

## **ORDINANCE NO. 683**

### **AMEND ZONING REGULATION #627** **FENCE REGULATIONS**

AN ORDINANCE OF THE CITY OF HARTFORD, SD, AMENDING ORDINANCE 627, THE 2016 REVISED ZONING ORDINANCE OF THE CITY OF HARTFORD, SD, BY AMENDING CHAPTER 12, SECTION 12.08 (B, C, & K) – FENCES.

BE IT ORDAINED BY THE CITY OF HARTFORD, SD:

That Ordinance 627, Chapter 12, Section 12.08 – Fences shall be amended as follows:

Fences may be erected in required yards, provided they meet or exceed the following requirements:

- A. No fence shall be erected or substantially altered without securing a placement permit from the Zoning Administrator. All such permits shall be issued upon a written application which shall set forth the type of fence to be constructed, the material to be used, height and exact location of the fence.
- B. Exposed electrical and other abnormally dangerous fences are prohibited within all districts. No barbed wire fence shall be erected or maintained except in NRC or HI districts. Within HI districts, a fence can only be topped with barbed wire beginning at a height of at least six (6) feet above grade.
- C. Within all districts, fences shall be constructed with materials customarily used and manufactured as common fence materials. This shall include ornamental iron, vinyl, masonry, stone, pressure treated wood or wood having a natural resistance to decay, and chain link. All other materials must secure a conditional use permit from the Planning and Zoning Board.
- D. No fence shall be erected or maintained in such manner as to unreasonably obstruct the view of others or their access to light or air.
- E. For R, MH, NC or CB District - Fences may be erected or maintained; provided that no fence over four (4) feet in height shall be erected or maintained in any front yard. On corner lots and double frontage lots, fences shall be no more than four (4) feet in height in the required front yard; however, fences no more than six (6) feet in height may be allowed in the second front yard when setback a minimum of ten (10) feet from the property line. In no case shall fences exceed a height of six (6) feet.
- F. For CC and RC District - Fences may be erected or maintained; provided that no fence over four (4) feet shall be erected or maintained in any required front yard. On corner lots and double frontage lots, fences shall be no more than four (4) feet in height in the required front yard; however, fences no more than eight (8) feet in height may be allowed in a second front yard when setback a minimum of ten (10) feet from the property line. In no case shall fences exceed a height of eight (8) feet.
- G. For LI and HI District - Fences may be erected in front, side and rear yards. In no case shall fences exceed a height of eight (8) feet
- H. No fence shall be erected which violates *12.02 - Visibility at Intersections*.

- I. There is no maximum fence height for public golf courses, public swimming pools, school track and field areas, parks, ball parks and public tennis courts on any portion of the lot. Fences associated with these uses shall not be more than 30 percent solid.
- J. Fences that are adjacent to alleys shall be set back five (5) feet from the street/boulevard right-of-way.
- K. All fences or walls shall be located entirely within the property of the person or firm constructing the fence unless the owner of the adjoining property agrees, in writing and submitted to the City, that such fence may be erected on the common property line of the respective properties. All property line discrepancies shall be handled by the property owners and not by the City. It is the property owner's responsibility to determine where the lot lines are located - the city can assist with this but cannot guarantee the location of your lot lines. If there is any doubt, a survey is recommended.
- L. The height of fences shall be determined as measured from the highest grade elevation on either side of the fence wall to the top of the fence.
- M. Any structure placed within an easement that impedes the access or intended use of that easement may be removed by the City or the City's representative at the owner's expense.
- N. No fences may be built within drainageways and/or on drainage easements.

Adopted this 7th day of January 2020.

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Jeremy Menning, Mayor

ATTEST:

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Karen Wilber, Finance Officer

Seal

First Reading: December 17, 2019  
Second Reading & Adoption: January 7, 2020  
Publication: January 16, 2020  
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