27 Updates

Amending Chapter 27, Fences and Walls, to clarify enforcement parameters.

7/22/2025

Prepared for

Neighborhood, Planning, and Development Committee

Chapter 27

- Regulates residential fences and walls.
- Special Exceptions.
- Electric fences (ag., industrial, and commercial).

Chapter 27 Update Summary

- Updating directors' identification.
- Aids in enforcement parameters – maintenance of fences.
- Updates zoning and development code references

27-1

Sec. 27-1. - Title of chapter; delegation of duties by director of codes administration.

(a) This chapter shall be known as the fence and wall code of the city, and may be cited as such.

(b) Responsibilities of the director of codes administration under this chapter may be performed by authorized representatives of the director.

(Ord. No. 000138, § B, 3-9-00)

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27-3

(b) *Appeals.* Any decision of the director of codes administration in the enforcement of this chapter shall be subject to appeal to the board of zoning adjustment.

(c) *Right of entry.* Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the director of codes administration has reasonable cause to believe that there exists any condition which makes the fence or wall unsafe, dangerous or hazardous or there exists a violation of this chapter, the director of codes administration may enter upon the premises at all reasonable times to inspect or to perform any duty imposed upon the director, provided that the director shall first request entry to inspect any area not properly open to the director.

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27-5

Secs. 27-5. – Maintenance

Maintenance. All fences and retaining walls on the premises shall be structurally sound and kept in good repair. The fenceposts shall be firmly set in a base that does not allow the posts to wobble. The fence railings or slatting shall be firmly attached to the supporting posts. Gaps or wedges in a retaining wall shall be restored to the original condition. Fences and retaining walls shall not encroach on the public right-of-way and must be maintained in a manner that will protect the fence or wall from rotting, decay, deterioration or loss of structural integrity.

Secs. 27-6—27-9. - Reserved.

27-10

(e) *Fences and walls on vacant corner lots.* No fence or wall in the front or side yard of a residential corner lot may be over 48 inches high. For the purposes of this subsection, side yard is defined as the open space situated between the platted or established side yard setback line and the side property line of the lot nearest the street and extending through from the front yard to the platted or established rear yard setback line.

(f) *Applicability.* The requirements of this section do not apply to walls of buildings, portions of retaining walls below grade on one or both sides, or to any fence or wall constructed prior to March 20, 2000.

(~~e~~f) *Fences and walls along Boulevards and Parkways.* Fences and walls along boulevards and parkways must meet the standards as outlined in the Zoning and Development Code sections 88-323-02-D

(~~f~~g) *Applicability.* The requirements of this section do not apply to walls of buildings, portions of retaining walls below grade on one or both sides, or to any fence or wall constructed prior to March 20, 2000.

27-11

(g) The requirements of sections 80-330 and 80-335 as to public hearing and notice shall not apply to this section; provided, however, that all adjacent or contiguous property owners to the subject property shall be sent mailed notice 13 days in advance of any hearing before the board requesting a special exception to section 27-10. The notice shall set forth the general purpose of the hearing and the time and place thereof. The names of property owners shall be determined as the owners of record according to the records of the city assessor. For all hearings before the board of zoning adjustment, the director of city development or his/her designee shall certify by affidavit that the mailing has occurred and such affidavit shall become part of the record as proof of such mailing.

(g) The requirements of sections ~~80-330 and 80-335~~ 88-565-05 as to public hearing and notice shall not apply to this section; provided, however, that all adjacent or contiguous property owners to the subject property shall be sent mailed notice 13 days in advance of any hearing before the board requesting a special exception to section 27-10. The notice shall set forth the general purpose of the hearing and the time and place thereof. The names of property owners shall be determined as the owners of record according to the records of the city assessor. For all hearings before the board of zoning adjustment, the director of ~~codes administration~~ city planning and development or his/her designee shall certify by affidavit that the mailing has occurred and such affidavit shall become part of the record as proof of such mailing.