

**BUSINESS OF THE CITY COUNCIL
WINDSOR HEIGHTS, IOWA
AGENDA STATEMENT**


Item No. 12
For Meeting of 03/22/10

ITEM TITLE: Discussion and possible Consideration of an Ordinance 10-05 Amending the 2009 Code of Ordinances for the City of Windsor Heights, Iowa by making changes to chapter 155: Building Code

CONTACT PERSON: Marketa George Oliver

SUMMARY EXPLANATION

This ordinance amends the building code to add a section specifically requiring a fence permit. The suggested fee for a fence permit is \$25.00 and is adopted by resolution of the Council, which will be on the Council agenda after passage of this ordinance. This item was discussed during a previous council meeting and staff was given direction to prepare legislation regarding a fence permit. An example of information that will be distributed to those inquiring about fence permits is included with this agenda statement.

<u>Resolution</u>	<u>X</u>	<u>Ordinance</u>	<u>Contract</u>	<u>Other (Specify)</u>
Funding Source	<u>NA</u>			
APPROVED FOR SUBMITTAL				
	City Administrator			

STAFF/COMMITTEE RECOMMENDATION: Move one or more readings of this ordinance on a roll call vote.

COUNCIL ACTION:

ORDINANCE NO. 10-05

AN ORDINANCE TO AMEND THE 2009 CODE OF ORDINANCES FOR THE CITY OF WINDSOR HEIGHTS, IOWA, BY AMENDING SECTIONS OF CHAPTER 155: BUILDING CODE.

BE IT ENACTED by the City Council of the City of Windsor Heights, Polk County, Iowa:

SECTION 1. Purpose. The purpose of this ordinance is to amend certain sections of Chapter 155 of the Municipal Code, to provide a requirement that someone erecting a fence be required to obtain a permit prior to the construction of the fence, to protect the health, safety and welfare of the residents of the City of Windsor Heights.

SECTION 2. Added. Chapter 155.08, of the Municipal Code, is amended to read as follows.

155.08 Specific Provisions Dealing with Fences.

1. Before any person shall construct, repair, reconstruct, or replace a fence, said person shall obtain a written permit from the City Administrator. A written application for the permit shall be filed with the City Administrator. The application shall include the street address or legal description of the property, the name of the owner, the name and address of the person performing the work, and the proposed plan of construction or repair. The plan of construction or repair must include the depth, width, and type of material used. The City Administrator shall issue the permit if the proposed plan meets all the requirements of this chapter, and the fence regulations set forth in Chapter 172, including any specifications contained herein, if the fee is paid, and if the construction or repair as planned will not create any substantial hazard. A permit shall expire six (6) months after the date of issuance, if not constructed at that time.
2. The applicant for a fence construction or repair permit shall pay a permit fee to the Clerk to cover the cost of issuing the permit and supervising, regulating, and inspecting the work. All permit fees under this chapter shall be fixed and determined by the Council, adopted by resolution, and uniformly enforced. Such permit fees may, from time to time, be amended by the Council by resolution. A copy of the resolution setting forth the currently effective permit fees shall be kept on file in the office of the City Administrator and shall be open to inspection during regular business hours.

SECTION 3. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. Severability. If any section, provision or part of this ordinance shall be adjudged to be unconstitutional or invalid, such adjudication shall not affect the validity of this ordinance as a whole, or any section, provision or part thereof not adjudged unconstitutional or invalid.

SECTION 5. Effective Date. This ordinance shall be effective from and after its final passage, approval and publication as provided by law.

Passed by the City Council this XX day of XX, 2010 and approved this XX day of XXXX, 2010.

David J. Sullivan, Mayor

ATTEST:

Marketa George Oliver, City Administrator/Clerk



City of
**Windsor
Heights**
the heart of it all

Fence, Wall requirements

Ordinance Section Regulating Fences are:
Sections 155.08 and 172.05

NOT INTENDED FOR SWIMMING POOL REQUIREMENTS.

General Regulations

1. Barbed wire or electrified fence above grade shall not be used in the construction of any fence within the limits of the City.
2. Every fence shall be done as follows: posts, supporting rails, and such supporting elements when located shall be on and face the property on which the fence is located. * **Alternating pickets are allowed as well as design fences.**
3. In any zoned district, a fence, wall shall provide a 3-inch clearance between the

bottom of structure and the final grade when such structure is located in an overlaid flowage easement.

Before You Construct

1. A building permit is required. The permit fee for a residential fence is \$ **25.00**
2. A building permit can be obtained at 1133 66th St. Windsor Heights, Iowa.
3. Before you dig please call **1-800-292-8989 (Iowa One Call)** for locates. Typically it takes 24 to 48 hours to be completed Required by State Law

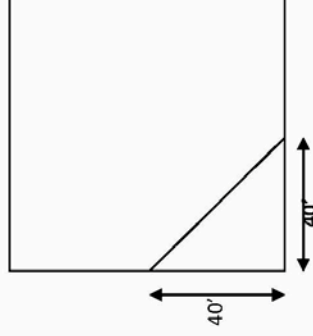
Fence Location

A fence can only be located on surveyed lot lines. No part of the fence is allowed to project onto a public right of way.

This office does not verify or locate property lines and/or property pins/markers.

Corner Visibility

No solid fence shall be built within a triangle formed by the adjacent side lines of two intersecting streets and a line connecting points 40 feet on each leg from their point of intersection; otherwise in any manner create a traffic hazard or obstruction to visibility.



If you have any questions please feel free to call: Dave Breese/ City Inspector

Allowable Fence Heights

A wall or fence in a rear yard shall not exceed 6 feet measuring from the property grade. The maximum height for a fence, wall in the front yard or the street side yard of a corner lot shall not exceed 4 feet. **Exception for Street Side Yards:** On corner lots, a fence, wall built parallel to the street side yard line but set back in conformance with the required street yard setback may have a maximum height of 6 feet.

Openings: Any fence built on residential property shall contain openings no less than 50% of the surface area of the fence.