

ORDINANCE NO. 1054

AN ORDINANCE OF THE CITY OF ALTA VISTA, KANSAS REGARDING FENCES.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ALTA VISTA, KANSAS:

SECTION 1: DEFINITIONS. Unless the context indicates otherwise, the meaning of words and terms as used in this Ordinance shall be as follows:

- a) **Adjacent Grade** – Adjacent grade shall be construed as the average grade measured at a point three (3) feet on either side of the fence. In the case of a fence on a retaining wall, adjacent grade shall be the grade of the top of the wall.
- b) **Decorative Fence** – shall mean any fence not exceeding 3 ½ feet in height measured from the finished grade of the lot or property upon which the fence is being erected and the solid area thereof does not exceed 50% of the total fence surface. Such fences are intended to add beauty and should not substantially block the view so as to maintain the open space characteristic provided by applicable zoning standards.
- c) **Fence** – Any permanent partition, structure, or gate erected as a dividing marker, barrier, or enclosure, including hedges or living bushes or shrubs, encircling either wholly or any portion of any area.
- d) **Height** – The average distance between the top element in the fence and the adjacent grade over a straight section of fence with no corners.
- e) **Protective Measurers Fence** – A fence erected for the express purpose of protecting an enclosed area and the property therein, or a fence intended to deny access to a dangerous property or location.

SECTION 2: REQUIREMENTS. It shall be unlawful for any person, firm or corporation to construct, enlarge, alter or replace any fence upon property within the corporate limits of the City of Alta Vista, Kansas, except in accordance with the requirements and restrictions herein provided.

SECTION 3: PERMIT REQUIRED. Any person desiring to erect, construct, enlarge, alter or replace any fence upon property within the corporate limits of Alta Vista, Kansas shall first apply to the zoning compliance officer for the city for a permit to do so. Application for such permit shall contain any and all information, including drawings, required and necessary for determination of whether the erection of such fence would be contrary to the provisions of this ordinance or the laws of the State of Kansas. Any permit issued under the provisions of this ordinance in which construction has not been completed within six (6) months from the date of issuance, shall expire. Permit extensions may be granted by the Zoning Administrator not to exceed one (1), six (6) month extension.

SECTION 4: HEIGHT. Except for fences erected on public or parochial school grounds and commercial properties, no fence shall exceed eight (8) feet in height measured from the finished grade of the lot or property upon which the fence is being erected except as otherwise provided for in this ordinance.
EXCEPTIONS:

- (a) No fence other than Decorative Fences shall be built within the front yard of any residence.
- (b) Fences constructed on any lot, and specifically corner lots, will be subject to, and shall not be erected in such a manner as to impede vision between a height of 2 ½ feet and 8 feet above the grades of the bottom of the curb (commonly referred to as “the Visibility Triangle”). The Visibility Triangle shall be measured from the point of the intersection 90 feet in each direction measured along with centerline of the streets then connecting the two points by a line diagonally across the corner lot. At the intersection of major streets, the 90 foot distance shall be increased to 120 feet.

SECTION 5: SETBACKS FROM PROPERTY LINES. No fence, landscape wall, or decorative post shall be located closer than two (2) feet from the front yard or street yard property line. Fences may be located up to but not on or over any property line abutting a side or rear yard. Applicants for permits to build shall be responsible for finding and exposing or establishing through a survey of the boundaries of the property upon which the fence is to be constructed.

Fencing within the public right of way or within a city utility easement is permitted only upon issuance of a valid Encroachment Permit approved by the City Council. Applicant will be responsible to repair or rebuild any fence constructed within a public right of way or city utility easement damaged or destroyed by the city or utility company’s construction or maintenance activities on the property.

SECTION 6: INGRESS AND EGRESS. All fences shall have a minimum of one gate for emergency ingress and egress. The minimum width of such gate shall be three (3) feet. A driveway approach, in conformance with the general development ordinance and approved by the Zoning Administrator shall be required for all vehicle gates.

SECTION 7: MATERIALS.

- (a) **Permitted Materials:** Material permitted are wood, metal tubing or wrought iron, stone, masonry and chain link. Vinyl or fiberglass composite materials may be utilized if the material is listed, designed and constructed for fencing materials.
- (b) **Prohibited materials:**

1. No person shall use rope, string, wire products including, but not limited to chicken wire, hog wire, wire fabric, barbed wire, razor ribbon, wire and similar welded or woven wire fabrics, chain, netting, cut or broken glass, paper, metal panels, corrugated metal panels, galvanized sheet metal, plywood, fiberglass panels or plastic panels in any fence or any other materials that are not manufactured specifically as fencing materials, the zoning administrator may require the applicant to provide the manufacturer's standards to establish the intended use of the proposed fencing material.
2. No person shall construct a fence of wood, metal or plastic products that are designed specifically for uses other than fence construction.
3. No person shall construct a fence of used, damaged or unsafe materials.
4. No person shall weave or use slats of any material, including but not limited to metal, fiberglass, or bamboo, through a chain link fence to create a blind fence, screening fence or any other type of fence addressed in this ordinance.
5. Used materials, equipment and devices shall not be reused unless it can be determined by the zoning administrator that they meet the requirements of the building code for the new materials.

(c) **EXCEPTIONS:**

1. Any fence greater than 6 ½ feet in height erected on public or parochial school grounds and commercial properties may utilize barbed wire so long as the barbed wire portion of the fence does not exceed a maximum height of two feet vertically above the main portion of the fence and the overall fence is no higher than ten (10) feet.

SECTION 8: INSPECTIONS. Upon completion of work authorized under this ordinance it shall be the duty of the applicant to notify the zoning administrator that such work is ready for inspection. Required inspections shall include:

- (1) Alignment inspection. To be made after all posts or support structures are in place.
- (2) Final inspection. To be made after the fence has been completed.

SECTION 9: MAINTENANCE.

- (a) All fences, both existing and new, and all parts thereof, shall be maintained in a condition of reasonable repair and not be allowed to become or remain in a condition of disrepair, including noticeable leaning or missing sections, broken supports, non-uniform height and growing or noxious vegetation. All fences shall be maintained in a safe and aesthetically pleasing condition. Graffiti shall be removed immediately upon notification, and all vegetation adjacent thereto shall be maintained in a good condition or appropriately trimmed. All gates and latching devices shall be maintained in an operable condition.
- (b) The owner or his/her designee shall be responsible for the maintenance of the fence, and to determine compliance with the ordinance, the zoning administrator may cause any fence to be re-inspected.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this 19th day of September, 2011.

KARL G. LLOYD, Mayor

ATTEST:

PAMELA MCDIFFETT, City Clerk