

ORDINANCE NO. 781

AN ORDINANCE AMENDING TITLE 15, "BUILDINGS AND CONSTRUCTION", CHAPTER 4 "BUILDING REGULATIONS AND PERMITS" OF THE LOWDEN, IOWA CODE OF ORDINANCES BY REPEALING TITLE 15, SECTION 4.020 AND ADOPTING A NEW TITLE 15, SECTION 4.020 TO INCLUDE FENCES AS A STRUCTURE THAT REQUIRES A PERMIT; BY AMENDING CHAPTER 15.04 TO INCLUDE A NEW SECTION 15.04.055 "REGULATIONS FOR THE CONSTRUCTION OF FENCES", AND BY REPEALING TITLE 15, SECTION 15.04.110 "VIOLATION-PENALTY" AND ADOPTING A NEW TITLE 15, SECTION 15.04.110 "VIOLATION-PENALTY."

Be It Ordained by the City Council of the City of Lowden, Iowa:

SECTION 1. Purpose. Title 15, Section 04.020 "Building Regulations and Permits" is hereby deleted and a new Title 15, Section 04.020 is included as follows:

15.04.020 Permit-Required. It is unlawful to construct or alter any building or structure in the City, including fences, without having first secured a permit therefore. (Amended during 1979 codification: Ord. 630 Sec 2, 1975).

SECTION 2. Title 15, Section 04.020 "Building Regulations and Permits" is hereby amended by adding a new Section "Regulations for the Construction of Fences" as follows:

15.04.055 Regulations for the Construction of Fences. The following regulations shall apply to the construction offences.

- A. Permit. A permit for a fence is required from the City Council as provided for in Section 15.04.020 "Permit-Required", Also, in addition to the provisions of Section 15.04.030 "Permit-Application and fee", all applications shall require a lot survey to establish lot lines or show proof of survey pins on property.
- B. Front Yard. No privacy fences shall be allowed in front yards. Decorative fences can be up to four feet (4') but not be in the sight triangle.
- C. Height. Fences or other similar structure, wall, or hedge can be erected up to a height of six feet (6'), except as provided for in 15.04.055(B).
- D. Corner Lots. The side yard adjacent to the street shall be set back ten feet (10') from side property line.
- E. Access On Corner Lots, No fences, whether wood, metal, masonry or concrete, nor other obstruction including shrubbery (hedges, trees, bushes) nor any

combination of materials, shall be erected or maintained which blocks the access from a front yard through both sides to the rear yard, unless a gate approved by the City Council is installed on at least one side.

- F. **Materials.** Fences shall be constructed of wood, chain-link, PVC/resin, stone and wrought iron or masonry materials only. Wood fences shall utilize standard building lumber only. Barbed wire and/or electrified fences are not permitted, and are defined as any fence that includes in its material barbs, blades, razors, electric current or other features specifically designed to injure or abrade an individual or animal who attempts to negotiate the fence.
- G. **Retaining Wall.** Where a retaining wall protects a cut below or a fill above the natural grade and is located on the separating lots, such retaining walls may be topped by a fence, wall or hedge of the same height that would otherwise be permitted at that location if no retaining wall existed. In no event shall the combination of wall and fence exceed six feet (6').
- H. **Maintenance.** All fences and retaining walls must be maintained in a state of good repair. Hedges and bushes must be kept trimmed and maintained not to exceed height of fence as provided for in Sections 15.04.055(B) and 15.04.055(C).
- I. **Location.** All fences, walls or hedges shall be erected entirely within the property lines of the property they are intending to serve provided that the fences, walls or hedges shall conform with the provisions of Section 15.04.055(D).
- J. **Exceptions.** Fences required by state law to surround or enclose public utilities, public schools or other public buildings are exempt from this Ordinance. Fences for uses such as tennis or sports courts may be a maximum of fifteen feet (15') high if the fence meets all of the required setbacks for an accessory building, as provided for in the Zoning Ordinance.
- K. **Fence Posts.** Fence posts shall be placed on the inside of the fence (side facing installer), unless fencing is installed on both sides of post, eliminating a front or back look.
- L. **Sight Triangle Area.** The Sight Triangle Area is defined as that portion of a corner lot lying within a triangle area formed by measuring back along the property lines adjacent to the intersecting streets to a point on each property line twenty feet (20') from the intersection of said property lines and then connecting the two (2) points thus establishing a third line.
- M. **Fence Height: Obstruction of View.** It shall be unlawful for the owner, occupant or person in control of any corner lot in the City to erect, maintain or permit to grow any obstruction to the view of drivers of motor vehicles over a height of three feet (3') and all trees shall be trimmed so that no foliage hangs down closer than seven feet (7') to the ground within the "sight triangle area" of said lot.
- N. **Penalty.** A violation of these regulations shall be enforced under the provisions of Chapter 1.20 "General Penalty" of this Code.

**SECTION 3. Repealer.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 4. Severability clause.** If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

**SECTION 5. When Effective.** This Ordinance shall be in full force and effect

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upon posting as required by Iowa law.

Passed by the City Council the 2 day of July, 2007, and  
approved this 2 day of July, 2007.

  
Reuben Wenndt, Mayor

Attest: Peggy Kedley  
Peggy Kedley, City Clerk