

## Chapter 395-24

### FENCES

#### Section 395-24. Fences

##### A. Permit Required

No person, firm or corporation except on a farm and for farming purposes and security fences at construction sites, shall hereafter construct or cause to be constructed or erected within the Village of Lyndon station territorial and extraterritorial limits, any fence without first obtaining a building permit from the Building Inspector, paying the appropriate fee and complying with the following minimum requirements:

- (1) Locations: All boundary line fences shall be located entirely on private property of the person, firm or corporation constructing, or causing the construction of such fence. The applicant for a fence permit shall submit to the Building Inspector a survey thereof prepared by a registered Land Surveyor, before the fence permit is issued.
- (2) Construction and Maintenance: Every fence shall be constructed in a workman like manner and of substantial material reasonably suited for the purpose for which the fence is proposed to be used and the finished side shall face out to the adjoining property. Every boundary line fence shall be maintained in good repair and shall not be allowed to become and remain in a condition of disrepair or constitute a hazard or nuisance, public or private. Any fence which is dangerous to the public safety, health, or welfare shall constitute a public nuisance and the Building Inspector shall commence proper proceedings for the abatement thereof.

##### B. Electric Fences

Electric Fences shall only be permitted on extraterritorial farms when related to farming, but not as boundary fences. Barbed wire fences shall only be permitted on extraterritorial farms, except as hereinafter provided.

##### C. Standards

###### (1) Materials:

- (a) Residential Districts: Acceptable materials for constructing fencing, landscape walls, and decorative posts include wood, stone, brick, wrought iron, chain link, polyethylene and similar materials approved by the Village Board, except that wire mesh and chain link fencing is not permitted within required front yard or street yard areas. Barbed wiring fencing shall not be permitted. Any fence within a street yard, including along property lines which intersect a right-of-way, shall not exceed a maximum of 60% opaque.

[1] Fences on all corner lots shall not interfere with the vision of drivers or bicyclists.

[2] Fences may be constructed to a height of no more than six (6') feet on a side boundary line from the rear lot line to the front setback line of the principal building. From the front setback line of the principal building toward the street, the maximum height of a side boundary fence shall be four (4') feet. In a case where a side boundary fence is within ten (10') feet of a driveway, the fence shall have a minimum fifteen (15') front setback.

[3] Fences along any rear boundary line that is also the rear boundary line of an abutting lot shall not exceed six (6') feet in height.

[4] Fences along a rear boundary line which line constitutes the side lot line of an abutting lot shall not exceed six (6') feet in height, and shall not exceed four (4') feet in height when abutting a front yard line.

[5] No fence shall be erected within two (2') feet of any public right-of-way.

[6] Fencing for swimming pools shall be provided per the Model Swimming Pool Enclosure Code established by the National Spa and Pool Institute (NSPI).

(b) Nonresidential Districts: Acceptable materials for constructing fencing, landscape walls, and decorative posts include wood, stone, brick, wrought iron, chain link, wire mesh, polyethylene and similar materials approved by the Village Board, except that wire mesh and chain link fencing is not permitted within required front yard or street yard areas. Barbed wire fencing shall not be permitted, except that security fences may include up to 4 strands of barbed wire on top of fences provided that (i) the lowest strand of barb wire is at least 8 feet above grade, (ii) the entire structure, including any outward projecting barbed wire supports, shall stay within the property lines, and (iii) the total height of the barbed wire portion of the fence shall not exceed 2 feet. Any fence within a street yard, including along property lines which intersect a right-of-way, shall be maximum of 60% opaque.

[1] Boundary line fences within all business districts shall not exceed six (6') feet in height except that the Village Board may grant a Permit for a fence up to eight (8') feet in height, provided:

[A] The applicant has an approved open sales lot; or

[B] An open sales lot classified as a non-conforming use; or

[C] A commercial operation which has approved storage of equipment outside the building; or

[D] The use could be dangerous to the public; or

[E] The use is for an unattractive nuisance and the applicant can show that for security reasons a fence six (6') feet in height will not be adequate

(c) Industrial Districts: Boundary line fences in all industrial districts shall not exceed eight (8') feet in height, except that:

[1] Fences which are primarily erected as a security measure may have arms projecting into the applicant's property on which barbed wire may be fastened, commencing at a point at least seven (7') feet above the ground.

[2] Fences erected within the required front yard shall not be over six (6') feet in height.

[3] Any use required to be screened in accordance with this Section shall be contained within an opaque fence or wall six (6') feet high or higher if greater height is required to screen materials being stored.

(D) Temporary Fencing

Temporary fencing, including the use of wood or plastic snow fences for the purposes of limiting snow drifting between November 1 and April 1, protection of excavation and construction sites, and the protection of plants during grading and construction is permitted for up to 180 consecutive days and no more than 180 consecutive days per calendar year.

(E) Snow Fences

Snow fences constructed of wood and wire, and/or plastic shall be permitted only as Temporary fences.

(F) Alleys

Fences that abut an alley must allow a four (4') feet setback from the alley right away.

(G) Existing Fences, Landscape Walls, and Decorative Posts

All existing fencing, landscape walls, and decorative posts when being replaced need to abide by the above ordinance and amendments. If existing fencing, landscape walls, and decorative posts cannot be repaired to the same appearance or use the same materials all construction must comply with the above ordinance and amendments.

(H) Fees

The permit cost is \$20.00.