

## ORDINANCE NO. 531

An ordinance to revise and establish requirements and restrictions for the construction and maintenance of **FENCES, HEDGES AND WALLS** in the Village of Ansley, Nebraska; to repeal Ordinance No. 489, and all ordinances or parts thereof in conflict with this ordinance; to prescribe the time when this ordinance shall be in full force and effect.

**BE IT ORDAINED BY THE CHAIRPERSON AND BOARD OF TRUSTEES OF THE VILLAGE OF ANSLEY, NEBRASKA, that:**

**Section 1.** After complying with all procedures required by law, Section 17-8 of the Zoning Regulations of the Village of Ansley, Nebraska, will be amended to read as follows:

### **17-8. FENCES, HEDGES AND WALLS**

Basic Requirements & Restrictions -

- 1) It is recommended to have your property surveyed by a licensed surveyor to positively identify and mark your property lines to avoid dispute. Property owners are responsible to locate property pins prior to any permit being issued. The Village of Ansley does not mediate disagreements between owners of private property.
- 2) All setbacks must be adhered to as per the Zoning regulations.
- 3) Permit Holder is responsible for calling Diggers Hotline of Nebraska prior to start of construction. The Permit Holder is responsible for scheduling all required inspections.
- 4) All fences must remain on the property and not extend beyond your property lines.
- 5) Installation of a fence may not obstruct any manhole or inlet cover nor disturb or impede existing drainage pattern/swale or natural water flow.
- 6) The finished side of the fence must face to the outside of the property. Visible supports and other structural components shall face in toward the subject property.
- 7) A fence height shall be measured from the top of the fence to the lowest grade at the base of the fence.
- 8) Every fence shall be maintained in a condition of reasonable repair and not be allowed to become or remain in a condition of disrepair including noticeable leaning or missing sections, broken supports, non-uniform height, and growing or noxious vegetation. The building and zoning administrator may order any dilapidated, dangerous, or non-conforming fence removed at the owner's expense.
- 9) Any fence, hedge or wall shall provide access to utility workers for meter reading and maintenance of the utility.
- 10) Electric and barbed wire fences are prohibited.
- 11) No fencing shall conflict with the requirements of the clear vision area for streets and driveways. Fencing within a vision clearance shall not create a visual obstruction.
- 12) Fences in a front yard shall contain openings constituting no less than 50% of the surface area and shall be situated or constructed in such a way as not to obstruct the vehicular traffic or otherwise create a traffic hazard.
- 13) Fences shall not be closer than six inches (6") to any property line. Perennial plantings shall not be planted closer than two and one-half (2-1/2') to any property line.

## DEFINITIONS:

- A. **Fence:** Any vertical structure, other than a building or plant material which is for the purpose of obstructing visual observation, or for the purpose of obstructing pedestrian, automotive or animal movement, or for the purpose of beautification, and which is attached to the ground or to a building, but excluding retaining walls.
- B. **Open Fence:** A fence where the design contains openings that constitute not less than fifty percent (50%) of the surface area of the fence. The surface area is the product of a length of fence measured from the inside edge of one support post or column to the inside edge of the next adjacent support post or column; times the height of the same section of fence.
- C. **Closed Fence:** A fence where the design of the fence has more than fifty (50%) percent of the surface area closed.
- D. **Front Yard:** That portion of the property that is adjacent to a street.
- E. **Back Yard:** That portion of the property that is on the opposite end of the front yard.
- F. **Side Yard:** The portion of the property that is between the front and back yards.

- A. Fences, hedges and walls may be permitted in all districts as accessory uses in accordance with the following limitations:

- 1. The **maximum** height for fences, hedges, and walls in any district other than the Agricultural District on the perimeter shall be as follows:

### **CORNER LOTS:**

**Front Yard** - Forty-eight inches (48") or four feet (4') in height.

**Street Side Yard** - Forty-eight inches (48") or four feet (4') in height.

**Non-Street Side Yard** - Six feet (6') from the rear property line to the front corner of the house, then forty-eight inches (48") or four (4) feet in height.

**Rear Yard** - Six feet (6') in height from corner of house to non-street side and four feet (4') in height on street side

### **OTHER LOTS:**

**Front Yard** - Forty-eight inches (48") or four feet (4') in height.

**Side Yard** - Six feet (6') from rear property line to the front corner of the house, then forty-eight inches (48") or four feet (4') in height.

**Rear Yard** - Six feet (6') in height.

- 2. No fence, hedge, wall, or shrubbery shall interfere with the vision of motorists or adjacent property holders. On a corner lot in the Residential District, a sight triangle shall be provided such that nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2-1/2) feet and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of

such corner lots and a line joining points along said street lines forty (40) feet from the point of the intersection.

3. Fences separating residential and non-residential land uses are not to exceed forty-eight inches (48") or four feet (4') at the front corners of the house. Fences between two non-residential land uses shall not exceed eight (8) feet in height unless otherwise specifically permitted.
4. All outdoor swimming pools shall be enclosed by a fence or wall at least eight (8) feet but not more than ten (10) feet in height with a gate or gates, which can be securely locked.
5. **All fencing and fencing material must be submitted on an application for a fence permit and approved by the building inspector before construction. Fences shall be constructed of commonly accepted fence building materials for residential fences such as, but not limited to: split rail, treated lumber for cross boards and verticals, concrete, stone, masonry, vinyl, wrought iron, and chain link fence with a stabilizing top rail. Fences shall not be constructed of material not commonly used for residential fences such as non-treated or natural wood products, metal, fiberglass, barbed wire, wooden pallets, chicken wire, or corrugated metals. All structures must have a neat, professional and finished appearance. Examples of posts that can be used are pressure treated, vinyl, galvanized pipe, and wrought iron. Examples of post materials that cannot be used are creosote farm posts, t-posts, electric fence rods, and fiberglass rods. All other materials must be submitted on an application for a fence permit for approval. The Planning and Zoning Commission may approve other materials.**
6. **No shrubs, trees, bushes, or other plant material shall be planted, maintained, allowed to grow and no structure shall be erected so as to hinder vision in the vicinity of an intersection of two streets, within a sight distance triangle bounded by the edges of the roadway or the curb on the two sides and a line diagonally across the corner lot meeting the edges of the roadway or the curb forty (40) feet from their intersection at the corner. To hinder vision shall be taken to mean that said plant material has leaves, needles, branches or other foliage during any period of the year, and structures of any type as defined in the zoning ordinance exist, between levels two and one-half (2-1/2) feet and ten (10) feet above the crown of the street adjacent.**

**These regulations apply only to new construction; any non-conforming fences, unless dilapidated and/or dangerous shall not be affected. Fences must follow the same setbacks as outlined for accessory buildings. No fence shall be erected, constructed, or moved until a fence permit shall have been procured from the Building Inspector. Application for a fence building permit shall include a sketch of**

**the lot, the location of any buildings on the lot, the proposed fence and sufficient dimensions to accurately locate these features.**


**Section 2.** That Section 17-8 of the Zoning Regulations of the Village of Ansley, Nebraska and all other ordinances of said Village or parts thereof in conflict with this ordinance are hereby repealed.


**Section 3.** This ordinance shall take effect and be in full force from and after its passage, approval and publication or posting as required by law.

**Section 4.** This ordinance shall be published in pamphlet form within 15 days from this date and also by posting a written copy in each of three places in the Village, to-wit: Security State Bank, the Village Clerk's Office and the United States Post Office.

Passed and approved this 6th<sup>th</sup> day of May, 2019.

ATTEST:

  
\_\_\_\_\_  
Sara L. Switzer, Chairperson

  
\_\_\_\_\_  
Lanette C. Doane, CMC

(Seal)