

55-070 **Fences, Walls.**

- A) All fences or walls along property lines shall require a Certificate of Compliance issued from the Zoning Administrator prior to construction or installation.
- B) Fences or Walls may be permitted in any required yard, or along the edge of any required yard provided no such fence or wall shall exceed a height of four feet along the sides or front edge of any front yard and no such fence or wall shall exceed a height of six feet in any other required yard.
- C) No fence or wall shall be located closer than one (1) foot from any lot line.
- D) That side of the fence considered to be the face (finished side as opposed to structural supports) shall face abutting property.
- E) Fences in excess of six (6) feet above ground grade shall be prohibited unless the abutting neighbor consents to a higher fence and the applicant is granted a Conditional Use Permit (except fences located in Commercial or Industrial Districts may be up to eight (8) feet, which includes any extensions such as security arm for barbed wire. Fences over eight (8) feet in height in Commercial or Industrial Districts shall require a Conditional Use Permit.
- F) Where the property line is not clearly defined, a survey may be required by the Zoning Administrator to establish the property line.
- G) Electric fences may be permitted to be placed around a private garden on a property located in a Residential District, for the purpose of keeping deer out, subject to the following:
 - 1) Any person desiring to construct an electric fence shall make application, on a form to be provided by the City, for a fence permit. Said application shall be accompanied by a fee as determined by the City and proof that the property, on which the electric fence is proposed to be constructed (hereinafter "Property"), is covered by a personal comprehensive liability insurance policy, that does not contain an exclusion of coverage for damage or injury caused by an electric fence, against claims for damage to persons or property arising on the Property in limits of not less than \$300,000.00 in respect to bodily injury or death to more than one person in any one accident, and property damage in all instances in an amount not less than \$100,000.00.
 - 2) No electric fence shall be constructed or activated on any Property within the City unless a fence permit has been obtained therefor from the City. No permit shall be issued until the applicant signs the accompanying hold harmless agreement, which shall be a condition of such permit. No electric fence shall be constructed on any Property within the City that is capable of transmitting more than 110 volts. Any fence constructed and maintained pursuant to this Section shall be interruptible, pulsating, and UL listed.

- 3) No person shall activate an electric fence until such time as such electric fence has been inspected by the Zoning Administrator and a Certificate of Compliance with this Subdivision has been issued.
- 4) No electric fences shall be permitted within ten (10) feet of any public rights-of-way, including sidewalks.
- 5) Electric fences shall be placed at least one (1) foot from all property lines. Where the property line is not clearly defined, a Certificate of Survey may be required by the Zoning Administrator to establish the property line.
- 6) A sign, at least 12" × 12" in size, shall be conspicuously posted on a stake, not more than one foot from the fence, at intervals of not more than 100 feet apart. Said sign shall read "Warning: Electric Fence in Operation."
- 7) Violation. Any person who violates the provisions of this Section 55-070 (G), and is convicted thereof, shall, in addition to any punishment prescribed by this Chapter or imposed by law, have his fence permit revoked and be required to remove such electric fence. In the event he or she does not remove such electric fence, the City shall enter the Property and remove the same at the Property owner's expense.