

Figure 903-1

- E. Drainage Plans. In the case of all multiple family, business and industrial developments, drainage plans shall be submitted to the City Engineer for his review and the final drainage plan shall be subject to his written approval.
- F. Fences - General Requirements.
 - 1. Permit Required. No persons, firm, or corporation shall construct or erect any fence without first securing a permit.
 - 2. Location. All boundary line fences shall be located entirely upon the private property of the person, firm or corporation constructing, or causing the construction of, such fence, unless the owner of the adjoining property agrees, in writing, that such fence may be erected on the division line of the respective properties. See Figure 903-2.

3. Surveys. An applicant for a fence permit shall be required to verify the location of existing property lines either by location of the property line corners or submission of a survey conducted by a Registered Land Surveyor. The City Building Official shall, pursuant to a fence permit application, inspect the location and construction of any fence both prior to and after construction.
4. Construction and Maintenance. Every fence shall be constructed in a substantial, workmanlike manner and of material reasonably suited for the purpose for which the fence is proposed to be used. Every fence shall be maintained in such condition as to not become a hazard, eyesore or public or private nuisance. Fences shall be deemed to fail this requirement when they are missing parts or components, are not stained or painted as required by the material, leans more than five (5) percent out of vertical, or other conditions as deemed by the Building Official. All fences shall be so constructed that the finished site faces away from the fence owner's lot. Any fence which endangers the public safety, health or welfare shall be considered a public nuisance and abatement proceedings may be instituted by the proper City Official if within fifteen (15) days after notification the owner of such fence has not undertaken the necessary repairs to himself abate the nuisance. Link fences, where permitted, shall be constructed in such a manner that no barbed ends shall be at the top. All boundary line fences within two (2) feet of any property line shall be constructed of a maintenance free material, such as vinyl or weather-resistant metal. In addition, the required maintenance of chain link fences with slats (where permitted) shall include the replacement of broken slats, damaged posts, and bent or broken rails. Required maintenance of wooden fences shall include the replacement of broken or rotten boards.
5. Prohibited Fences. Electric fences shall not be permitted. Barbed wire fences shall not be permitted except as hereinafter provided. Fences of the picket, rail or slat types shall be so constructed that the spaces between the pickets, rails or slats shall not constitute a condition which may be a dangerous attraction to children.
6. Required Fences - Swimming Pools. Outdoor swimming pools as described in Section 903.020.D.6. of this Ordinance shall be adequately fenced to prevent uncontrolled access from the street or adjacent property.
 - a. A fence at least four (4) feet in height shall completely enclose any underground pool, and except as specifically provided in Section 903.020.F.6.b of this Ordinance, shall completely enclose any pool constructed above ground.
 - b. The fence required in a. above shall not be required for any pool constructed above ground which is equipped with a detachable ladder or a ladder which manually can be placed in a position where access to the pool cannot be obtained by use of any such ladder.
7. Residential District Fences.

a. Boundary Line Fences. In all parts of Little Canada, zoned residential (farms excepted), no boundary line fences shall exceed four (4) feet in height except that:

- (1) Fences on all corner lots erected within thirty (30) feet of the intersecting property line shall be subject to the visibility triangle setback of thirty (30) feet found in Section 903.020.H. of this Ordinance.
- (2) Fences along any rear property line which is also the rear property line of an abutting lot shall not exceed six and one half (6½) feet in height.
- (3) Fences along a rear or side property line which line constitutes the side lot line of an abutting lot shall not exceed six and one half (6½) feet in height for a distance as calculated in iv. below and shall not exceed four (4) feet in height within the required building setback from any public right of way.
- (4) Subject to other restrictions within this section, fences may be constructed to a height of six and one-half (6½) feet on or along the side yard property line from the rear lot line to a point equaling the front building line of the principal building.
- (5) In those instances where a fence exists as an enclosure which restricts access from the front to the rear yard, a gate, identifiable collapsible section, or other such means of recognizable ingress shall be provided for emergency vehicles. Such ingress shall be unobstructed and a minimum of ten (10) feet in width. The location of such ingress points shall be positioned at any point paralleling the front lot line, between the side lot property line and the principal structure.
- (6) All boundary line fences in residential districts shall be constructed in such a manner not to obstruct or divert natural storm water drainage flow.

b. Interior Yard Fences.

- (1) Any fence erected within any portion of the required front yard shall not exceed four (4) feet in height and shall be at least twenty-five (25) percent open.
- (2) Within a rear yard, at a point five (5) feet beyond any property line, a solid fence up to six and one-half (6½) feet in height may be erected as a total enclosure. Said enclosure may encompass the entire rear yard, plus extend to the front building line of the principal building, shall have adequate means of emergency access, and shall conform to other specialized requirements of the Little Canada City Code as may be amended.

(3) Chain link or woven wire fences (without slat screens) used for the enclosure of tennis courts or other such recreational purposes shall not exceed ten (10) feet in height and shall be located in a rear yard only.

c. Where any multiple family residential use abuts property zoned for single family residential use, the multiple family residential project shall provide screening along the boundary of the single family residential property in accordance with the standards listed in Section 903.020.G. (Required Screening, Landscaping, and Site Work) of this Ordinance.

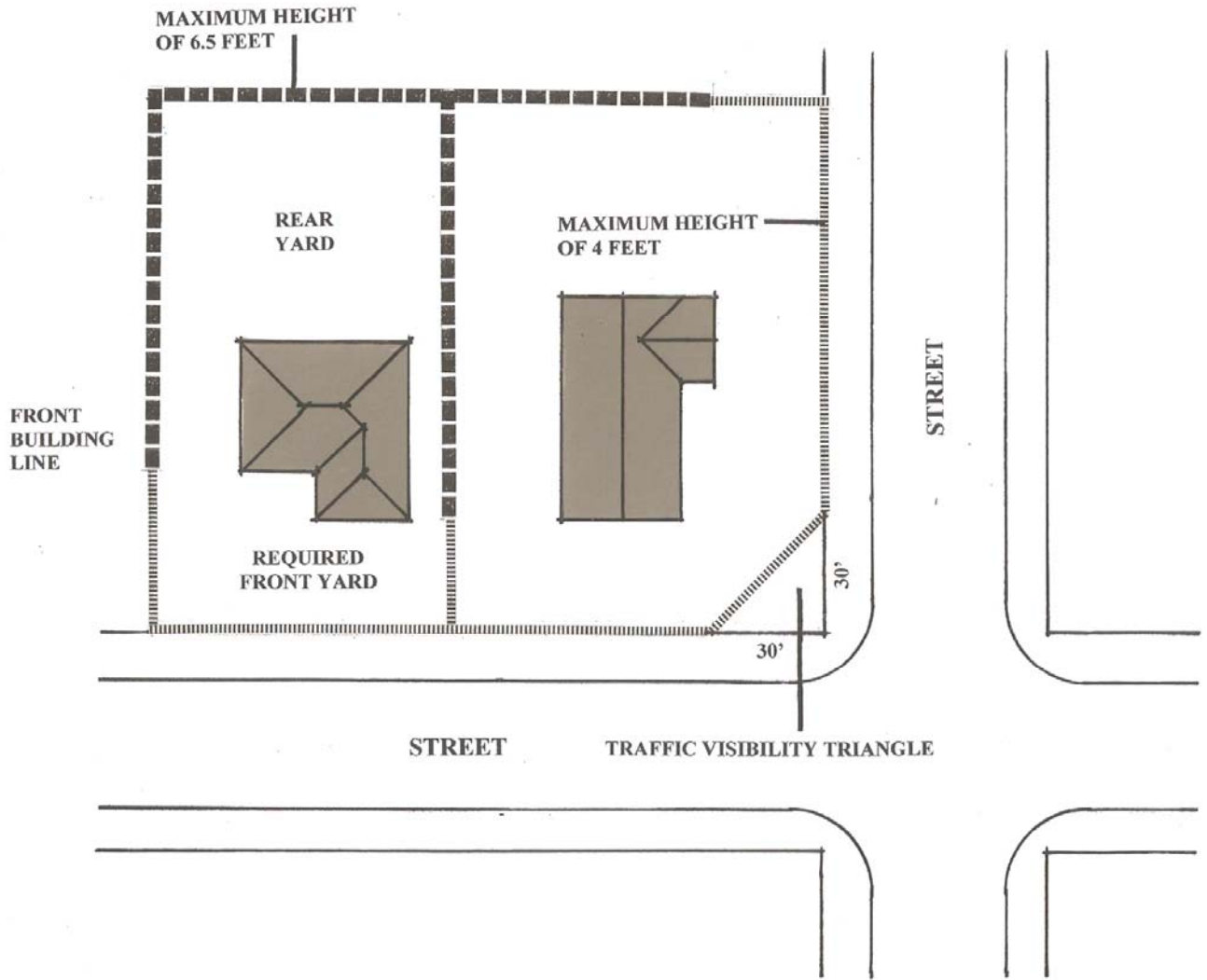


Figure 903-2

8. Business and Industrial District Fences. Fences in all Business and Industrial Districts shall not exceed eight (8) feet in height except that:

- a. Boundary Line fences abutting "R" Districts shall conform to those regulations applicable to the "R" District.
 - b. Security Fences.
 - (1) Fences which are erected primarily to secure a particular area have "arms" inward toward the enclosure not to exceed thirty six (36) inches in length, located a minimum of six (6) and a maximum of eight (8) feet above ground level, on which arms barbed wire may be strung.
 - (2) A survey establishing the true boundary line must be made by a Registered Land Surveyor and submitted to the City.
 - (3) Fence arm extensions may not extend across an abutting property line or over any public right-of-way.
 - c. Fences erected within the required front yard area shall not exceed six (6) feet in height and shall be of a chain link or woven wire construction which affords maximum visibility. Fences on corner lots shall provide a visibility triangle meeting the thirty (30) feet dimensional requirements of Section 903.020.H of this Ordinance.
 - d. Where any business or industrial use abuts property zoned for residential use, the business or industry shall provide screening along the boundary of the residentially zoned property in accordance with the standards listed in Section 903.020.G. (Required Screening, Landscaping, and Site Work) of this Ordinance.
9. Special Purpose Fences.
- a. Fences for special purposes and fences differing in construction, height or length may be permitted in any district in the City by issuance of a conditional use permit, except as provided for in Section 903.020.F.9.b. of this Ordinance.
 - b. Fences which are temporary in nature, are installed for the purpose of protecting gardens or lawns from natural elements, and which are less than forty-eight (48) inches in height may be allowed without permit, provided that such fences are not located within the required front or side yards of a lot, and that such fences are not determined to be a nuisance as regulated by the Little Canada Municipal Code.
 - c. Railroad Screening Fence. In the case of residential property that abuts railroad property, a fence for the purpose of sound and visual barrier is allowed by conditional use permit with the following conditions:

- (1) Permit Required. No person, firm, or corporation shall construct or erect any fence under this section without first securing a building permit.
- (2) Location. All boundary line fences shall be located entirely upon the private property of the person, firm or corporation constructing, or causing the construction of, such fence, unless the owner of the adjoining property agrees, in writing, that such fence may be erected on the division line of the respective properties.
- (3) Surveys. An applicant for a fence permit shall be required to verify the location of existing property lines either by location or the property line corners or submission of a survey conducted by a Registered Land Surveyor. The City Building Official shall, pursuant to a fence permit application, inspect the location and construction of any fence both prior to and after construction.
- (4) When a new fence is constructed along a property line abutting railroad property, any existing parallel boundary line fence within 5 feet of the proposed fence, including posts, shall be removed before construction of a new fence can take place.
- (5) All fences in the rear yard of residential property that abuts a railroad track shall be constructed to a maximum height of twelve (12) feet. Fences to be constructed on corner lots shall be no greater than six and one-half (6 ½) feet within 30 feet of any street right-of-way line.
- (6) On all lots, fences shall meet the required setbacks as set forth in the zoning code.
- (7) All fences constructed pursuant to the section shall meet all other applicable regulations for fences under Section 903.020.F. All Railroad Screening Fences shall be constructed of a maintenance free material, such as vinyl, brick, or weather-resistant metal or wood. Other materials may be deemed acceptable.
- (8) Landscaping required. A landscaping plan shall be submitted to the Planning Commission and the City Council for review and approval, with an emphasis on minimizing the view of the fence from abutting property.

G. Required Screening and Landscaping.

1. Where landscaping and/or screening is to be installed under the provisions of this ordinance, the party responsible for the proposed actions must submit a detailed