

Chapter 635. Zoning

Article X. Accessory Uses and Structures; Fences; Swimming Pools; Portable Storage Containers

§ 635-80. Fences.

- A. Fences defined. For the purpose of this section, the following terms shall have the meanings indicated:

ARCHITECTURAL OR AESTHETIC FENCE

A fence constructed to enhance the appearance of the structure or the landscape.

BOUNDARY FENCE

A fence placed the property lines of adjacent properties.

FENCE

An enclosed barrier consisting of wood, stone or metal intended to prevent ingress or egress. No fence shall be constructed of unsightly or dangerous materials which would constitute a nuisance.

HEDGE

A row of bushes or small trees planted close together which may form a barrier, enclosure or boundary.

PICKET FENCE

A fence having a pointed post, stake, pale or peg laced vertically with the point or sharp part pointing upward to form a part of the fence.

PROTECTIVE FENCE

A fence constructed to enclose a hazard to the public health, safety and welfare.

- B. Fence permit required. No person shall erect a fence in the Village without first obtaining a fence permit from the Building Inspector and paying a fee as prescribed in the Village Fee Schedule. The applicant shall provide the Building Inspector with accurate design information for the proposed fence. Permits may only be issued for proposed fences complying with this section.

- C. Height of fences regulated.

- (1) Except as provided in this subsection and Subsection **C(2)**, and except as provided in § **635-45**, a fence or wall may be erected, placed, or maintained along a lot line on residentially zoned property or adjacent thereto to a height not exceeding six feet above the ground level, except that no fence or wall that is located in a required front yard shall exceed a height of three feet. Where such lot line is adjacent to a non-residentially zoned property, there shall be an eight-foot limit on the height of a fence or wall along such lot line.

[Amended 7-10-2019; 12-11-2019]

- (2) No fence or wall shall be erected, placed or maintained along a lot line on any business or industrially zoned property, adjacent to a residentially zoned property, to a height exceeding eight feet.
 - (3) In any residence district, no fence or wall shall be erected, constructed or maintained to a height exceeding three feet above the street grade nearest thereto, within 25 feet of the intersection of any street lines or of street lines projected. (See § **635-45**.)
- D. Setback for residential fences. Fences in or adjacent to a residential property may be constructed parallel but not closer than three feet to lot lines. Fences may be constructed parallel to lot lines but shall not extend into the front setback area as extended to the side lot lines.
 - E. Security fences. Security fences are permitted on the property lines in all districts except residential districts, but shall not exceed 10 feet in height and shall be of an open type similar to woven wire or wrought-iron fencing.
 - F. Prohibited fences. No fence shall be constructed which is of an otherwise dangerous condition, or which conducts electricity or is designed to electrically shock or which uses barbed wire; provided, however, that barbed wire may be used in industrially zoned areas if the devices securing the barbed wire to the fence are 10 feet above the ground and project toward the fenced property and away from any public area.
[Amended 3-13-2013]
 - G. Fences to be repaired. All fences shall be maintained and kept safe and in a state of good repair, and the finished side or decorative side of a fence shall face adjoining property.
 - H. Temporary fences. Fences erected for the protection of planting or to warn of construction hazard, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four-foot intervals. Such fences shall comply with the setback requirements set forth in this section. The issuance of a permit shall not be necessary for temporary fences as described herein, but said fences shall not be erected for more than 45 days.
 - I. Nonconforming fences. Any fence existing on the effective date of this Code and not in conformance with this section may be maintained, but any alteration, modification or improvement of more than 50% of said fence shall result in the entire fence being brought into compliance with this section.
 - J. Location determination. The property owner erecting a fence is solely responsible for ensuring that the fence is located properly on his/her property.