



Legislation Details (With Text)

**File #:** 2016-3573  
**Type:** Ordinance **Status:** Passed  
**File created:** 6/7/2016 **In control:** City Council  
**On agenda:** 7/14/2016 **Final action:** 7/14/2016  
**Title:** Consider an ordinance amending Chapter 46, Sections 46-134 -138, Code of Ordinances (2010 Edition), regarding fence requirements and maintenance. (Second Reading)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance

Date	Ver.	Action By	Action	Result
7/14/2016	2	City Council		
6/23/2016	1	City Council	approve	Pass

Consider an ordinance amending Chapter 46, Sections 46-134 -138, Code of Ordinances (2010 Edition), regarding fence requirements and maintenance. (Second Reading)

This item creates requirements for the maintenance and repair of residential fences. Like the trash and recycling container amendment, the genesis of this ordinance stems from a staff review of current ordinance requirements after receiving complaints regarding dilapidated fences that have been in a state of disrepair for years. Currently, the City does not have any requirement for a homeowner to repair or remove such fences, making it legal for a homeowner or tenant to leave them in a poor state or patch them with materials unsuitable for fencing. Some residents have grown concerned about the negative impact this has on neighborhood quality as well as their home value. Staff concurs with these concerns and believes there should be some corrective measure within the code of ordinances to address this issue.

The fence ordinance creates several quantifiable standards and some plain observable standards to determine when a violation occurs, and describes which fences are subject to the regulations. This ordinance will not regulate shared backyard or sideyard fences; it only applies to fences that face streets and certain public facilities. Some regulations include: fences greater than 4 feet in height may not lean more than one foot from the vertical as measured at the top of the fence; fences 4 feet or shorter may not lean more than 6 inches from the vertical; missing components shall be replaced; broken, loose, or rotted components totaling greater than 20 square feet in area over any 50-foot linear section of fence shall be repaired; painted fences shall not peel or rust; and a 60-day window to repair or remove the fence from the time the first legal notice of violation is sent.

Code Enforcement will be responsible for the day-to-day enforcement of the new regulations and will use them to require the notable and habitual violators to rectify the situation. As staff does with other public nuisances such as debris, we will work with the homeowner to find a solution before any legal action is necessary. Taking a homeowner to court over these issues is a last-resort method of seeking compliance that the officers proactively try to avoid.

The Planning and Zoning Commission unanimously recommended approval of the fence maintenance ordinance at their meeting on June 1.

Staff recommends approval.