

Article III-Fences

No fence shall be constructed within the zoning jurisdiction of the City of Lexington unless a permit therefore is approved and issued by the building inspector and is constructed in conformance with the following requirements:

Section 107-81 Definitions

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Fence- means any vertical structure, other than a building, which is for the purpose of obstructing 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.

Open Fence- means a fence having more than 60 percent of its area perforated, so as to not to obstruct visual observation.

Solid Fence- means a fence having less than 60 percent of its area perforated, so as to obstruct visual observation.

Section 107-82 Height Limitations

The height limitation for fences shall be six feet (6') above ground level except as provided herein.

- A. A fence constructed within a front yard of a residential lot and vegetation used as a barrier, screen, or fence along and parallel to the front line of a residential lot, shall not exceed forty-two (42) inches in height.
- B. The height limitation for fences in an Industrial District shall be eight feet (8') above ground level.
- C. Fences constructed along and parallel to lot lines separating a residential lot from property located in an Industrial District shall not exceed eight feet (8') in height.

Section 107-83 Observation Limitations

Fences located within a front or side yard of a residential lot must qualify within the definition of an open fence, except that solid fences may be constructed along a side lot line parallel and adjacent to the lot line of an Agricultural District or an Industrial District. A solid fence may be constructed in a side yard parallel and adjacent to the lot line that is adjacent to a street.

Section 107-84 Vision Requirements

All fences shall comply with the vision requirements of section 24-2.

Section 107-85 Barbed Wire

The use of barbed wire in the construction of any fence is prohibited except:

- A. Perimeter security fencing of buildings constructed in an Industrial District.
- B. Farm fencing constructed for agricultural purposes on parcels of land in the Agricultural District.

Section 107-86 Electric Fences.

No electric fence shall be constructed or maintained within the City of Lexington or within its extraterritorial zoning jurisdiction except in Agricultural Districts.

Section 107-87 Design Standards.

- A. All fences shall be constructed of materials which are structurally sound, including concrete, galvanized chain-link, masonry, vinyl, wrought iron or wood fencing material not exceeding six inches in width.
- B. The finished surface of all fences shall face toward adjoining property or street frontage. However, in the case of two (2) or more property owners wishing to share a common fence line between their properties, said property owners shall jointly determine upon which side of the common fence line the finished face of the fence shall be placed. Such determination shall be consistent for the entire length of the common fence line
- C. All supporting posts for fence construction shall be set in concrete except for agricultural fencing.

Section 107-88 Encroachment into right-of-way.

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 city manager. An 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 as follows:

- A. The building official shall collect in advance a permit fee 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. The encroachment shall not be hazardous to or interfere with vehicle or pedestrian traffic on the street, alley, or sidewalk.
 - 2. The encroachment shall comply with the vision requirements of section 24-2
 - 3. The encroachment will not interfere with the operation and maintenance of the public utilities located within the public street right-of-way.
 - 4. The encroachment will be subject to the express condition that said encroachment shall be removed upon 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 city council for final determination.

Section 109-90 Fence Maintenance

All fences must be maintained in a condition which is safe and appears as originally permitted.

Section 109-91 Violations

The placement of any fence without a fence permit shall be unlawful. Violations of this ordinance shall be treated as strict liability offences regardless of intent. Violators will be fined minimum per day amount as per Section 1-7, per fence displayed in violation of this ordinance.

Section 109-92 Severability

If any section or subsection of this Fence Regulation is found to be invalid by a court of competent jurisdiction, all remaining provision shall be deemed valid.