

ORDINANCE NO. 2000
CITY OF LEXINGTON, NEBRASKA
JULY 26 1994

ORDINANCE NO. 2000

AN ORDINANCE TO CHANGE PROVISIONS FOR APPROVAL OF FENCES IN PUBLIC RIGHT-OF-WAY; TO AMEND SECTION 28-31 OF THE LEXINGTON CITY CODE; TO PROVIDE FOR AN APPLICATION FEE; TO AMEND ORIGINAL SECTION 28-31 AND ALL OTHER ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA as follows:

Section 1: That Section 28-31 of the Lexington City Code is hereby amended to read as follows:

Sec. 28-31 Fence, Wall and Hedge Requirements.

No fence, wall or hedge shall be erected, placed, maintained or grown within a public right-of-way except by permit granted pursuant to Section 2 of this Ordinance.

- (1) In the side yard common to the side street on a corner lot, an open or semi-solid fence or wall not exceeding six (6) feet in height from the front setback line to the rear lot line.
- (2) In the side yard common to the side street on a corner lot an open fence or screen wall not exceeding four (4) feet in height from the front lot line to the front setback line excluding the area for corner lot sight requirements in Section 28-31.1.
- (3) On all required front yards no open fence or screen wall shall exceed four (4) feet in height.
- (4) In the side yard common to two lots, an open, semi-solid or solid fence not exceeding eight (8) feet may be constructed from front setback line to rear lot line.
- (5) In the rear yard an open and/or solid fence not exceeding eight (8) feet.

Section 2: No person shall construct, place, or maintain a fence, wall or hedge which encroaches into the public street right-of-way without first obtaining a permit in the form of an Easement issued by the Lexington City Manager. Application for such Easement shall be filed with the City Building official, on a Building Permit Application, providing a site plan for the location of any proposed encroachment into the public street right-of-way.

- A. The building official shall collect in advance a permit fee of \$35.00 plus the anticipated cost of recording of the Easement to be issued.
- B. An Easement shall be granted if the City Manager shall determine as follows:
 - 1. That the encroachment shall not be hazardous to or interfere with vehicle or pedestrian traffic on the street, alley, or sidewalk.
 - 2. That the encroachment shall not hinder vision in the vicinity of an intersection of two (2) streets in violation of Section 28-31.1 of the Lexington City Code;
 - 3. That the encroachment will not interfere with the operation and maintenance of public utilities located within the public street right-of-way;
 - 4. That the Easement will be subject to the express condition that said encroachment shall be removed upon thirty (30) days written notice that the area of the encroachment is necessary for public improvements or maintenance or repairs of such improvements, and that the property owner will indemnify, protect, and hold the City harmless from and against any claims and demands for damages arising from the construction or maintenance of the encroachment.
 - 5. In the event that the City Manager refuses to grant the Easement, the application may be presented to the Lexington City Council for final determination.

Section 3. That original Section 28-31, together with all other ordinances or sections or ordinances in conflict herewith are hereby repealed.

Section 4. That this ordinance shall be published in pamphlet form and take effect as provided by law.

PASSED AND APPROVED this 27th day of July, 1994.

CITY OF LEXINGTON, NEBRASKA

BY: John M. Wightman
John M. Wightman, Mayor

ATTEST:

Gloria E. Wagoner
City Clerk

