

- (3) Where a nonresidential district is located directly across a street from a Residential District, in which case the wall shall be placed on a line parallel to and twelve feet, six inches back from the street right-of-way line. The wall shall parallel the nonresidential frontage for the full extent that the nonresidential district lies across the street from the Residential District. The area between the wall and the street right-of-way line shall be landscaped with lawn, shrubs and trees.

(d) Required walls shall be located on the opposite side of an alley right of way from a nonresidential district that abuts a Residential District.

(e) Required walls shall be constructed of architectural masonry materials which may include all decorative masonry units, i.e. monolithic and/or precast concrete walls. Precast concrete walls shall be stained (not painted) in colors complementary to the color of exterior materials used in buildings on the site.

(Ord. 458. Passed 1-4-89; Ord. 495. Passed 6-19-91; Ord. 606. Passed 3-5-97.)

1298.14 FENCES.

(a) Permits. To construct or replace a partition fence, a site plan shall be submitted and approved, and a zoning permit issued by the Building Department to the property owner or contractor, to ensure proper placement as regulated by this chapter.

(b) Construction Materials and Specifications for Partition Fences. Any owner of a lot in the City may construct and maintain partition fences between his or her own lot and the next adjoining lots. Such partitions include any barrier constructed or reconstructed to partition all or part of a lot, including cyclone or chain-link fences, split-rail or ranch-type fences, ornamental or privacy fences, hedges and shrubbery utilized as a means of division, and other similar means of partitioning an area.

All other partition fences shall be constructed of self-supporting posts, at a maximum height of six feet, eight inches. The material and design of same shall be approved by the Building Department. Chain-link fences which contain colored slats for screening that are woven between the links shall be of a neutral color (beige, tan, cream, etc.) and shall be kept in good repair.

(c) Barbed Wire Fences. No person shall place or maintain any barbed wire fencing or any strands of barbed wire along the line of or in any public street, alley, sidewalk or other public place in the City, nor shall any person build or maintain any line fence composed wholly or partly of barbed wire. This section may be waived upon application to Council, and Council may, in its discretion, grant permission for the installation of strands of barbed wire upon the top of any fence surrounding nonresidential property, and not abutting residential property, where Council deems such installation of barbed wire to be necessary for the protection of the improvements or goods contained within the area so fenced from theft, vandalism, injury or other malicious mischief.

(d) Decorative Front Yard Fences. A decorative fence is one that's primary purpose is to contribute to the overall aesthetic of the residential structure. Decorative fences may

be installed in accordance with the following conditions and with the approval of the Building Department.

- (1) The decorative fence may be installed in the front yard provided the fence is placed along the side property lines from the front building line to within one foot of the sidewalk.
- (2) The maximum height of such fence shall be no taller than thirty inches from the grade.
- (3) All fence material shall be painted and kept in good repair.
- (4) Decorative fencing shall be constructed of wood, vinyl, wrought iron, or other decorative material. Chain-line is not considered a decorative fence.

(e) Side Lot Line Fences.

- (1) Side lot line fences may be erected from the rear lot line to within six feet of the front building line. The Building Official may approve an exception to allow the fence to be developed to the front building line in the case of extenuating circumstances, such as the screening of mechanical equipment a side door closer than six feet to the front of the building, etc.
- (2) Residential lots or parcels of land adjacent to a public alley or commercial property may extend a privacy fence to the front line of such property upon determination by the Building Department that the extension is necessary to protect the residents of the property from noise, traffic, debris or other invasion of property. However, at a distance of fifteen feet from the front property line, the privacy fence must be reduced to three feet in height to accommodate clear corner site distances.

(f) Surveys; Mutual Agreements. Adjacent owners of lots, between which a partition fence is to be erected where no fence previously existed or where a fence exists and is to be relocated, shall obtain the services of a registered land surveyor who shall establish the partition line between such lots by installing suitable markers at the corners of said lots. A certificate of the registered surveyor indicating that the markers have been placed as required shall be presented to the Building Department before a permit to erect the fence will be issued.

Where adjacent property owners mutually agree upon the location of a partition fence, a written statement to that effect signed by both adjoining property owners shall be presented to and approved by the Building Department in lieu of the certificate of a registered surveyor. The adjacent property owners will then be responsible for the placement of the partition fence.

(g) Maintenance.

- (1) When a solid or opaque fence is constructed immediately adjacent to an existing chain-link fence it shall be the responsibility of the new fence owner to maintain the property that is located between the existing and new fence. This property shall be kept in an orderly appearance, free of weeds or other noxious plant materials.

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- (2) When the fence is adjacent to a public right-of-way, it shall be treated to minimize or eliminate the possibility of graffiti.
(Ord. 458. Passed 1-4-89; Ord. 481. Passed 7-18-90; Ord. 526. Passed 2-10-93; Ord. 724. Passed 8-15-01; Ord. 852. Passed 7-11-07.)