

ARTICLE 1329
Fences
(Commercial and Residential)

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| <p>1329.01 Definition.</p> <p>1329.02 Location, height, and maintenance.</p> <p>1329.03 Permit required.</p> | <p>1329.04 Grudge fence.</p> <p>1329.05 Penalty.</p> <p>1329.06 Severability.</p> |
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CROSS REFERENCES
2003 International Building Code
2003 International Property Maintenance Code

1329.01 DEFINITION.

A fence is defined as any structure of wood, metal, masonry, plastic, or other synthetic material designed, used, erected and affixed to the real estate for the purpose of enclosing or separating any portion of the real estate from adjoining land whether or not such fence is located on the boundary line of the property to which it appertains.

1329.02 LOCATION, HEIGHT, AND MAINTENANCE.

- (a) All fencing must be located inside the survey pins of the property to which it appertains.
- (b) Fence and retaining wall heights shall not exceed those found in Table 1329-1.

Table 1329-1
MAXIMUM FENCE HEIGHTS

Yard	Height (feet)
Front	4
Rear	8
Side Lot Side	8
Street Side	4

- (c) All fences shall be maintained structurally and in a manner to prevent rust, corrosion and deterioration so as to not become a public or private nuisance, dilapidated or a danger to adjoining property owners and the public.

1329.03 PERMIT REQUIRED.

The installation, erection and/or maintenance of a fence is hereby prohibited except in strict compliance with this Ordinance. A permit to be issued by the Town of Nutter Fort shall be obtained prior to installation or erection of any fence.

- (a) Any person making an application for a fence permit must pay a permit fee and present a survey of the premises so that a true and valid location of the proposed fence erection can be determined
- (b) It shall be a violation of this chapter to commence to erect a fence without first obtaining a fence permit. Fence permits may be obtained at Town Hall.
- (c) Contractors to be licensed. Contractors that erect fences within the city must have a contractor's license issued by the Town.
- (d) Existing fence. Any fence existing upon the effective date of this Ordinance may not be enlarged, extended or replaced except in strict compliance with all of the requirements of this Ordinance.

1329.04 GRUDGE FENCE.

Any new fence to be placed on an adjoining piece of property shall be placed in a manner and at a distance from any pre-existing fence so that the area between the two fences may be kept well maintained. This shall be the sole responsibility of the person(s) erecting the grudge fence.

1329.05 PENALTY.

Any person, firm or corporation, or anyone acting on behalf thereof, who violates any of the provisions of this Ordinance shall, upon conviction, be guilty of a misdemeanor and subject to a fine not to exceed One Hundred (\$100.00) Dollars, or to imprisonment for a period not exceeding ninety (90) days, or both, at the discretion of the court.

1329.06 SEVERABILITY.

This Ordinance and each section, sub-section, paragraph, sub-paragraph, part, provision, sentence, word and portion thereof are hereby declared to be severable. If any section, sub-section, paragraph, part, provision, sentence, work and/or portion is judged to be invalid or unenforceable for any reason whatsoever, it is hereby provided that the remainder of this Ordinance shall not be affected thereby.

(Passed 8-24-04)