with the setback requirements set forth in this Section. The issuance of a permit shall not be necessary for temporary fences as described herein, but said fences shall not be erected for more than forty-five (45) days.
- (h) **Nonconforming Fences.** Any fence existing on the effective date of this Municipal Code and not in conformance with this Section may be maintained, but any alteration, modification or improvement of more than fifty percent (50%) of said fence shall result in the entire fence being brought into compliance with this Section.
- (i) **Location Determination.** The property owner erecting a fence is solely responsible for ensuring that the fence is located properly on his property.