

ORDINANCE 7, SERIES 2002

CITY OF HURSTBOURNE ACRES, KENTUCKY

AN ORDINANCE REGULATING THE ERECTION OF FENCES ON PROPERTIES  
WITHIN THE CITY BOUNDARIES

WHEREAS, it is the responsibility of the City Commission to pass ordinances and regulations as a matter of public necessity, public welfare and public interest, and

WHEREAS, the City Commission has determined that an Ordinance regulating the erection of any an all fences within the city boundaries does serve this public interest,

THEREFORE, BE IT ORDAINED THAT:

Section 1: Any property owner desiring to erect a fence on any property within the boundaries of the City of Hurstbourne Acres, Kentucky is required to obtain a fence permit in accordance with the provisions and procedures set forth in this ordinance.

Section 2: Application for the fence permit shall be made to the City Clerk of the City of Hurstbourne Acres, Kentucky on a form furnished by the City Clerk, and shall be accompanied by a permit fee of \$15.00 (Fifteen Dollars and no cents). Each application for a fence permit shall also be accompanied by a scaled drawing showing the intended fence location in relation to all physical structures, streets and sidewalks. The application will further describe the type of material to be used in the fence as well as the height of the intended fence.

Section 3: The following fence restrictions will apply to all residential properties within the City:

No fence will be erected which is closer to the front of the property line (of the applicant's property) than 25 (Twenty-Five) feet from the front of the structure, (not including porches, steps or stoops attached to the structure) unless the structure is less than 25 (Twenty-Five) feet deep, then the fence should come even with the back of the structure. The fence may come even with the front of the structure but only on the side of the property line that does not have a driveway.

No fence will be erected on a dedicated right of way or easement. No hedge fence on corner lots will be permitted to be erected closer than 2 feet from the abutting sidewalk, running along the side of the same property.

No wire fence, abutting commercial property, will be erected higher than 48 inches. No other fencing will be erected higher than 96 inches. Stockade or solid wood fencing will not exceed 96 inches.

No fence will be erected which is made of any material other than wire (wire must be either chain link or double picket wire); wood (must be picket or purchased wood fencing, no combination of old boards of different width, size and thickness); brick or stones will be held together by mortar between each brick or stone; hedges, wrought iron or plastic designed to appear as painted wood. All posts will be manufactured post made for fencing and shall be more than one inch taller than the fence attached thereto.

No retainer wall shall be higher than 6 inches above the ground it is to retain.

Section 4: All existing fences erected prior to the passage of this ordinance which may be in violation of any part of this ordinance's provisions, may remain as a non-conforming fence, if it is in good condition. When destroyed, damaged, and/or replaced, a permit as stated in Section 2, and the restrictions as provided in Section 3 hereof, will apply for the erection of a replacement fence.

Section 5: All applications for a fence permit under this ordinance will be referred by the City Clerk to the City Commission. If the application and drawing are in accord with the provisions of this Ordinance, the Commission shall direct the Clerk to issue the permit and retain a copy in the City files.

Section 6: Any property owner or other person violating any of the provisions of this ordinance, including, but not limited to the failure to obtain a permit prior to commencing construction, shall, for each day of said violation, be fined not less than \$50.00 (Fifty Dollars) and no more than \$100.00 (One-Hundred Dollars), plus the costs of removal, which costs shall become a lien against such property. Upon a determination of a violation by a court of competent jurisdiction, unless, within ten (10) days thereof, the subject fence has been removed, the City may remove same, such removal costs to be assessed against the subject property, upon which the fence has been erected, which costs shall become a lien against such property.


Section 7: This ordinance will take effect and be in force from and after its passage and publication according to the law and summary publication is authorized.

First Reading: July 11, 2002  
Second Reading: August 8, 2002

CITY OF HURSTBOURNE ACRES, KENTUCKY

BY:   
Sean Fore, Mayor

ATTEST:

  
Clerk, City of Hurstbourne Acres, Kentucky