

Section 60-060 Fences

Purpose. The purpose of this Section is to regulate fences in the City, to prevent fences being erected that would be a hazard to the public, or an unreasonable interference with the use and enjoyment of neighboring property and to promote fences that are compatible with existing land uses and other zoning restrictions.

- 1) Permit. No person may construct, erect or cause to be constructed or erected any fence within the City without first obtaining a fence permit from the Nevis City Office.
- 2) Application. Every fence permit application must contain a lot plan clearly describing the proposed fence's type, location, construction materials, height, proximity to lot lines, anchoring methods and any other information the City requires.
- 3) Fee. Each applicant must pay a fence permit fee the City Council establishes by resolution.

Fence Regulations Residential/Commercial-Business Districts. Fences are permitted in all yards, subject to the following:

- 1) Height. Fences may not exceed six (6 1/2) feet above adjacent-ground grade on side yards and rear yards. Fences may not exceed (4 1/2) feet above ground in front yards facing the street. All fences shall have at least one external access gate.

(**Height Exceptions:** Fences for sport courts may be up to twelve (12) feet in height with ten (10) foot setbacks. Residential fences up to eight and one half (8 1/2) feet in height are permitted if they abut the property line of commercial and industrial use.)
- 2) Within Lot Boundaries. Fences and all supporting structure must be completely within the boundaries of the owner's lot.
- 3) Front Corner Fences. All fences erected to the front corner of a dwelling can be no more than forty-eight (48) inches in height for open fences and thirty (30) inches in height for solid fences.
- 4) Corner Lot Fences. Fences erected on a corner lot must have two fronts.
- 5) Location. All fences or walls shall be located entirely within the property of the person constructing the fence unless the owner of the adjoining property agrees, in writing, that such fence may be erected on the common property line of the respective properties.
- 6) Corner Lot Limitations. No fence, wall, structure, hedge, shrubs, trees or other obstruction, other than chain link fences with openings of 1 5/8" to 2" not exceeding 48" in height, may be erected, established or maintained on a corner lot within a triangular area bounded by the lot lines and a line connecting points on each lot line twenty (20) feet from the intersection of the lot lines. An object within this area not exceeding thirty (30") inches in height as measured from the centerline elevation of the street will not be considered as an obstruction to vision. Fences that will obstruct or impede the clear view of an intersection by approaching traffic may not be erected on corner lots.
- 7) Fence Face. The side of the fence considered to be the face (finished side as opposed to structural supports) must face abutting property. If located along a boundary between two properties, both sides must be equally attractive and well maintained.
- 8) Public Right-of-Way. Fences are not permitted on public right-of-way, or on boulevard areas without the City and or County's prior written permission.

- 9) Commercial and Industrial Districts. Fences in commercial or industrial districts may be erected on the lot line to the height of eight (8) feet with the permission in writing from the adjoining property owner. Fencing on nonresidential property required for screening exterior storage may exceed the limitations herein and will require a conditional use permit.
- 10) Construction/Materials. Every fence must be constructed in a substantial, workmanlike manner. All fences shall be made of durable, weather treated or resistant material, and kept in a condition so as not to become a private or public nuisance. Fence material used shall be of common residential fence material and shall not consist of salvaged materials not traditionally used for fencing i.e., pallets, tires, doors, plywood, tarps or similar materials.
- 11) Maintenance and Repair. All fences must be maintained in a condition of reasonable repair and will not be allowed to become a nuisance, either public or private. Any fence which is dangerous to the public safety, health, or welfare is a public nuisance, and the City may commence proceedings for its abatement.
- 12) Prohibited Fences. Electric fences may not be used as fences and materials such as hog wire fencing, barbed wire fencing or snow fencing will not be allowed, except those associated with a permitted agricultural use.
- 13) Fence Easement. Any fence erected on a tract of land subject to an easement for the construction, maintenance, operations, or replacement of any water, sanitary or storm sewer, electric power, telephone, or other utility poles, or other cables or lines shall be designed and constructed to be readily removable to permit the use of the easement.

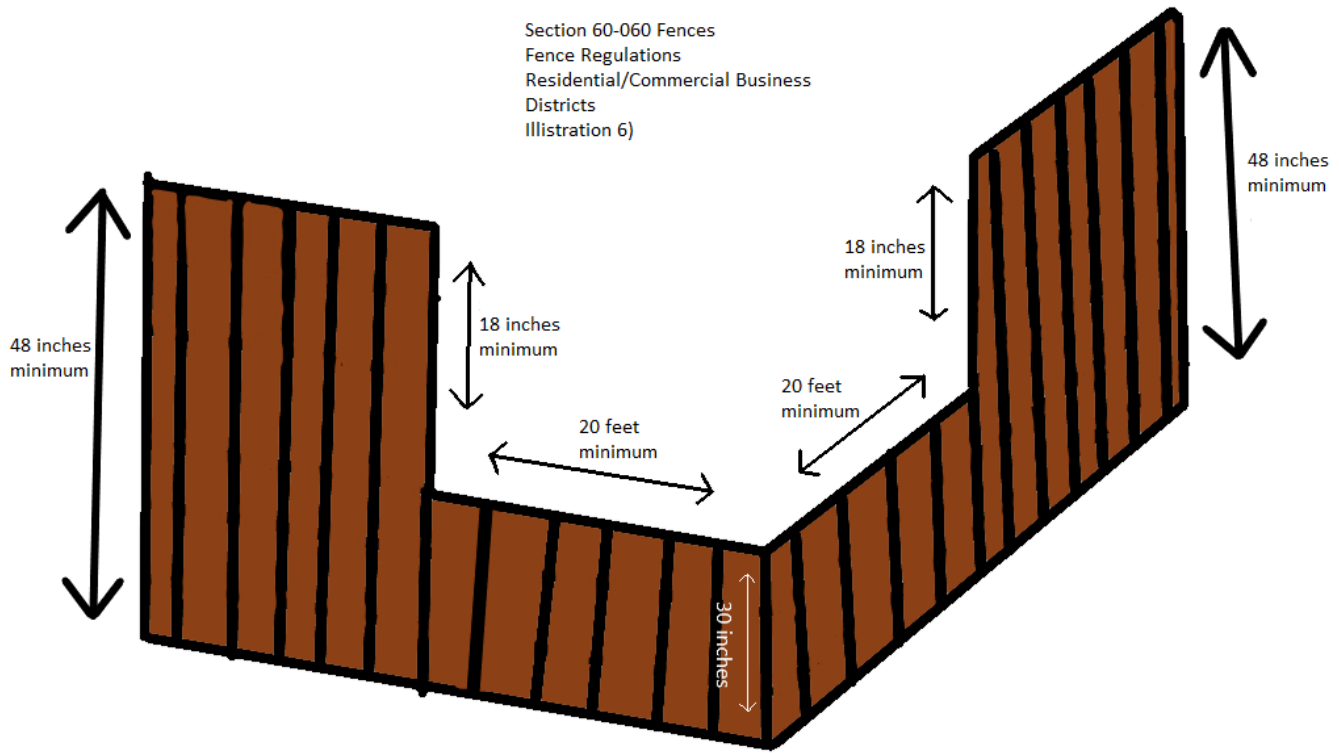
Violations.

- 1) No existing fence in violation of this Section may be replaced or rebuilt. If an existing fence is replaced or rebuilt, it must come under this Section's regulations.
- 2) Violation of this Section may be enforced by injunction, and the City will be entitled to the remedy of abatement in order that a fence erected in violation of this Ordinance may be removed.

Variance.

- 1) Any requested variance from this Section's requirements will be governed by the City's Zoning Ordinance.
- 2) All fences will require a permit from the City of Nevis upon application approval.

Section 60-060 Fences
Fence Regulations
Residential/Commercial Business
Districts
Illustration 6)



Section 60-060 Fences
Fence Regulating
Residential/Commercial-Business
Districts
Illustration 6)

