

(c) Erecting, maintaining on public property.

No privately owned fence, wall or hedge shall be erected or maintained on any public property; provided however, a split rail fence not exceeding a height of three (3) feet may be erected within the right-of-way of a local residential street when placed at least six (6) feet from the curb or traveled way.

(d) Hedges along streets, alleys.

It shall be unlawful for the owner or occupant of any real estate in the City to permit or allow any hedge standing or growing thereon as a fence along any of the public streets or alleys of the city to be or become more than three (3) feet in height or to permit or allow the same to extend into the streets or alleys more than one (1) foot.

(e) Fences classified.

For the purposes of this article, fences are hereby classified into the following types:

- (1) Masonry walls;
- (2) Ornamental iron;
- (3) Woven wire or chain link;
- (4) Wood picket or split rail (more than fifty (50%) percent open);
- (5) Solid fences (wood or metal less than fifty (50%) percent open).

(f) Requirements for fences, hedges enclosing dwelling plots.

In any location zoned residential, fences shall conform to the following requirements:

(1) Front yard.

Front yard fences and hedges erected in front of the required front yard building line (See Article VI, District Regulations) shall be of any class. Ornamental iron, woven wire or chain link or wood picket or split rail fences (more than 50% open) shall not exceed a height of four (4) feet; Masonry wall or solid wood fences (less than 50% open) shall not exceed a height of three (3) feet. Fences and hedges on corner lots in which the rear yard abuts the front yard of the adjoining lot shall conform to the requirements for front yard fences and hedges for such part of the fence or hedge as abuts the adjoining front yard.

A. Fences on corner lots.

Where a property is located on a corner lot, thus requiring compliance with two (2) or more front yards, a solid fence may be erected, not to exceed six (6) feet in height, along the non-address front yard extending to the property line. Such fence shall not be erected in violation of *Section 42-81* of the City Code *Obstructing visibility at intersections*.

B. Fences on double frontage lots.

Where a property consists of a lot where two (2) opposite lot lines abut public streets which are more or less parallel, and thus requires compliance with two (2) front yard setbacks, a solid fence may be erected, not to exceed six (6) feet in height along the yard which has been designated as the rear yard by the owner or developer. When one (1) of the streets abutting such a lot has been officially designated by the City as an arterial street, said fence shall not be erected in violation of *Section 42-81* of the City Code *Obstructing visibility at intersections*.

(2) Side yard.

Side yard fences erected back of the required front yard building line and within the required side yard of the lot (see Article VI, District Regulations) may be of any class not over six (6) feet in height. The height restrictions herein provided shall not be applicable to planting of shrubs and/or trees used as a hedge.

(3) Rear yard.

Rear yard fences and hedges erected along the rear property line may be of any class not over eight (8) feet in height, except as provided by subsection (1) Front yards.

(4) Prohibited fences.

No barbed wire or other sharp pointed fences shall be erected or maintained in any residential or commercial district.

(5) Fences on retaining walls.

In case of a fence erected on top of a retaining wall, the height shall be measured from the grade of the low side; provided, that in any case, an ornamental iron, woven wire or chain link, wood picket or solid wood fence may be erected on top of a retaining wall to a height not to exceed six (6) feet above the grade of the high side.

(6) Retaining walls.

Retaining walls shall be adequately designed and drained so as to resist all lateral pressure to which they may be subject. Retaining walls shall not be built higher than the grade of the ground of the high side of the wall when such would exceed the height allowed for a masonry fence, the height of which is measured from the low side of the wall.

(7) Variations.

When, in the judgment of the Board of Zoning Appeals, the public health, safety and welfare will be substantially served, the neighboring property will not be materially damaged, and a certified copy of a written agreement between neighboring property owners has been filed with the Board of Zoning Appeals, it may, at its discretion vary the fence or wall requirements herein; provided that no violation of *Chapter 42 Zoning Regulations* may be permitted.

(g) Barbed wire.

Barbed wire fences may be installed in Industrial zoned districts but the barbed wire must be installed at a height no lower than six (6) feet from the ground.

(h) Requirements for commercial and industrial fences.

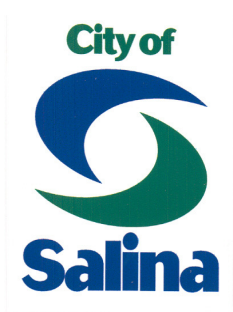
Commercial or industrial fences may be of any class and the height thereof shall not exceed ten (10') feet; provided that when such fences are built in required front yard setback areas (see Article VI, District Regulations), they shall be limited to woven wire or chain link fences that do not exceed a height of eight (8') feet unless the fence is required elsewhere in this chapter for screening purposes. A fence required for screening purposes shall be of Class 5 type construction. (See Section 42-79 regarding required obstructions in front yards.)

(i) Maintenance of fences.

Fences shall be kept in good repair and any dilapidated, dangerous or unsightly fence shall be removed or repaired when so ordered by the Zoning Administrator or his or her designee.

(j) Violations declared nuisances; removal.

Any fence, hedge or wall erected or maintained in violation of the provisions of this article is hereby declared to be a nuisance and shall be removed by the owner thereof within five (5) days after receipt of notice from the Zoning Administrator or his or her designee to remove same.



If you have any additional questions regarding fences or walls please contact the Planning Division staff at:

**City of Salina/ Development Services
Planning & Community Development
City-County Building
300 W. Ash Street, Room 201**

785-309-5720

FAX 785-309-5713

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CITY OF SALINA FENCES, WALL and HEDGES REGULATIONS

The City Development Services Department no longer requires that fence permits be applied for and approved before constructing a fence or wall on private property that does not exceed a height of 6 feet. Fences that exceed 6 feet in height still require the issuance of a building permit prior to construction.

Fence and wall construction must still comply with Section 42-83 of the City Code as well as any additional zoning requirements regarding fence type, height and location. Property owners should consult with Planning Division staff prior to constructing a fence or wall to determine all the specific requirements. The Zoning Regulations for fences and walls are summarized as follows:

Section 42-83. Fences, Walls and Hedges.

(a) Erecting, maintaining for spite prohibited.

No person shall erect or maintain any fence, wall or hedge for the definite purpose of annoying any other person, or for the purpose of injuring another by obstructing the view, shutting out the sunshine, hindering ventilation or causing inconvenience in any other manner.

(b) Electrical fences prohibited.

No electrically charged fence shall be erected or maintained.