

**TITLE V PHYSICAL ENVIRONMENT
CHAPTER 6 FENCE AND HEDGE REGULATIONS**

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5-6-1 DEFINITIONS. For use in this Ordinance, the following terms are defined:

1. For the purpose of this Chapter, it is understood that the terms “fence” and “wall” are synonymous and herein defined as a barrier consisting of wood, stone or metal intended to prevent ingress or egress, and/or enhance the appearance of the structure of the landscape.
2. For the purpose of this Chapter, it is understood that the terms “hedge” and “continuous planting” are synonymous and herein defined as a barrier consisting of living plant matter intended to prevent ingress or egress, and/or enhance the appearance of the structure of the landscape.

5-6-2 INTENT.

1. This Chapter establishes regulations for any fence or hedges effective on October 8th, 2024. It provides for permits, installations, construction, and regulations for location and height. This Chapter includes by reference all applicable regulations regarding fencing contained in the City of Kinross.

5-6-3 PERMITS. Except as otherwise provided herein, no person shall erect, alter or relocate any fence or wall within the City without first having been issued a permit. Each application for a permit under this section shall be submitted to the City Clerk on forms provided by the City.

1. Before issuing a permit for a fence proposed to be located on a lot-line shared by two different property owners, the City requires the following conditions be met:
 - a. The owners of the properties that share the lot-line on which the proposed fence will be located must sign a written fence agreement, in recordable format, that outlines the materials for the fence will be constructed from, the location of the fence, the height of the fence, and the agreement of both property owners to terms of the agreement.
 - b. The agreement must be filed with the County Recorder at the cost of the parties installing the fence.

- c. A copy of the recorded fence agreement must be presented to the City Clerk before the City will issue a permit.
- d. The requirement for a common fence agreement may be waived by the City, in which case any fence or wall shall be placed no closer than six feet from the property line.
- e. A certificate of survey may be required by the City for all fences or walls to be constructed on or within six feet from the property line, unless corner property stakes are in place and marked and a survey is filed with the Keokuk County Recorder.

5-6-4 MATERIALS.

1. Fences are to be constructed of customarily used materials such as chain link, wood, wrought iron, aluminum or polyvinyl chloride (PVC). Walls are to be constructed of brick, stone, textured concrete, precast concrete, tile block, and similar materials as approved by the City.
2. Prohibited Materials: A fence or wall may not be designed to cause pain or injury to humans or animals. Therefore, the use of spikes, broken glass, barbed wire, razor wire, nails, electric charge or other similar materials shall be prohibited, unless specified otherwise herein.
3. Barbed Wire and Electrical Fencing: Barbed wire, woven wire, and electrical fencing are permitted, subject to a minimum setback of 10 feet, and only when used to protect crops and plantings in areas containing 10 acres or more.
4. Barbed wire and electrical fencing is prohibited within five feet of a public sidewalk or within four feet of a straight right-of-way where a public sidewalk does not exist.
5. Electrical fencing may not carry a charge greater than 25 milliamperes nor a pulsating current longer than one-tenth per second in a one-second cycle. All electric fence chargers must carry the seal of an approved testing laboratory.

5-6-5 GENERAL REQUIREMENTS.

1. It is the property owner's responsibility to maintain the fence on both sides. The property owner installing the fence must ensure there is a means for maintaining both sides of the fence.
2. The decorative, finished side of all wood fences must be facing out (away from the benefitted property).

3. No chain link or wired fence of any kind shall be constructed or maintained with the cut or selva end of the fencing material exposed at the top.
4. Both sides of any fence or wall shall be maintained in a condition of reasonable repair and appearance by its owner and shall not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance, public or private.
5. No physical damage of any kind shall occur to abutting property during installation unless it is allowed under agreement with the adjacent property owner.
6. Fences may not be constructed within one foot inside a public sidewalk.
7. The City does not enforce restrictive covenants in place and on file with the County Recorder. Property owners shall be aware of all restrictive covenants for their platted subdivision.
8. Fences and hedges must be located so no part thereof is within 6 feet of an alley or 6 feet of a street right-of-way without City permission.
9. Except as otherwise prohibited in this Chapter, fences or walls may be erected in easements except that no fence or wall may be erected without the approval of the City and as a condition of that approval the City may require that the applicant acknowledge the rights of the City as an easement holder and waive any and all damages that might be otherwise accrued if the City shall need to remove the fence or wall in the exercise of its rights under the terms of the easement.
10. Decorative features such as individual posts, trellises, brick or stone columns, and similar features constructed as part of a fence shall be allowed to exceed the maximum fence height by no more than twelve inches. Pedestrian entry features which only include arbors, arched entries, arcades or finials may exceed the maximum allowable fence height in any yard subject to design review and approval by the City.

5-6-6 HEIGHT AND VISION CLEARANCE. The following are the height restrictions for fences and walls:

1. No fence or wall in any front yard may exceed four feet in height. Corner lots with two front yards shall be allowed to have a six-foot-tall fence located in the front yard with the smallest frontage. Such fence shall be set back a minimum of 10 feet from the property line or adjacent sidewalk; or in line with the home on the side. All other requirements of this section apply to a fence on a corner lot.
2. Fence or walls along the side and rear yard limits shall not exceed six feet in height.
3. No continuous planting over three feet in height shall be permitted in any front yard.

4. Where a property line corresponds to the top of slope, fencing shall be installed at the top of slope. The City may allow higher than six foot fence where a slope exists with the adjacent lot.
5. Public Fences. Fences surrounding school yards or public parks shall be exempt from the height provisions as herein stated provided that visibility at intersection is not hindered.
6. Corner Lot/Intersection. No fence or continuous planting shall be located which may obstruct vision between a height of thirty inches and ten feet on any corner lot within a vision triangle of twenty-five feet formed by intersecting street right-of-way lines.
7. Driveways and Alleys. No fence or continuous planting shall be located which may obstruct vision between a height of thirty inches and ten feet on any corner lot within a vision triangle of fifteen feet formed by intersecting driveway edge (including driveways on adjacent properties) and street right-of-way line.

5-6-7 NON-CONFORMING FENCES/WALLS

1. It is the intent of this Chapter to allow the continuation of such non-conforming fences until they are discontinued as provided herein. However, it is not the intent of this Chapter to encourage the survival of non-conforming fences and those fences that are declared incompatible with permitted fences within the City. Such fences shall be regulated by the following provisions:
 - a. An existing fence not allowed by this Chapter shall not be enlarged, extended, or reconstructed, or structurally altered unless such fence is changed to comply with the requirements of this Chapter. Maintenance of a non-conforming fence will be allowed when this includes necessary repair and incidental alterations which do not expand or intensify the non-conforming fence.