CITY OF ALBION
ORDINANCE #2015-03

AN ORDINANCE TO AMEND SECTION(S) 18-301 and 30-436

Purpose and Finding:

Sections 18-301 and 30-436 provide regulations as to the height, location a materials restrictions on fences within the City. As it is in the City's best interests to have developed areas aesthetically pleasing, it is desirable to have the vertical and horizontal members that support the fences facing inward towards the individual properties, rather than facing surrounding properties. The amendments to these respective ordinances would require the same. There is an exception for property owners that share a property line and agree in writing to fence members facing the other property. Additionally, this ordinance amendment will apply prospectively, so fences already erected will not be affected.

THE CITY OF ALBION ORDAINS:

Sec 30-436. Materials Standards.

Where a wall or fence is used in conjunction with landscaping, with the exception of wall abutting a public right-of-way, the fence or wall shall be set adjacent to and within one foot of the property line except where natural features prevent the use of the property line or where underground utilities interfere.

Where a fence is used in conjunction with landscaping, such fence shall be an opaque structure with a footing depth of forty-two (42) inches with the footings comprised of pressure-treated or decay resistant wood.

Sec 18-301. Height and Location Restriction.

a. No fence shall be erected which exceeds six feet in height above the ground, except for section 18-302(b)(3). Fences which project into the front yard shall not exceed four feet in height. On corner lots, fences along the side yard abutting the street shall not exceed four feet in height.

b. All fences must be located entirely on the private property of the person constructing the fence. However, if adjoining property owners jointly apply for a permit to erect a fence upon their common property line, such fence may be so erected.

c. Solid fences shall not be erected or placed in front yard areas.

1. Solid (opaque) fences include all fencing of between sixty-three (63) percent to one hundred (100%) percent solid.

d. For corner lots and driveways, the fencing located in the "clear vision triangle" area (15 feet on each side – see diagram) shall not exceed three feet in height.

e. Solid (opaque) fences, which are finished on only one side, with vertical or horizontal support members on the unfinished side of the fence, shall be placed such that the finished side is facing outward toward neighboring properties, streets, alleyways and/or public property and shall have the unfinished side facing inward towards the premises upon which the fence is being erected.

   1. If adjoining property owners jointly apply for a permit to erect an opaque fence with only one side finished upon their common property line, such fence may be so erected with a written agreement by both property owners as to which premises the finished side of the fence will face. The agreement described in this sub-section shall be notarized and submitted with the application for fence permit.

   2. Sub-section (e) shall only apply to those fences erected on or after August 20, 2015.

This Ordinance shall take effect after publication in a newspaper of general circulation in the City of Albion and on August 20, 2015.

First Reading: July 6, 2015

Ayes: 7

Nays: 0

Absent: 0

Second Reading & Adoption: July 20, 2015

Ayes: 7

Nays: 0

Absent: 0

Jill Domingo

Jill Domingo, City Clerk

Joseph V. Domingo

Joseph V. Domingo, Mayor