

FENCE REQUIREMENTS IN FERNAN LAKE VILLAGE

- A. Permit Required/General Provisions. It shall be a violation of this chapter for any person(s), business, entity, corporation, partnership, and/or agent, employee, and/or servant of any person, business, entity, corporation, and/or partnership to erect or replace any fence, on any property, or properties, unless:
1. A permit is applied for and obtained from the City Clerk or Planning Director. A permit shall be issued within ten (10) days of the date of application, or a written statement detailing the basis for denial shall be given to the applicant. Replacement of more than 8 feet of an existing fence shall require a permit.
 2. The appropriate fee, as determined and established by the City's Fee Resolution, is paid; and,
 3. The fence erected and/or replaced complies with the requirements and restrictions set forth in this Ordinance; or
 4. An exception is granted by the City, in accordance with the Fernan Lake Village Development Code.
- B. Fence Requirements and Restrictions. No person shall erect a fence within the City in violation of the following restrictions and requirements without first obtaining approval from the City. All new fences shall be erected in accordance with the following requirements and restrictions:
1. Inside the property lines and shall not encroach upon a public right-of-way;
 2. Constructed in a safe, sound and upright condition, and present a uniform appearance;
 3. Fences shall be constructed so that supporting posts shall be located as post panel post for symmetry.
 4. No fence shall block the vision from any street, roadway, and/or driveway; nor shall it be erected in such a fashion as to present a hazard to life or property regardless of the height, material, construction and/or location;
 5. Fences shall be constructed of decorative blocks, bricks, stones, wood, wrought iron, ornamental or aluminum, glass, expanded metal tubing or vinyl. An illustrative drawing or photograph shall accompany the permit application. The fence generally conforms to the surrounding landscape and yard in color and style.
 6. All fences shall comply with the height and type restrictions set forth in this Ordinance.
 7. All fences shall be maintained in a well maintained condition and be structurally sound. For example, the fence shall show no evidence of pests, rot or peeling paint.
- C. Height and Type Restriction. All fences, shall comply with the following height and type restrictions.
1. Front yard fences are prohibited.

2. Fences in the rear yard are allowed. Rear yard fences of up to 72" in height (six feet) shall be allowed on the rear property line and along the side property line in the rear yard. The fence shall not extend beyond the mid-point of the primary structure. (See Lot diagram)
3. Side yard fences are only allowed from the mid-point of the primary structure to the rear yard and shall not exceed 72" in height. See Lot Diagram.
4. Fences in yards that are adjacent to the lakefront are allowed with exceptions under Section D.
5. Existing fences as of the adoption of this ordinance shall be considered a vested non-conforming right. Maintenance and minor repair shall be allowed to continue.
6. The height of all fences shall be measured at natural grade, from the point where the fence naturally rests. Existing ground elevation shall not be adjusted so as to artificially manipulate any height limitation and/or restriction established by this chapter;

D. Exception to Standards: All exceptions under Section D require a fence permit.

1. Properties along Fernan Lake Road and Theis Road:
 - a. Fences are allowed, however shall not exceed seventy two inches (72") in height.
 - b. The fence generally conforms to the surrounding landscape and yard in color and style and shall meet the fence materials as delineated in the standards.
 - c. All other requirements of this fence ordinance shall be met.
2. Temporary fencing that is otherwise prohibited under Section 7.04 C is allowed under the following circumstances.
 - a. Eight (8) foot high-welded wire fences shall be permitted at construction sites as long as it is removed prior to issuance of the final certificate of occupancy or final inspection.
 - b. A forty eight inch (48") temporary fence shall be allowed to secure pets and children with the following conditions:
 1. Fencing shall be allowed for a period up to one year. Prior to the permit expiration, extensions of time in one year increments may be requested and may be allowed with Council approval.
 2. Fencing shall not be permanently affixed into the ground.
 3. Fencing materials shall be limited to welded wire to prevent site obscurity and promote a clear view of the yard.
3. Fences for Swimming Pools, Hot Tubs and Spas: Swimming pools, Hot Tubs and Spas shall be enclosed by buildings, walls or fences and gates in accordance with the provisions of the International Building Code, (Section 3109) as adopted and amended, and any other applicable provisions of the municipal code. Inspection by the City contract building inspector shall be required.
4. Fences in Yards Adjacent to the Lakefront

1. The fence shall not be more than 48” in height.
 2. The fence generally conforms to the surrounding landscape and yard in color and style and shall meet the fence materials as delineated in the standards.
5. Height Exception: Only fences allowed under Section 7.04 D (Exceptions) will be allowed to request an increase to the height standard in this Ordinance and shall require City Council approval and meet the criteria and standards in this section.
- A. Procedures
 1. An application for an exception shall be completed and filed with the City Clerk. The application must be accompanied with a complete site plan, an illustration of the fence, and the applicable fees.
 2. Written notice to adjacent property owners is given not less than fifteen days (15 days) prior to the City Council acting on the application at a duly called special or regular meeting of the Council at which meeting persons in favor of, or opposed to the application may speak and be heard.
 3. The City Council shall conduct a review of the request and make a determination.
 4. The Council may place conditions on the application which may include but is not limited to: duration, location, types, method of construction or other conditions related to the erection, construction and maintenance of the fence.
 - B. Criteria for Approval
 1. The Council finds that a fence exceeding the requirements in this ordinance is necessary to preserve or protect the life, property and safety of the property; and
 2. The Council finds that a fence exceeding the requirements in this ordinance would not adversely affect the health or safety of the adjoining property owners or the general public.