

**CITY OF WEST POINT
ORDINANCE 2007-08**

**AN ORDINANCE AMENDING CHAPTER 152.079 OF THE WEST
POINT'S WALL AND FENCE ORDINANCE**

**BE IT ORDAINED BY THE CITY OF WEST POINT, KENTUCKY,
THAT CITY ORDINANCE CHAPTER 152.079 IS HEREBY
AMENDED AS FOLLOWS:**

152.079 FENCES, WALLS AND OBSTRUCTION TO VIEW REGULATIONS

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

SECTION 2: APPLICATION

Application for the fence permit shall be made to the City Clerk of the City of West Point, Kentucky on a form furnished by the City Clerk, and shall be accompanied by a permit fee set forth in the fee schedule. 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, sidewalks and property lines. 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: RESIDENTIAL ZONES

The following fence restrictions will apply to all residential properties within the City of West Point boundaries:

No fence shall be erected:

- ~~A. Walls and fences shall not be permitted any closer to the street than the yard setback as established by the zoning ordinance or subdivision plat filed or any closer than the house/principal structure, except for permitted schools, cemeteries and government buildings. Permitted side and rear yard fencing and walls shall not exceed 8 feet in height and shall not contain any barbed wire. Within 25 feet of the front property line, or~~
- B. If the home is less than 25 feet from the front property line the fence shall not extend beyond the front of the house (less porches, steps, or stoops)
- C. Both street frontages shall be deemed the front of the lot in the case of a corner lot.
- D. No fence will be erected on a dedicated right-of-way or easement.
- E. No wire fence, abutting commercial property, will be erected higher than 48 (forty-eight) inches. No other fencing will be erected higher than 72 (seventy-two) inches. Stockade or solid wood fencing will not exceed 72 (seventy-two) inches.

SECTION 4: CLASSIFICATION OF FENCES AND WALLS

No fence will be erected which is made of any material other than:

- A. Wire – wire must be either chain link or double picket wire.
- B. Wood – wood must be picket or purchased wood fencing. No other combination of new and/or used boards of different width, size and thickness except repeating patterns of two widths of new boards will be allowed.
- C. Brick or stone will be secured by mortar between each brick or stone.
- D. Hedges
- E. Ornamental iron – 80% (eighty percent) open
- F. Plastic designed to appear as painted wood.
- G. Solid fences – wood or other materials less than 50% (fifty percent) open

All posts will be manufactured post made for fencing and shall be no more than 1(one) inch taller than the fence attached thereto. No retainer wall shall be higher than 6 (six) inches above the ground it is to retain.

SECTION 5: VISION CLEARANCE AT CORNERS AND RAILROAD CROSSING

Except as herein provided, no hedge, or other structure, or obstruction above a height of 36 (thirty-six) inches as measured above the curb level shall be erected, placed, maintained, or continued in any zone with that triangular portion of a corner lot formed by measuring 50 (fifty) feet from the intersection of the rights-of-way line of 2 (two) streets or the right-of-way line of a street intersection with a railroad right-of-way line and joining these points with a straight line. No type of tree or planting or other obstruction shall be planted, placed, maintained, or continued in such a manner which would obstruct the vision clearance at corners and railroad crossings.

SECTION 6: COMMERCIAL AND INDUSTRIAL ZONES

Fences and/or wall within all commercial and industrial zones, including those permitted with all conditionally permitted used in this zone shall conform to the following requirements:

- A. Except as provided for in Section 5, fences of all classes in Section 4 may be erected in side and rear yards of commercial zones up to a maximum height of 96 (ninety-six) inches. In the case of corner lots, as governed by Section 5 fences of class A and E only may be erected up to a maximum height of 96 (ninety-six) inches. In minimum fronts yards, fences of classes A, B, C, D, E and F may be erected up to maximum height of 48 (forty-eight) inches, except as governed by Section 5.
- B. Where a lot in a residential or commercial zone abuts a publicly dedicated alley, a wall or fence shall be permitted to be located on the property line in the yard that abuts the alley, provided any gate swings in toward the property. Except as noted in Section 5, fences of all classes may be erected up to a maximum height of 96 (ninety-six) inches all industrial zones in side and rear yards and not more than 48 (forty-eight) inches in height in the minimum front yard depth. Classes A and E fences may be erected up to a maximum

height of 96 (ninety-six) inches in the minimum front yard depth in all industrial zones.

~~C. Walls and fences shall be permitted in any yard in an industrial zone. There shall be no height restriction placed on any wall or fence erected or maintained in industrial zones, and nay barbed wire construction shall be not less than 6 feet above the ground.~~

SECTION 7: AGRICULTURAL ZONES

Fences and/or wall within the agricultural zones shall conform to the following requirements:

- A. Except as provided for in Section 5, class A and E fences may be erected in front yards up to a maximum height of 96 (ninety-six) inches.
- B. Side and rear yard, class A, B, C, D, E, F and G fences and/or walls may be erected up to a maximum height of 96 (ninety-six) inches.
- C. Earthen or concrete walls shall be permitted, but shall conform to requirements of the Corps of Engineers and/or city/county engineer whichever is applicable.
- D. Barbed wire may be used provided the fence is not located along the perimeter with adjacent property or street.

SECTION 8: MEASUREMENT OF ALL FENCE AND/OR WALL HEIGHTS AND/OR LOCATIONS

- A. All fences and/or wall heights shall be measured along the fence or wall locations.
- B. All locations for distance measurements shall be measured from lot lines.
- C. All fence heights measured, are determined to be from ground level to the highest point of the fence.

SECTION 9: HEIGHT OF ANY SHARP POINTED FENCES

- A. In all zones, sharp pointed fences, where permitted, the pointed or sharp portion of the fence must be a minimum of 60 (sixty) inches above ground level.

SECTION 10: HEIGHT OF FENCES ATOP RETRAINING WALLS

- A. Combination fence and retaining wall may be erected. The retaining wall portion may be erected up to no higher than 6 (six) inches above the level of the higher finished grade. The fence portion must be of the class and height permitted within this ordinance for the applicable zone. Said measurement shall be made at and along the location of the fence and retaining wall.

SECTION 11: ELECTRIFIED FENCES

- A. No fence carrying an electrical charge shall be permitted in any zone except when such fence is used in conjunction with an agricultural use and provided the fence is not located along the perimeter with adjacent property or street.

SECTION 12: STRUCTURAL ELEMENTS OF FENCES

- A. Fences shall be constructed so that all structural members shall be located on the side which faces the owner's property, but not applicable to agricultural zones.

SECTION 13: EXISTING FENCES

- A. 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 in good condition. When destroyed, damaged, and/or replaced, a permit at no charge as stated in Section 1 hereof, will apply for the erection of a replacement fence.

SECTION 14: UNSOUND FENCES

- A. All fences and/or walls shall be kept in state of good repair. Decrepit, rundown, decaying, ramshackle, falling down, falling to pieces, falling apart, and unsound fences will be cited.

SECTION 15: VIOLATIONS

- A. Any property owner or other person violating any of the provision 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 (Fifty) and no more than \$100 (One-hundred), plus the costs of removal, which costs shall become a lien against such property.
- B. Upon a determination of a violation by the Code Enforcement Board or a court of competent jurisdiction, unless, within ten (ten) days thereof, the subject fence has been removed, the City may remove same.
- C. Removal costs to be accessed against the subject property, upon which the fence has been erected or is in disrepair. These costs shall become a lien against such property.

SECTION 16: VICIOUS DOG FENCING

- A. In the case of a fence for a vicious dog situation, see and comply with the Vicious Dog Ordinance, 2004-01. Setback lines, corner clearances and placements of this Ordinance would apply.

Read at a meeting of the West Point City Council on the 13th day of August, 2007. A second reading was held on the 10th day of September, 2007. Read, passed and approved at a meeting of the West Point City Council on the 10th day of September, 2007.

William C. Ash
Mayor

Attest:

Jennifer Nevitt
City Clerk/Treasurer

