

Sec. 13-1-142 Fences

- (a) **Fences Defined.** For the purpose of this Section, a “fence” is herein defined as 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.
- (b) **Fences Categorized.** Fences shall be categorized into the following classifications:
 - (1) **Boundary Fence.** A fence placed within three (3) 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.
- (c) **Height and Placement of Fences Regulated.**
 - (1) Residential fences six (6) feet or less in height are permitted on rear and side lot lines. Residential fences less than or equal to three (3) feet in height are permitted in the street yard setback area but shall not be closer than two (2) feet to any public right-of-way. All fences must be constructed and maintained in a good state of repair and appearance.
 - (2) A. In order to provide adequate vision clearance on corner lots, no fence shall be erected or maintained within the triangular space formed by two (2) intersecting street, alley, or driveway (public or private) property lines and a line joining points on such property lines (or projections thereof) located less than:
 - 1. A minimum of twenty (20) feet from the intersection of the two street property line;
 - 2. A minimum of fifteen (15) feet from the intersection of the two alley property lines; or
 - 3. A minimum of ten (10) feet from the intersection of the two driveway property lines.B. Street or alley property lines are measured from the right-of-way or easement lines establishing such street or alley. Driveway lines are measured from the easement establishing such driveway, or, in the case of no easement, from the edge of the driveway surface.
 - (3) In any residential district or on any lot or premises, the principal use of which is for residential purposes, no lengthwise fence or other lengthwise barrier or obstruction shall be erected, placed, installed or reinstalled in any area where there is a distance between main residential buildings of ten (10) feet or less.
 - (4) No fence or wall shall be erected, placed or maintained along a lot line on any non-residentially zoned property, adjacent to a residentially zoned property, to a height exceeding eight (8) feet.

- (d) **Setback for Residential Fences.** Fences in or adjacent to a residential property (or property primarily residential in use) are permitted with a minimum three (3) foot setback, 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 eight (8) feet in height and shall be of an open type similar to woven wire or wrought iron fencing.
- (f) **Prohibited Fences.**
1. No fence shall be constructed which is of a dangerous condition, 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 eight (8) feet above the ground or height and project toward the fenced property and away from any public area.
 2. Although fences which conduct electricity or are designed to electrically shock are generally prohibited, such fences using smooth wire are allowed for the limited purpose of deer control.
 3. No woven, twisted, welded or interlaced wire fence, such as using chicken wire, shall be located in a non-industrial district, unless such fencing is ornamental in character.
 4. No wood-slat or plastic snow fence shall be permitted as a regular use in a Residential District, except as a temporary use under Subsection (h).
- (g) **Fences to be Repaired.**
1. All fences shall be maintained and kept safe and in a state of good repair, and the finished side or decorative side of the fence shall face adjoining property.
 2. Any existing fences which do not conform to the requirements of this Section and which are damaged, or in need of repair to the extent that exceeds fifty percent (50%) of the then value of the fence, said entire fence shall either be completely dismantled or reconstructed in compliance with the provision of this Section.
 3. All new and existing fences shall be maintained in such a manner so as not to allow rust, dents or deterioration to take place. If a fence needs repair and maintenance, said fence shall be painted or stained in only neutral colors. Failure to maintain a fence in good condition and repair will result in the Village issuing an order to the property owner to take whatever steps are necessary to correct the condition. Said notice shall set forth a reasonable time for compliance and shall set forth a notice that failure to comply will result in a violation and with a penalty set forth in Section 1-1-6.
- (h) **Temporary Fences.**
- (1) 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.

- (2) This Section is not intended to regulate seasonal or temporary fences such as garden or snow fences except that such fences shall be removed when the condition or season for the said fence was erected no longer exists. There shall be no fee for any such seasonal or temporary fence.

(i) Visibility; Open Spacing Requirement for Commercial/Industrial Fences.

- (1) In any non-residential area, fences shall be of such type and construction that shall allow people outside the fence to see through it without hindrance. However, if a residence exists in a non-residential zone, a fence may be constructed pursuant to the requirements of Subsection (i)(2) below. In an industrial area where barbed wire is used, the lowest strand shall be a minimum of seven (7) feet above the grade.
- (2) All fences hereafter erected or constructed shall provide openings for a passage of air equivalent to twenty-five percent (25%) of the surface area of the fence and shall have the same structural components thereof facing the side of the property for and on which the same are erected. In residential areas where privacy is desired, privacy fences with less than such twenty-five percent (25%) open spacing may be erected, provided such fence may not extend farther than twenty-five (25%) from the main rear line of such residence. A fence situated in a residential area shall be constructed only of wood or chain link type fencing. Fences shall not be constructed of luminous materials or smooth or corrugated metal materials. All fences, including privacy fences, if said fence is to be stained or painted by the property owner or on his/her behalf, shall be stained or painted in only neutral colors.

(j) Special Purpose Fences. Fences for confining dogs, etc., shall not exceed seven (7) feet in height, and shall be no larger than necessary for such purpose and shall conform to the building setbacks of this Chapter. Swimming pool and hot tub fences shall comply with the requirements of Section 13-1-143.

(k) Height Determination. The height of any fence erected under this Section shall be determined by the measurement from the uppermost point of the fence to the existing ground level of the property.

(l) Nonconforming Fences. Any fence existing on the effective date of this Chapter and not in conformance with this Section may be maintained, but alterations,

modifications or improvements of more than fifty percent (50%) of said fence shall require the owner to bring the fence into compliance with this Section.

(m) Fence Permit Required. No person shall erect a fence in the Village without first obtaining a fence permit from the Village and paying the required permit fee. The applicant shall provide the Zoning Administrator with accurate design information for the proposed fence. Permits may only be issued for proposed fences complying with this Section.

(n) Location Determination. The property owner erecting a fence is solely responsible for ensuring that the fence is located properly on his/her property.

Passed and Adopted September 12, 2005

VILLAGE OF ELMWOOD

By: _____
Kevin Kitchner, President

Attest: _____
Jodi Pulk, Clerk