

CHAPTER 17: FENCES

17.00	Definitions
17.01	Purpose
17.02	Mixed Zone Fence
17.03	Residential Zone Fence
17.04	Commercial / Industrial Zone Fence
17.05	Temporary Fencing
17.06	Violation Notice
17.07	Penalty

17.00 Definitions

Abut. To physically touch or border upon.

Fence. A barrier intended to prevent escape, intrusion or to mark a boundary.

Ornamental Fence. Any open fence, other than those comprised of barbed wire or chain link, used to frame, accent, or decorate a landscape or architectural feature.

Open Fence. A fence that is constructed so that a majority of the total area of the fence permits visibility.

Line of Sight. A straight line along which an observer has unobstructed vision.

Portable Security Barriers. A set of barricades that help direct pedestrian traffic and block access to hazardous areas such as worksites or events. Portable sets can be set up and moved to other locations as needed.

Snow Fence. A temporary type of porous fencing that forces windblown, drifting snow to accumulate in a desired place rather than accumulating on roads, private drives, and other property areas where accumulation and drifts of snow are not desirable. A snow fence must be a perforated plastic sheeting that can be attached to metal "T" posts or "U" posts at regular intervals. The term "snow fence" includes not only the fencing material but also all posts to which the fencing material is attached.

Temporary Fence. A fence that is installed for a certain period of time.

Screening. A type of buffer that is designed to block or obscure a particular element or use from view.

17.01 Purpose

This Ordinance shall regulate the placement of fences within the City of Arlington. No fence shall be erected without first obtaining a land use permit from the City of Arlington. Land use permits shall be issued for fences only if all provisions of this Ordinance are complied with. If the fence does not comply

with this Ordinance, the applicant will be required to file for a variance, except for fences that are in the line of sight on a corner lot. No fence shall be allowed within the line of sight on a corner lot.

17.02 Mixed Zone Fence

Any fence that is proposed to be placed in an area that would abut both a residential and commercial or residential and industrial zone must first be reviewed at a public hearing to determine the type of fence and fence material that would be acceptable to the property owners, but with the city having final discretionary authority to determine this issue.

17.03 Residential Zone Fence

Fences proposed in a residential zone shall be subject to the following rules:

- A. Fences in the front yard of any property in a residential zone that extend closer to a street than the primary structure, shall be no taller than four (4) feet in height and must be an open or ornamental fence. The front yard for purpose of this Ordinance is defined as all that portion of the yard between the front wall of the dwelling structure and the public street fronting the dwelling.
- B. Any fence shall be considered a structure for the purpose of the setback requirement from the rear lot line of any lot.
- C. For corner lots in a residential zone, a fence shall be allowed in the yard facing the public street and portion of the yard facing the side street of the property extending closer to the street than the primary structure, as long as the fence is no taller than four (4) feet in height and must be an open or ornamental fence. Any fence higher than four (4) feet in height, but no more than six (6) feet in height is permitted in back yards as long as the fence is in line with the extension of the side wall of the home facing said side street. A fence may occupy part of a required yard except that on corner lots there shall be a triangular area formed by the property lines of intersecting streets or intersecting streets and alleys, and a line joining points on said property lines twenty-five (25) feet distant from said intersection point, in this area there shall be no fence.
- D. The City encourages, but does not require, fence lines to be built jointly by neighboring property owners along the boundary line between the separate properties. However, if one property owner wishes to erect a boundary fence without participation by the other property owner, said fence shall be built with a minimum setback of two (2) feet, to allow the owner of the fence sufficient access to maintain both sides of the fence, to include the control of grass and weeds along the fence line. Depending on the nature of the fence and the property, the City may require a wider setback in its discretion.
- E. Fences shall be no more than six (6) feet in height and shall use construction material and methods approved by the City as part of the land use permit, to create a fence which will be sturdy, attractive, in keeping with the general design character of the neighborhood, which will not present an unreasonable danger to children or animals and will tend to maintain the property values of the surrounding properties. Fence construction material must be approved by the city, but a minimum requirement shall be that the construction material shall be treated or coated or of such material as to be resistant to rot and rust. Supporting posts must be buried at least 30 inches deep in concrete and must be substantial enough to stabilize the fence to keep it in a straight and erect position.

- F. All fences already in existence at the date of enactment of this Ordinance, and all fences erected within the City hereafter, shall be kept free of weeds and refuse, shall be maintained so as to avoid sagging, and shall be kept properly painted, stained, or rust proofed, as appropriate for the material of which the fence is constructed.
- G. Any replacement, repair, or relocation of any fences already in existence at the date of enactment of this Ordinance shall comply with this Ordinance in all respects.

17.04 Commercial / Industrial Zone Fence

Fences proposed in a commercial or industrial zone shall be subject to the following rules:

- A. No fences shall be erected in the front yard of any property in a commercial or industrial zone unless the fencing is being used as some form of screening. The front yard for the purpose of this Ordinance is defined as all the portion of the yard between the front wall of the commercial or industrial structure and the public street fronting the property.
- B. Any fence shall be considered a structure for the purpose of the setback requirement from the rear lot line of any lot.
- C. For corner lots in a commercial or industrial zone, no fence shall be erected in the yard facing the public street fronting the property. A fifteen (15) foot setback is required on the portion of the yard facing the side street of the property. If the fencing is being used as some form of screening, then the fencing is exempt of this requirement, however the fencing can not impair the line of sight to the intersecting streets on the corner lots.
- D. The City encourages, but does not require, fence lines to be built jointly by neighboring property owners along the boundary line between the separate properties. However, if one property owner wishes to erect a boundary fence without participation by the other property owner, said fence shall be built with a minimum setback of two (2) feet from the bottom line of said fence, to allow the owner of the fence sufficient access to maintain both sides of the fence, to include the control of grass and weeds along the fence line. Depending on the nature of the fence and the property, the City may require a wider setback in its discretion.
- E. Fences shall be no more than six (6) feet in height with an additional eighteen (18) inch allowance for barbed wire. The barbed wire addition, if any, shall be restricted to straight wire lines, held by bracket extensions from the main fence and slanted inward toward the property of the owner constructing the fence. The fence shall be of construction material and methods approved by the City as part of the building permit, to create a fence which will be sturdy, attractive, in keeping with the general design character of the neighborhood, which will not present an unreasonable danger to children or animals and will tend to maintain the property values of the surrounding properties. Fence construction material must be approved by the City, but a minimum requirement shall be that the construction material shall be treated or coated or of such material as to be resistant to rot and rust. Supporting posts must be buried at least 30 inches deep and must be substantial enough to stabilize the fence to keep it in a straight and erect position.
- F. All fences already in existence at the date of enactment of this Ordinance, and all fences erected within the City hereafter, shall be kept free of weeds and refuse, shall be maintained so as to avoid

sagging, and shall be kept properly painted, stained, or rust proofed, as appropriate for the material of which the fence is constructed.

- G. Any replacement, repair, or relocation of any fences already in existence at the date of enactment of this Ordinance shall comply with this Ordinance in all respects.

17.05 Temporary Fencing

- A. Temporary fencing includes, but is not limited to snow fences, and portable security barriers.

1. Snow fences may be installed and maintained from mid fall to early spring, if appropriate for current weather conditions. Snow fences require proper maintenance and must be properly anchored to avoid any part of the fence from being blown over and onto adjacent roads and properties. They also shall not be erected in such a manner to cause snow to accumulate on neighboring properties or on any roads or highways. Snow fences, including posts, that are in place prior to mid fall, if appropriate for current weather conditions or that are not removed by early spring, if appropriate for current weather conditions, will be in violation of this ordinance. Snow fencing may be erected on private property in the City of Arlington without a permit but may be subjected to a zoning review based on the discretion of the Planning and Zoning Administrator.
2. Portable security barriers will need to be reviewed by City Council and based on the Council decision might require a permit. If a permit is required, then the applicant will need to file for a land use permit with the terms determined by the City. At minimum, the permit will address the intended purposes and function of the fencing, its location, and the period of time the fencing will be allowed to exist on the designated site.

- B. All other temporary fencing needs to clearly specify the time frame the fence will be in place. If the fence is in place longer than the time specified, the applicant will need to re-apply for a new land use permit. Any Temporary fencing that is in place longer than 90 days will be required to submit for an interim use permit.

17.06 Violation Notice

If any fence is found to be in violation of this Ordinance, the City shall notify the property owner by written notice served on the property owner personally or by U.S. Mail to the property owner's last known address, stating that the property owner has 30 days to bring the fence in compliance with this Ordinance. If the property owner fails to bring the fence in compliance with this Ordinance within said 30-day notice term, then the fence permit shall be considered void and said fence must be immediately removed by the property owner.

17.07 Penalty

Any violation of this ordinance by the property owner or any other person or entity shall be considered a misdemeanor, punishable by the fines and other penalties established under state law for misdemeanors in effect on the date the violation occurs. Each day that a violation is allowed to exist shall be considered a separate misdemeanor violation, to be punishable by a separate fine and other penalties for each such day.