

Chapter 8.30 – FENCE REGULATION

Sections:

8.30.010 – GENERAL PROVISIONS.

- A. All fences, hedges, and walls (combined “**fence(s)**”) are subject to the applicable sections of the International Building Code version as adopted by the Town.
- B. Prior to the installation of a new fence the property owner or their agent shall file for a fence review with the Town Building Official, Town Clerk/Administrator or designee and shall pay the appropriate review fee as may be set by the Town Board of Trustees via resolution. The purpose of the Town requiring a fence review and fee is to allow the Town Building Official, Town Clerk/Administrator, or designee to inspect the proposed fence plan to confirm that it meets the provisions of the Town Code, and that the fence does not encroach on a public right-of-way.
- C. No fence may extend beyond or across a property line unless it is done with the joint agreement of the abutting property owners. It shall be the responsibility of the property owner to locate all property lines.
- D. No fence shall encroach upon a public right-of-way or a public sidewalk, including alleys and streets of the Town of Olney Springs.
- E. Barbed wire or electrically charged fence are prohibited. Electrically charged fences must be approved by the board on a case-by-case basis. Fences which are ornamental in nature, but which may have a point, i.e. picket or metal décor are permitted, provided they do not pose a health or safety concern. Fences which contain sharp objects which are not ornamental, i.e. razor wire or spiked fences, and can cause harm are prohibited.
- F. No fence shall exceed a maximum height of six feet (6’). Fences located within the area between the property line and the front set back, twenty-five feet (25’), shall not exceed a maximum height of four feet (4’). The height shall be measured at the finished grade on the side of the fence nearest the street or abutting property.
- G. The following are approved fence materials:
 - a. Hog panel fence – must be framed on all sides including top and bottom rails with corner posts. Wood must be treated or painted. Must be of new or like new materials. Ties are acceptable for posts if they cannot be seen from the street. Buried posts or bottom rails must be treated or painted. Fencing must not have sharp edges or corners. The Town Clerk will provide approved sample pictures that will be an attached exhibit to this Code.
 - b. Metal fence – must be of new or like new materials. Must be framed on all sides including top and bottom rails. Must have corner posts. Wood must be treated or painted. Ties are acceptable for posts if they cannot be seen from the street. Buried posts or bottom rails must be treated or painted. Fencing must not have sharp edges or corners.

- c. Chain link – Must be of new or like new materials. No bent posts, top rails, or holes in fencing or bent frames. Must have top rails and caps.
 - d. Wood – Must meet the parameters for height and visibility as mentioned in section 8.30.110 F. Must be of new or like new material. Must be treated or painted. No weathered, splintered, or dilapidated wood. **Pallet fences are not permitted.** The Town Clerk will provide approved sample pictures that will be an attached exhibit to this Code.
- H. The Board of Trustees may grant a permit for fences which exceed the maximum height upon application in specific cases and subject to compliance with the following standards:
- a. The proposed fence or wall shall not adversely affect traffic safety or appropriate use of adjacent property
 - b. The fence or wall is necessary to provide security, privacy, or protection from traffic impacts such as noise or lights.
 - c. The fence shall not detract from the safety or pedestrian character of the right-of-way.
- I. Any person requesting a variance from these code provisions shall apply for the same in accordance with the Town Code.
- J. The costs or regulations set forth in this chapter may be amended by ordinance or by resolution from time to time.
- K. Any fence lawfully contrasted and maintained in accordance with previously applicable regulation, but not in conformity with these regulations, may be maintained in substantial conformity with its existing condition. Any non-conforming fence which is removed or destroyed may be replaced only with a complying fence.
- L. It shall be unlawful for any person who violates this provision of the Town Code. Any violation of this Code section is hereby declared to be a nuisance and may be abated in accordance with the Town Code.

8.30.20 – SEVERABILITY

If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance which can be given effect without the invalid provision or application, and, to this end, the provisions of this Ordinance are declared to be severable.