

ARTICLE 6. WALLS, FENCES AND OTHER STRUCTURES

16-601

FENCES DEFINED.

For purposes of this Article, the following shall be deemed fences:

- (a) Masonry walls;
- (b) Ornamental iron;
- (c) Woven wire;
- (d) Wood picket (more than 50% open);
- (e) Solid fences (wood or metal less than 50% open);
- (f) Hedges.

(Code 1979, 16-601)

16-602

STRUCTURES DESIGNED TO ANNOY.

No person shall erect or maintain any fence, hedge or structure for the definite purpose of annoying any other person or for the purpose of injuring another by obstructing the view, shutting out the sunshine, hindering ventilation or causing inconvenience in any other manner.

(Code 1979, 16-202)

16-603

PRIVATELY-OWNED FENCES ON PUBLIC PROPERTY.

No privately-owned fence, hedge or structure shall be erected or maintained on any public property. (Code 1979, 16-603)

16-604

FENCE REQUIREMENTS.

In any location, fences enclosing plots used for dwelling purposes shall conform to the following requirements:

16-604.1

Front yard fences. Front yard fences erected in front of the front building line (see zoning ordinance) shall be of any class and shall not exceed a height of four (4) feet excepting classes described in Section 16-601(a) and 16-601(e) which shall not exceed a height of three (3) feet.

16-604.2

Side yard fences. Side yard fences erected back of the front building line and within the required side yard of the plot (see Chapter XX) may be of any class not over four (4) feet in height to the rear of the neighboring dwelling, or to the rear of the dwelling located on the same site as the fence, whichever is the greater distance from the front property line. Back of this point such side yard fences may be built to a height of six (6) feet.

16-604.3

Rear yard fences. Rear yard fences erected along the rear property line may be of any class not over six (6) feet in height. The height of any rear yard fence may be increased eighteen (18) inches by placing plain or woven wire on the top thereof.

16-604.4

Barbed wire and electric fences. No electrically charged fence or barbed wire or other similar fence shall be erected or maintained within the City, except barbed wire may be used on the top of a fence which is more than four (4) feet in height.

16-604.5

Fences on retaining walls. The height of a fence erected on top of a retaining wall shall be measured from the grade of the low side. In any case, however, a fence of the class described in Section 16-601(b), (c) and (d) may be erected on top of a retaining wall to a height not to exceed four (4) feet above the grade of the high side.

- 16-604.6 Retaining walls generally. Retaining walls shall be adequately designed and drained so as to resist all lateral pressure to which they may be subject. Retaining walls shall not be erected in any front yard when, in the opinion of the Building Inspector, such retaining wall would be unsightly or detrimental to adjoining property. Nor shall such walls be built higher than the grade of the ground on the high side of the wall when such would exceed the height allowed for a class of fence as described in Section 16-601(a), which height is measured from the low side of the wall. (Code 1979, 16-604)
- 16-605 **SAME; VARIANCES.**
When in the judgment of the Building Inspector, the public health, safety and welfare will be substantially served and the neighboring property will not be materially damaged, or in case of an agreement between neighboring property owners, a certified copy of which shall be filed with the Building Inspector, he or she may, at his or her discretion, vary the requirements of Sections 16-604:604.6. (Code 1979, 16-605)
- 16-606 **NONCOMPLYING STRUCTURES.**
Any fence, hedge or structure erected or maintained in violation of the provisions of this Article is hereby declared to a nuisance and shall be removed by the owner thereof within five (5) days after receipt of notice from the Building Inspector to remove same. (Code 1979, 16-606)