

ORDINANCE NO. 2023-28

AN ORDINANCE TO REPEAL AND REPLACE THE MUNICIPAL CODE OF THE CITY OF SEWARD, CHAPTER 225 BUILDING CONSTRUCTION, ARTICLE 13 FENCE REGULATIONS; TO AMEND FENCE REGULATIONS; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; TO PROVIDE FOR AN EFFECTIVE DATE; TO PROVIDE FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SEWARD AS FOLLOWS:

SECTION 1. That 225-13 be amended as follows:

§ 225-13-1 **General Requirements.**

Except as otherwise specifically provided in other codes, ordinances or resolutions, the following regulations shall apply to the construction and placement of fences:

- A. No fence shall be constructed which will constitute a traffic hazard.
- B. No fence shall be constructed in such a manner to be of such design as to be hazardous or dangerous to persons or animals; specifically, the use of barbed wire and electrical fences in residential districts is prohibited. Exception: In residential districts barbed wire may be used on the top of fences surrounding public utilities; in the I-2 General Industrial Zoning District barbed wire may be used on top of fences; in commercial and other industrial districts barbed wire may be used on top of fences surrounding public utilities, city, county, and state maintenance facilities, or airports, in agricultural and rural residential districts barbed wire may be used on top of fences when surrounding city, county, and state maintenance facilities, or airports, provided that not more than three strands of barbed wire upon supports inclined at an angle not greater than 60 degrees with the horizontal plane when such wires are strung so that they are suspended above and within the property lines, and further, that all elements of said fence shall be within a line drawn perpendicular upward from the property line, and the bottom strand of such barbed wire is not less than 6 feet above the surface of the ground measured from the outer face of such fence; and in agricultural and rural residential districts barbed wire and electric fences may be used to control ranging livestock.
- C. No fence shall be constructed on a public right-of-way unless approved by the City Council.
- D. All fences constructed shall conform to the construction standards of the 2018 International Building Code.
- E. No fence shall be constructed or moved until a building permit shall have been procured from the Building Inspector's office and the appropriate fee paid. Exception: Fence permits are not required within the Agricultural and Rural Residential District when controlling ranging livestock.
- F. It is recommended that the owner have a survey completed, locating the property lines and any easements of record where the fence is to be installed. It is the owner's responsibility to know where his/her property lines are located.

G. Before digging or excavating, the owner or contractor shall contact Diggers Hotline.

H. Access shall be allowed and provided for the maintenance of all existing utility lines, poles, wires, transformers, or manholes.

**§ 225-13.2 Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**FENCE**

Any vertical structure, other than a building or plant material, which is for the purpose of the obstruction of visual observation or for the purpose of obstructing pedestrian, automotive or animal movement or for the purpose of beautification, and which is attached to the ground or to a building, but excluding retaining walls.

**§ 225-13.3 Location.**

Please refer to the illustrated drawing at the end of this Article **XIII**, incorporated herein by reference.

A. Residential districts.

(1) Front yard: a fence not more than 48 inches in height and not more than 24 inches within the sight triangle on a corner lot or the sight triangle adjacent to an alley.

(2) Corner lot second frontage (street side yard): a fence not more than 24 inches in height within the sight triangle on a corner lot or the sight triangle adjacent to an alley.

B. Commercial/Industrial districts.

(1) Fences shall be located and constructed as per landscaping/screening requirements for the district.

(2) Sidewalks/Alleys: A fence shall not be constructed within two feet of any public sidewalk or within one foot of any alley.

**§ 225-13.4 Fences within easements.**

A. Any fence, or part thereof, erected within that part of any lot, block or other tract of land which is subject to an easement for the construction, maintenance, operation or replacement of any water, sanitary or storm sewer, gas line, electric line, cable television or telephone line or other utility poles, wires or cables shall be constructed of such material and so designed as to be readily removable, as determined by the Building Inspector and appropriate departments or utilities. Such fences shall be subject to removal by the City/utility or may be contracted by the City/utility for removal whenever necessary for the construction, maintenance or replacement of any utility line or apparatus. Fences shall be removed or replaced at the expense of the owner of the premises. Replacement shall be the responsibility of the owner of the premises.

B. In the event that an existing fence violates the public right-of-way or an easement and the City deems it necessary to remove the fence for

reasons of street or utility work, said fence shall be removed at the property owner's expense. Replacement shall be the responsibility of the owner of the premises.

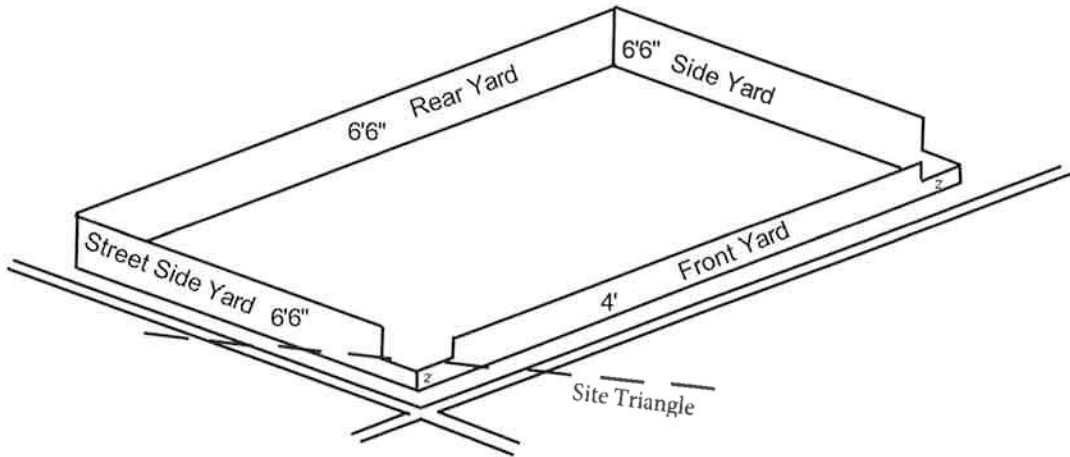
§ 225-13.5 **Construction requirements.**

- A. All fences shall be constructed of wood, metal, plastic, fiberglass or masonry materials, shall be structurally sound, shall have a neat and finished appearance and shall be straight and true.
- B. Fences shall be so constructed so as to have the finished side facing adjacent properties and street frontages.
- C. Fences shall not be constructed within two feet of any public sidewalk or within one foot of any alley.
- D. Fences must be maintained in good repair. The Building Inspector may order any dilapidated, listing, dangerous, unsound or nonconforming fence to be repaired or removed.

§ 225-13.6 **Permit fees.**

Permit fees shall be paid upon application for a fence permit and shall be assessed as per the fee schedule adopted under Article II, Building Permits, of this chapter. The minimum fee shall be \$25.

### Permitted Height of Fences



- All fences are within property lines.
- 2 foot minimum for fences adjacent to sidewalks.
- 1 foot minimum for fences adjacent to alleys.

SECTION 2. REPEAL. All remaining ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. WHEN OPERATIVE; PULBICATION IN PAMPHLET FORM. This ordinance shall be published in pamphlet form and shall be in full force from and after its passage, approval and publication or posting as required by law.

Dated this 19<sup>th</sup> day of December, 2023

CITY OF SEWARD, NEBRASKA

  
Joshua Eickmeier, Mayor

ATTEST:   
Derek Bargmann  
City Clerk

