

Chapter 11

Fences

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Sec 11.31 Purpose

The purpose of this ordinance is to promote and protect the public health, safety and welfare by regulating the manner and location of fence and screen wall installations in the city of Coloma.

Sec. 11.32 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Construction Site Barrier – A temporary fence erected to protect a construction site from vandalism and unauthorized entry. Construction site barriers do not require a permit unless the barrier will be in place for more than three (3) months.

Fence – A structure erected to act as a boundary marker, or erected for the purpose of restricting access to or from a lot or parcel of land, whether enclosing all or part of said lot or parcel. Also a structure, which is constructed vertically to the terrain and consists of spaced vertical support posts to which have been affixed horizontal stability members and/or vertical fence materials, which span the openings between the vertical support members. A fence requires a building [fence] permit.

Fence Owner – Person or entity who owns the property upon which a fence is erected.

Front Building Line – The line established by the main wall of the front of the primary building extending to each side lot line.

Front Lot Line – In the case of an interior lot, the line separating said lot from the street. In the case of a corner lot or double frontage lot, the line separating said lot from that street which is designated as the front street in the plat or as the address of the property in question.

Landscaping (vegetation) – Decorative plant materials (trees, shrubs, flowers, etc.) when used to enhance the yards or surfaces of a property or parcel. Landscaping does not require a permit.

Masonry Walls – a built-up construction or combination of building units or materials of clay, shale, concrete, gypsum, stone or other approved units bonded together with mortar or monolithic concrete. Reinforced concrete is not classified as masonry. A masonry wall requires a building [fence] permit.

2. Residential District and Multiple Dwelling Districts

- a. Fences shall be constructed of steel, iron, wood, masonry, or other durable materials.
- b. A fence shall not be erected between the front building line and the front lot line.
- c. Landscape treatments shall not exceed thirty (30) inches in height.
- d. Landscape treatments may be located between the front building line and the front lot line.
- e. Landscape treatments which fall within the front yard and which are parallel to, or are placed along, a lot line are limited as follows:
 - Set back not less than two (2) feet when adjacent to the front lot line or an adjoining property owner's property line or driveway.
- f. No portion of a fence, landscape treatment, or landscaping project shall project beyond the fence owner's property line.
- g. No structure erected pursuant to this ordinance shall be in excess of six (6) feet – four (4) inches in height as measured from the lowest existing adjacent grade. Where a residential property line is adjacent to a non-residential district, line maximum height shall not exceed eight (8) feet for fences on said property line.
- h. There shall be a maximum of one (1) fence per property line, for each property owner. Ownership of a fence shall be determined by the fence permit applicant as follows:
 - I) By search of building permits issued to his and adjacent properties; or
 - II) By mutual agreement of the adjacent property owners.
- i. Privacy screen structures shall not exceed six (6) feet four- (4) inches in height above the surface of the deck, patio, pool, or other area to be screened.
- j. Privacy screen structures exceeding six (6) feet four- (4) inches above grade require a special use permit.
- k. When erecting a fence next to an existing fence, the maintenance of the area between the fences shall be the responsibility of the person erecting the new fence. Fence panels shall be raised four (4) inches above grade to allow for maintenance of the area between the fences.
- l. Any fence having an unfinished side (e.g. stockade fence) shall be installed so that the finished side of the fence shall be facing adjacent properties or the street.
- m. Privacy screen structures shall not exceed eighteen (18) feet in length.
- n. Any fence erected within ten (10) feet of driveway/public right-of-way intersections shall permit a motorist an unobstructed view of the public right-of-way when exiting a driveway. The sidewalk shall be visible for a distance of ten (10) feet on both sides of the driveway. Visibility shall be judged from the garage doorjamb or ten (10) feet from the sidewalk along the driveway's edge whichever is closer. Visibility shall be judged from thirty (30) inches above the sidewalk. The Building Inspector shall be the judge of visibility. The requirements shall apply whether or not the fence is not the same property as the driveway.

3. Nonresidential Districts, Commercial Districts, Business Service Districts, Industrial Districts

Privacy Fence – Fences of opaque material having such qualities as to constitute a visual barrier. A visual barrier is provided if the distance or open space between the boards, slats, rails, stanchions or balusters is less than or equal to three (3) inches when viewed and measured at 90 degrees to the fence line. Privacy fences require a building [fence] permit.

Privacy Screen Structure - A sight obscuring structure, erected adjacent to or around but not limited to, a patio, deck, courtyard area, swimming pool or outdoor hot tub, designed to screen but not enclose, the area behind it or within its confines. A privacy screen structure requires a building [fence] permit.

Rear Building Line – The established by the main wall of the rear of the primary building, extending to each side lot line.

Rear Lot Line - The lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than 10 feet long lying farthest from the front lot line and wholly within the lot.

Screen Wall – A masonry wall erected to screen a non-residential lot or parcel from a residential district. Screen walls require a building [fence] permit.

Side Lot Line – Any lot lines other than the front lot lines or rear lot lines.

Structure – Anything constructed or erected, the use of which requires location on the ground or attachment to the than the ground.

Sec 11.33 Permit Required

The erection of any fence or hedge or other type of barrier shall be approved first by the ~~Building Inspector~~ and shall require a ~~building~~ ^{zoning} [fence] permit. No fence or other type of barrier as described herein shall be erected without a permit being issued pursuant to this section. The issuance of a building [fence] permit under this section shall not be considered as evidence of title or ownership of land.

Sec 11.34 Districts

1. General Requirements – All Districts

- a. Any structure constructed pursuant to this ordinance shall not have barbed wire, nor any other material installed for the purpose of causing injury or harm. The Building Inspector shall determine similar prohibited material.
- b. Fences and screen walls shall be maintained plumb and true with adequate support and in a safe and sightly manner. The owner of a fence or screen wall shall remove or repair a fence or screen wall that is dangerous, dilapidated, or otherwise in violation of the Code.
- c. The erection of any fence or hedge or other type of barrier shall be approved first by the zoning administrator and shall require a fence permit. No fence or other type of barrier as described herein shall be erected without a permit first being issued pursuant to this chapter. The issuance of a fence permit under this section shall not be considered until evidence of title or ownership of land is submitted by application.
- d. Front yard fences shall be open fences not to exceed four (4) feet in height. A six-foot (6') fence shall not extend toward the front of the lot nearer than the front of the house or the required minimum front yard, whichever is greater. On a corner lot, no fence or hedge greater than for (4') feet enclosing a side yard shall be erected within ten feet (10') of an established road right-of-way. Except as herein provided, fences may be located adjacent to a lot line, but shall be constructed and located entirely on the owners' property.

- a. A fence shall not be erected in excess of eight (8) feet high as measured from the lowest existing adjacent grade.
- b. The property owner shall maintain landscaping areas between screen walls and property lines.
- c. Where a screen wall is erected within a twelve- (12) foot radius of a driveway's sidewalk intersection, whether within the property or not the wall height within that radius shall not exceed thirty (30) inches.
- d. The City Commission or its appointed Planning Commission may alter or revise the minimum screen wall height requirement if the Commission or its appointed Planning Commission finds that strict application of said requirements will endanger pedestrians or vehicular traffic, or for any other reason related to the health, safety or welfare of the public.

4. Miscellaneous Requirements All Districts

- a. All swimming pools shall be enclosed by a fence of a type not readily climbed by children and at least for (4) feet in height, with a gate that is self-closing and self-latching, and securely locked when the swimming pool is unattended and/or covered.

Sec 11.35 Violation

Any person who violates, disobeys, omits, neglects or refused to comply with, or who resists the enforcement of any of the provisions of this Chapter shall, upon conviction thereof, be subject to a fine of not more than Five Hundred (\$500.00) Dollars for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

Sec. 11.36

Structures constructed, altered, razed or converted, or uses carried on in violation of any provision of the chapter, are declared to be a nuisance.