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### **Sec. 3.19.001. General regulations.**

Fences in all zoning districts shall meet the following requirements:

- (1) *Permit.* A fence permit must be obtained from the building inspection division prior to installation. It shall be unlawful for any person to install or cause to be installed, or to permit any person to install a fence, or to make any alterations, additions or changes to a fence, without first having procured a permit to do so from the Building Official. Notwithstanding the foregoing, a permit shall not be required for alterations, additions or changes if repairs do not exceed 16 linear feet of the area of the fence over a 12 month period.
- (2) *Drainage easements.* No fence shall be constructed within any drainage easement in the corporate limits of the town unless the Town Engineer shall have first determined and advised the Building Official, in writing, that he believes such fence shall, in all probability, not interfere with or impair the natural flow of water across the drainage easement.
- (3) *Tennis courts.* Fences around tennis courts may exceed eight feet in height, but shall not exceed 15 feet.
- (4) *Fence arms.* Fence arms shall not be constructed.
- (5) *Chainlink fences.* Chainlink fences in residential districts shall have the finished edge of the material on the top of the fence. Chainlink fences shall be vinyl-coated, unless used in conjunction with athletic fields on property owned by an independent school district or the town. Chainlink fences are not permitted in the required front yard of any residential zoning district or any residential lot.
- (6) *Fences or low walls in the required front yard of a residential district.* Fences or low walls located in the required front yard of any residential district or any residential lot shall be subject to the following approval process and meet the following standards:
  - (A) The Town Manager may approve a request for a fence or low wall in the required front yard. An application for Town Manager consideration of a fence or wall in the required front yard shall be submitted on a form supplied by the Department of Development Services.
  - (B) The denial of an application by the Town Manager may be appealed to the Town Council for consideration. The decision of the Town Council shall be final.
  - (C) Fences shall have a minimum of 50 percent through vision and shall not exceed eight feet in height.
  - (D) Low, solid walls shall be subject to the following criteria:
    - (i) Shall not exceed three feet in height;
    - (ii) Shall be constructed of clay-fired brick, natural stone or manufactured stone;
    - (iii) Shall not be constructed of concrete block, split faced concrete block or stucco; and
    - (iv) Shall not be painted.
- (7) *Gate required.* Every fenced enclosure constructed pursuant to the provisions of this article shall have at least one gate in its perimeter a minimum of three feet in width.
- (8) *Wooden fence standards.* All wooden fences shall meet the following standards:
  - (A) All vertical posts shall be galvanized steel, a minimum of 16 gauge thickness and spaced at a maximum of eight feet on center, set in a concrete footing. Picket fences, split rail fences, ranch style or agricultural fences, or other types of open decorative fences approved by the Building Official or his/her designee shall be permitted to use wooden posts.

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- (B) All pickets shall be a minimum one-half-inch thickness.
  - (C) Wood material shall be an insect-resistant wood such as cedar or pressure treated yellow pine. Spruce is not a permitted wood material.
  - (D) The fence shall have its backside (the side with exposed posts or rails) oriented away from view from the adjacent street or right-of-way.
  - (E) All materials shall be securely fastened, vertical boards to horizontal stringers, stringers to vertical posts, top rail, to ensure an ongoing attractive appearance and safe condition, free from rot, rust, vandalism, and other sources of decay.
  - (F) The bottom of the fence shall be designed to prevent ground-to-wood contact. This can be achieved through the use of a concrete strip poured between the fence supports or by raising the pickets to provide a minimum of three inches between the bottom of the pickets and the ground. A two-inch by six-inch kick board may be used to cover the gap between bottom of pickets and ground. This kick board may have ground contact.
  - (G) Wooden fences on lots or tracts that are adjacent to a street and visible from the street shall be constructed as board-on-board with a top rail.
- (9) *Protective treatment.* All wood material shall be stained, pressure-treated, painted, or adequately sealed to prevent decay. All exterior surfaces of fences shall be maintained in good condition. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.
- (10) *Open fencing requirements.* Fences adjacent to public or private open space, public or private parks, or hike and bike trails shall be ornamental metal, tubular steel or split rail with a minimum 50 percent through vision. Wooden fences legally installed on or before October 7, 2015, may be replaced with a wooden fence in compliance with the wooden fence standards as they exist or as may be amended.
- (11) *Prohibited.* Fences may not contain and/or be:
- (A) Continuous electrical current, although single-strand wire designed to conduct electricity through an approved low-voltage regulator shall be allowed along the fence's interior base line;
  - (B) Constructed to contain barbed wire;
  - (C) Plywood;
  - (D) Fiberglass or fiberglass panels;
  - (E) Corrugated steel or sheet iron; and/or
  - (F) Razor wire.
- (12) *Agricultural fences.* Fences on parcels being used for agricultural purposes may contain barbed wire or other agricultural fences approved by the Building Official or his/her designee.
- (13) *Alternate materials.* The Town Manager may approve alternate materials for fences and low walls. An application for Town Manager consideration of an alternate fence or low wall material shall be submitted on a form supplied by the Department of Development Services. The decision of the Town Manager to not approve alternate materials for fences or low walls may be appealed to the Town Council.

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- (14) *Fencing on certain adjacent unplatted tracts.* On adjacent unplatted tracts, where at least one of the tracts is utilized for residential purposes and no front yard has been established because the tract (or tracts) have not been platted, no fence shall be constructed that is adjacent or parallel to the front of a residential structure, unless Town Council has approved such fence. In considering the approval of a request, the Town Council shall consider the topography and other features of the tract (or tracts) that may be impacted by the fence, the location and distance of the fence in relation to the front of the residential structure, the height, building materials and design of the fence, whether the location of the fence may impair the ability of public safety personnel to safely access the residential structure in case of an emergency, and any other information an applicant may wish to provide the Town Council in its consideration of the approval of the fence. An application for Town Council consideration of such fence shall be submitted on a form supplied by the Department of Development Services.

(Ord. No. 15-56, 9-22-15; Ord. No. 2020-41, 5-12-20; Ord. No. 2020-86, § 2, 11-24-20)