

## CHAPTER 10

### FENCES

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#### **Sec. 10-100 Intent.**

The intent of this article is to provide for the establishment and maintenance of substantial open space around structures for generous light, air, convenience of access, safety from fire and the enhancement of property values. Owners and occupants are encouraged to maintain their lawns, trees, shrubs and flowers to achieve desired lot definition and privacy and to avoid the division of open areas by artificial means such as the use of fences.

Amended 1989

#### **Sec. 10-110 Compliance.**

No fence or wall, other than a retaining wall shall be constructed except as provided in this article.

#### **Sec. 10-120 Fences Allowed.**

The following fences may be constructed provided that they are in compliance with this article:

- (1) A fence required under swimming pool or tennis court ordinances, which is part of an approved swimming pool or tennis court site plan.
- (2) A natural wooden fence, not over six feet high designed to provide privacy, a chain link fence without barbs, or a decorative iron fence not in excess of four feet in height, a brick or stone wall not in excess of four feet in height, provided a building permit is obtained from the Building Inspector and such structure or fence is not located to the front of the front foundation line of the house and is constructed with a finished side showing to the adjoining property or street. The height of the fence shall be measured from ground level at its natural slope.
- (3) A fence required of business or industry for screening purposes.
- (4) One (1) Pet Enclosure not in excess of 100 square feet. Such enclosure shall be in the rear yard and not closer than 10 feet to the lot line.

(5) A fence situated on a corner lot where the resident can show the fence is necessary for the reasonable use of the property. This fence may not exceed four (4) feet in height and must be set back three (3) feet from the edge of the public sidewalk or edge of the public land closest to the property owner. The owner must install suitable camouflage such as shrubs in this 3 foot setback not to exceed the height of the fence.

(6) Individuals residing on property fronting on a state highway may apply for an exception from the restriction of fences to the front of the front foundation line of the house. Such requests must show a necessity for the requested exception and be approved by the Council. In the event the Council decides to grant an exception under this provision or under paragraph (6) of Sec. 9-110, Sec. 10-150 (Appearance of Exceptions) shall apply.

### **Sec. 10-130 Permit**

No person shall erect, construct, alter, replace or enlarge a fence or wall without obtaining a permit from the Section Manager. Every application for a fence or wall shall be accompanied by a site plan. The permit fee shall be \$100.00; however, no fee shall be required for repairs to fix, mend, replace, or restore an existing in kind fence or wall if less than 50% of the existing fence or wall is replaced. The applicant shall also provide notice of the application to abutting property owners by delivery of a copy of the application to them. The Section Manager shall approve applications for permits where they are consistent with the provisions of this article. Applications seeking a permit under the provisions of Section 9-110 (6) shall be presented to the Council by the Section Manager.

### **Sec. 10-140 Maintenance.**

In order to protect the residents of Section 5, fences shall be kept and maintained in good, sound and presentable condition at all times. Fences not so maintained shall be removed upon order of the Building Inspector. The order shall provide 20 days minimum for such removal. Such orders shall be appealable to the Council.

### **Sec. 10-150 Appearance of Exceptions.**

Any fence permitted under (1), (3), (5), (6) of Sec. 10-120- shall:

(1) Be constructed with a finished side showing to the adjoining property or street;

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(2) Be of such construction type and material, and use suitable camouflage such as shrubs, as to promote harmony with the principal and neighboring structures;

(3) Promote vehicular, pedestrian, and general safety; and

(4) Be consistent with the legislative purpose of this ordinance.

### **Sec. 10-160 Appeals.**

Any applicant aggrieved by a decision of the Section Manager with respect to a fence application may appeal that decision to the Council. Appeals must be received by the Chairman within 14 days after the applicant receives notice of the Manager's decision. The appeal shall contain the reasons why the Council should reverse the decision of the Manager. Upon receipt of the appeal, it will be distributed to the Council and thereafter the Council may assign one of its members to investigate and seek to resolve the matter or schedule the matter for consideration at a regular Council meeting or both.

### **Sec. 10-170 Non-complying Fences.**

Any condition existing prior to October 30 1988, the date of enactment of the Section 5 fence ordinance, that is in violation of this section, may continue to exist. This exception shall not apply if more than fifty (50) percent of the fence is to be repaired.

Chapter 10 Enacted Aug. 30, 1988; amended Nov. 1989; amended 1996; amended May 2003; amended Nov. 29, 2004; amended March 13, 2007; amended Nov. 11, 2008.

### **Sec. 10-180 Electronic Dog Fences**

- 1) **Purpose:**  
The Council of Section 5 seeks to protect pedestrians from the fear created when dogs that do not appear to be under any control, are able to come to the edge of the owner's property and appear to be about to lunge at pedestrians. This situation can be avoided by requiring a set back from the sidewalk of electronic dog fences.
- 2) **Definition:**  
An electronic dog fence or electronic collar is defined as a fence or collar that controls the movement of a dog by emitting an electrical shock when the animal wearing the collar nears the wire that will trigger the shock.
- 3) Residents must obtain a permit to install an electronic dog fence.
- 4) No Section 5 permit shall be granted for an electronic dog fence on residential property that is less than three (3) feet from the edge of the public sidewalk.
- 5) All owners, keepers or harborers who use an electronic fence shall post their property to indicate to the public that a dog is confined to property by an electronic fence or electronic collar.