

ORDINANCE NO. 2019 - 11

AN ORDINANCE AMENDING SECTION 14 ENFORCEMENT SECTION 14.2 OF THE CITY ZONING ENFORCEMENT SECTION 14.2 OF THE CITY ZONING ORDINANCE OF 1982 UPDATING AND ESTABLISHING FENCE RULES AND REGULATIONS.

BE IT ENACTED by the City Council of the City of Shenandoah, Iowa:

SECTION 1. SECTION MODIFIED. Section 14 Enforcement Section 14.2 of the City Zoning Ordinance of 1982 is amended as follows:

1. Section 14.2 of the City Planning and Zoning Commission of 1982 requires a building permit for any erection, altering, wrecking and moving any building or part thereof.
2. A fence is defined as a barrier, railing or other upright structure, typically of wood or wire, enclosing an area to mark a boundary, control access or prevent escape.
3. A building permit is required for a new fence or when 40% or more of the fence is removed or replaced and the location and/or height of existing fence is changed.
4. Fences shall be two (2) feet from the lot line to permit maintenance of the fence without going onto neighbor's property.
5. Where a request for fence placement on the lot line is made, the neighbor's concurrence shall be a part of the permit process and signature is required. Placement of fence on the lot line shall be presented to the Board of Adjustment with their recommendation to the City Council. It is strongly encouraged that the neighbors enter into an easement for any fence that is built on the property line providing and giving to the owner their heirs and assigns, the right to maintain the fence together with the right to enter upon the neighbor's land for the purpose of painting, repairing, maintaining or replacing said fence. An easement of this sort shall be developed by the parties, recorded against the properties and should run with the land and all subsequent owners thereof. Said easement is not for the benefit of the City, but for the fence owner and his/her neighbor.
6. Allowed materials include materials such as chain link, wrought iron, aluminum, wood, polyvinyl chloride (PVC), and other similar materials. Treated lumber, cedar, redwood, or similar types of decay resistant wood should be used for wood fences.
7. Prohibited materials include any material designed to cause pain or injury to humans or animals. Chicken wire, woven wire, temporary construction fencing, snow fencing, cattle panels, or similar materials are not allowed for permanent fencing.
8. Fences are to be constructed "pretty side out" meaning posts and rails, and supports are placed on the inside of the fence. Fences need to be constructed in a sturdy manner and kept in a good state of repair, including the replacement of defective parts, painting, and other maintenance tasks. It is the homeowner's responsibility to maintain their property on either side of the fence, i.e. mowing, weeding, tree trimming, etc.
9. There will be no nonconforming fence extension. When repaired or replaced or moved they are subject to new ordinance.
10. Any fence passing over a city easement area containing or reserved for utilities shall be subject to be taken down for utility access.
11. No fence shall be constructed less than 12 feet from the roadway.
12. There shall be a 2 foot set back from sidewalk or that area where a sidewalk would be located.
13. Total height shall include any extension of the fence of any nature.
14. Fence height limits are as follows: 8 foot height limit along the rear of the lot, 6 foot height limit along the side of the lot, 3 foot height limit along the front of the lot.
15. There shall be provided an unobstructed view across the triangle formed by joining points measured twenty (20) feet distance along the property line from the intersection of two (2) streets or fifteen (15) feet along both the street and alley line from the intersection of a street and an alley. Within said triangle there shall be no sight obscuring or partly obscuring wall, fence or foliage higher than thirty (30) inches above curb grade or in the case of trees, foliage lower than five (5) feet. Vertical measurement shall be made at the top of the curb on the street or alley adjacent to the nearest side of the triangle or if no curb exists, from the edge of the nearest traveled way.

Section 2. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the

ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

PASSED AND APPROVED by the Council this 13th day of August, 2019.

Richard N. Hunt

Richard N. Hunt, Mayor

ATTEST:

Karlla Gray

Karla Gray, City Clerk

I certify that the foregoing was published as Ordinance No. 2019-11 on the 28th day of August, 2019.

Karlla Gray

Karla Gray, City Clerk