

**ORDINANCE NO. 041119- 3**

**AN ORDINANCE REGARDING FENCE AND WALL STANDARDS**

**WHEREAS**, the Town Council of the Town of Lewisville, Indiana believes it is in the best interest of the health, safety, and welfare of the citizens of Lewisville, Indiana, that standards be adopted regarding the construction, erection, maintenance, location, and composition of fences and walls within the incorporated limits of Lewisville, Indiana.

**NOW, THEREFORE, BE IT ORDAINED**, by the Town Council of the Town of Lewisville, Indiana, as follows:

**SECTION I**

The purpose of these fence and wall standards is to provide minimum requirements in order to provide adequate light, air circulation, and privacy and to protect the public welfare by preventing visual obstructions along public ways and for the purposes of this ordinance, all heights as set forth herein shall be measured from the grade level of the earth at its lowest point along the fence line and/or line of the wall.

**SECTION II**

No fence or wall shall be erected within the Town of Lewisville, Indiana, without first obtaining a fence permit from the office of the Clerk-Treasurer following the prescribed application process which shall include a drawing to scale of the subject property and depiction thereon of the fence or wall indicating its length, width, height, and materials of composition. The cost for such permit shall be \$15.00 payable at the time of application.

**SECTION III**

For fences or walls within residentially zoned areas, the height of any fence or wall in the front yard shall be not less than 2 feet nor more than 4 feet and are to be constructed using materials of chain-link with appropriate support structures, wrought iron, wood, stucco, brick, stone, or any combination thereof provided the heavier material is located on the bottom of the improvement. For rear and side yard fences and walls, the maximum height shall not exceed 6 feet, except in circumstances where the residential use directly abuts a nonresidential use in which case, the maximum height shall be 8 feet and such fence or wall shall be composed of materials consisting of chain-link with appropriate support structures, wrought iron, wood, stucco, brick, stone, or a combination thereof provided the heavier material is located on the bottom of the improvement.

**SECTION IV**

No fence and/or wall shall be located within any designated, dedicated, and/or apparent utility and/or drainage easement nor within the apparent right-of-way of any public street or alley unless the property owner shall apply for and receive from the Town Council of the Town of Lewisville, Indiana, an encroachment agreement authorizing such encroachment. The decision of



the Town Council of the Town of Lewisville, Indiana, shall be based on site conditions including, but not limited to, the location of existing utilities or infrastructure, the size and scope of the utilities or infrastructure, the potential location of future utilities or infrastructure and/or the absence of utilities or infrastructure. Any property owner receiving permission to encroach within an easement or right-of-way shall be required to acknowledge that they understand the legal rights and restrictions associated with encroachment into a designated, dedicated, and/or apparent utility and/or drainage easement and right-of-way, as well as the conditions and/or limitations placed upon the encroachment of a fence or wall within such easement or right-of-way, which acknowledgment shall be executed in writing by the owner on the form provided by the Town of Lewisville, Indiana. Said acknowledgement shall be recorded within the office of the Henry County Recorder and shall run with the land to be binding upon the applicant owner and all legal successors in interest to said owner.

#### **SECTION V**

For any fences or walls to be constructed in the front yard of a commercial or industrial zoned parcel, the height of such fence shall not exceed 6 feet and shall be constructed of material consisting of chain-link with appropriate support structures, wrought iron, wood, stucco, brick, stone, or combination thereof, provided the heavier material is located on the bottom and shall not be located within any utility and/or drainage easement or right-of-way. For fences or walls constructed in the rear or side yard of a commercial or industrial zoned parcel, the maximum height shall not exceed 12 feet and shall be constructed of materials consisting of vinyl coated chain-link with appropriate support structures, wrought iron, stucco, brick, or combinations of the above, provided that the heavier material is placed on the bottom. Barbed wire may not be utilized as a component for any front or rear yard fence or wall without the written consent of the Town Council of the Town of Lewisville, Indiana, and no front or rear yard fence may be electrified without the written consent of the Town Council of the Town of Lewisville, Indiana.

#### **SECTION VI**

It shall constitute a violation of this ordinance for any person or entity to erect a fence and/or wall in violation of the provisions of this ordinance or the failure to obtain the appropriate permit and/or encroachment agreement as set forth in this ordinance with each day such violation exists to constitute a new and separate violation with a fine of \$100.00 for each such violation. Furthermore, should the Town of Lewisville, Indiana, be required to retain the services of an attorney to prosecute a violation of this ordinance, the violator shall be required to repay to the Town of Lewisville, Indiana, all attorneys' fees incurred in association with such prosecution.

#### **SECTION VII**

This Ordinance shall be in full force and effect from and after its passage and due publication.

**SECTION VIII**

Introduced and filed on the 11 day of April, 2019. A motion to consider on first reading on the day of introduction was offered and sustained by a vote of 3 in favor and 0 opposed pursuant to I.C. 36-5-2-9.8.

Duly ordained and passed this 11 day of April, 2019 by the Town Council of the Town of Lewisville, Henry County, Indiana, having been passed by a vote of 3 in favor and 0 opposed.

**TOWN OF LEWISVILLE, INDIANA, BY ITS TOWN COUNCIL**

Voting Affirmative:

Voting Opposed:

  
Richard Craig

Richard Craig

  
Patrick Saunders

Patrick Saunders

  
Justin Thompson

Justin Thompson

ATTEST:

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Larry Smith, Clerk-Treasurer

This instrument was prepared by Gregg H. Morelock, BRAND & MORELOCK, 6 West South Street, Greenfield, IN 46140.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Gregg H. Morelock.