

ORDINANCE 23-04

**AN ORDINANCE TO AMEND TITLE 20, BY ADDING CHAPTER 7,
CONSTRUCTION OF FENCES**

WHEREAS, the City of Lewisburg is determined to keep fencing within the city safe and aesthetically pleasing;

WHEREAS, the City of Lewisburg has recognized that a CONSTRUCTION OF FENCES ordinance is necessary for the general welfare of the City:

BE IT ORDNANIED BY THE CITY OF LEWISBURG THAT:

1. **Title 20, Chapter 7, Municipal Code shall be added to include as follows:**

**TITLE 20. MISCELLANEOUS
CHAPTER 6**

CONSTRUCTION OF FENCES

SECTION

- 20-701. Location and placement of a fence.
 20-702. Fences--obstruction from minimum sight distance.
 20-703. Fence heights.
 20-704. Fences—materials.
 20-705. Unsafe and dilapidated fences.

20-701. Location and placement of a fence. Fences shall be erected entirely within the confines of the property boundary line of the property to which it is to serve and shall not extend or overhang onto an adjoining property without permission of the adjoining property owner or public property or right-of-way. It is the responsibility of that property owner to maintain the grass and weeds between the fence and the property boundary line. Fences may be placed across easements but may not block or impede the flow of drainage. Any fence placed across easements may be removed at the owner's expense. Fences shall be placed securely within the ground to minimize damage to structures within the fence enclosure and adjoining property(ies) that may result from high wind forces. Fences shall not be placed in the front of the house unless they are decorative brick or wrought iron.

20-702. Fences--obstruction from minimum sight distance. The erection of a fence shall not obstruct the minimum sight distance of 200 feet required to adequately egress the property to which the fence shall serve nor an adjoining property owner. The fence maximum height of 4 feet within the 10 feet front setback.

20-703. Fence heights. Fences over 7 feet tall will require a building permit.

	Street Yard	All Other Yards
All Residential Districts	4'	6'

20-704. Fences—materials. A finished side of all fences shall face off site. Razor wire, concertina wire, barbed wire, and similar fencing materials shall be prohibited in, and directly adjacent to all Residential districts and uses, including those separated by a public right-of-way. The use of chain link fences in yards fronting on public streets is prohibited. Decorative fencing such as brick and wrought iron is permitted in the front of the residence. The use of pallets or pallet materials are prohibited.

20-705. Unsafe and dilapidated fences. (1) Any fence that has any of the following conditions, such that the life, health, property, or safety of the property owner and/or tenant or the general public are endangered:

- (a) The stress in any material, member, or portion thereof, due to all imposed loads including dead load exceeds the stresses allowed in recognized construction practices and standards and specifications.
- (b) The fence or a portion thereof has been damaged due to flood, wind, or other cause to the extent that the structural integrity of the fence is less than it was prior to the damage and is less than the minimum requirement established in recognized construction practices and standards and specifications for new fences.
- (c) Any portion of the fence is not securely fastened, attached, or anchored such that it is capable of resisting wind or similar loads.
- (d) The fence or portion thereof as a result of decay, insect infestation, deterioration or dilapidation is likely to fully or partially collapse.
- (2) The code administrator shall inspect or cause to be inspected any fence which is or may be unsafe. After the code administrator has inspected or caused to be inspected a fence or portion thereof and has determined that such fence or portion thereof is unsafe, he shall initiate through proper notification and cause the abatement of the unsafe condition(s) in the fence by repair, replacement, demolition, or combination thereof.
- (3) It shall be the responsibility of the property owner and/or tenant to make all necessary repairs to correct those deficiencies identified by the code administrator in making the determination that the fence is unsafe within a reasonable time period specified by the code administrator.

BE IT FURTHER RESOLVED that this Ordinance take effect 15 days from and after its passage on second and final reading, the municipal welfare requiring it.

Passed 1st reading: February 14, 2023

Passed 2nd final reading: March 14, 2023.

Date of Public Hearing: March, 14, 2023



Jim Bingham, Mayor



Pamela R. Davis

ATTEST: Pamela R. Davis, City Recorder

Approved as to legality and form:



Quinn Brandon Stewart, City Attorney