

## CITY OF HURSTBOURNE ACRES, KENTUCKY

### AN ORDINANCE REGULATING THE ERECTION OF FENCES OF PROPERTIES WITHIN THE CITY BOUNDARIES (originally Ordinance 7, Series 2002, as amended by Ordinance 4, Series 2015)

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 proximate 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 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 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 two (2) feet to the abutting sidewalk, running along the side of the same property.

No fence will be erected which is made of any material other than wire (wire must be either chain link which is galvanized, aluminum, or vinyl coated, maximum height 48"); wood (must be designed for the purpose of residential fencing, cut from cedar, redwood, or treated pine, maximum height 72"); vinyl, PCV, and composite fencing (must be designed for residential property and look like wood, wrought iron, brick, or stone, maximum height 72"); 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 (six) inches above the ground it is to retain.

The following fence restrictions will apply to all commercial properties within the City:

Commercial fencing is not to exceed 96" in height.

- 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 in good condition. When destroyed, damages, 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, 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 shall take effect and be in force from and after its passage and publication according to law, and summary publication is authorized.