

## **Chapter 17 Walls, Fences and Hedges**

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#### **Section 10:17: 1 SET BACK AREA DEFINED**

The term "front setback area" shall refer to the setback area (as required by this title) along any street frontage whatsoever, whether it is the side or front yard of a property.

#### **Section 10:17:2 INTERIOR LOT REQUIREMENTS:**

- A. Side and Rear Property Lines: On all interior lots, a fence, not to exceed six feet (6') in height, may be erected along all side and rear property lines, but not in the front yard setback area.
- B. Front Setback Area: In any front setback area, no wall, fence or hedge shall exceed three feet (3').
- C. Grade Difference: Where a fence, wall or hedge is located along an interior property line separating two (2) lots and there is a difference in grade of the two (2) properties, the fence, wall or hedge may be erected or allowed to the maximum height permitted on either side of the property line. However, in no case shall the fence height, including retaining walls or berms, exceed a maximum of ten feet (10') on either side of the property line. Height shall be measured from the finished grade on either side of the fence. The fence may not be bermed for the purpose of increasing height.

**Section 10:17:3 CORNER LOT REQUIREMENTS:**

- A. Height: On all corner lots, a fence, not to exceed six feet (6') in height, may be erected along the rear and interior side lot line, but a sight obscuring fence or wall shall not be erected in the front yard or street side yard setback areas to a height in excess of three feet (3').
- B. Clear View: In all zones requiring a front yard setback, no obstruction to view in excess of three feet (3') in height shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points thirty feet (30') from the intersection of the property line.
- C. Fence with No obstructing View: Notwithstanding any other provisions herein, a fence which does not obstruct view (e.g., chain link fence) may be erected to a height of six feet (6') in any yard abutting a street within the setback area. The fence shall in no way be closed in with adjacent plant materials or strips of material inserted into the fence so as to obstruct vision.
- D. Exceptions To Corner Lot Requirements: Fences or walls erected along the property line separating two (2) adjacent corner lots shall be allowed to extend beyond the building setback line out to the property line at a maximum height of six feet (6'); provided, that the property line separating the two (2) corner lots represents the rear or side property lines of both lots, and both structures on said lots front in opposite directions; and provided, that no driveway entrance is located within thirty feet (30') of said fence, wall or similar structure.

**Section 10:17:4 FENCES ON PUBLIC RIGHT OF WAY:**

No fence approved under this chapter shall be erected beyond the property line on the public right of way, without the approval of the planning commission. Approval of a fence on the public right of way shall be subject to the following conditions.

- A. Right of Removal: The town shall retain the right to remove any fence on the public right of way for any purpose it deems necessary. Removal shall be at the sole expense of the property owner.
- B. Distance to Sidewalk or Fire Hydrant: No fence shall be erected within one foot (1') of an existing or future sidewalk, or within a five foot (5') radius of a fire hydrant.

**Section 10:17: 5 FENCES FOR RECREATION USE:**

- A. Maximum Height: On rear or interior side property lines, a chain-link fence may be erected to a height of twelve feet (12') for the purpose of enclosing a tennis court, swimming pool or other court game area. Said fence may not be located within the setback area of yards abutting a front or street side yard.
- B. Pools and Jacuzzis: An impassible fence of a minimum of five feet (5') in height, or as approved by the planning commission, shall be erected around all swimming pools, jacuzzis or other similar pools not otherwise enclosed or covered.
- C. Ponds, Canals, Ditches : Fences of a minimum of six feet (6') in height shall be erected around all ponds, canals or ditches, where, in the opinion of the planning commission, there is determined to be a potential hazard to the health and safety of surrounding areas.

**Section 10:17: 6 FENCES REQUIRED IN CERTAIN AREAS:**

In all commercial, industrial, manufacturing, multiple-family or planned development zones having a common lot line with a single-family or duplex residential development zone, a six foot (6') high sight obscuring fence shall be erected along the zone boundary line unless otherwise approved by the planning commission. Said fence shall be reduced to three feet (3') in height inside the front yard setback area of the single-family residential zone, unless otherwise approved by the planning commission. As an alternative, there may be a ten foot (10') wide planting strip, or any combination of fencing and landscaping, which, in the opinion of the planning commission, adequately protects the adjoining residential property.

**Section 10:17:7 FENCES SURROUNDING DEVELOPMENTS:**

Fences surrounding developments having no individual lot frontage such as in RV parks, subdivisions on limited access streets and planned developments larger than one acre in size, may have a solid fence in the front setback area to a height of six feet (6'), except that such fence shall be reduced to three feet (3') at driveway entrances in the same manner as required for intersections in subsection of this chapter.

**Section 10:17: 8 BARBEDWIRE:**

Barbed wire, razor ribbon and similar fencing material shall be prohibited in all zones except agricultural zones allowing the keeping of large livestock animals, unless otherwise approved by the planning commission. The use of the above named wires shall conform to the following restrictions:

- A. Barbed wire, razor ribbon or similar material shall be pulled straight and rolled or coiled.
- B. Straight strands of barbed wire and similar material on top of fences or walls shall not exceed a total height of seven feet (7').

**Section 10:17: 9 FENCES NOT OTHERWISE IDENTIFIED:**

The planning commission shall review all requests for any type of fence not specifically identified in this chapter and may approve said fence if, in the opinion of the planning commission, the fence does not impair the intent and purpose of this title