

RECORD OF PROCEEDINGS

ORDINANCE NO. 1-1997

AN ORDINANCE ADDING SECTION 2-08 "FENCES"
TO ORDINANCE #1-1974, BEING THE TOWN OF
FLEMING ZONING ORDINANCE.

BE IT ORDAINED BY THE TOWN COUNCIL OF FLEMING, COLORADO:

THAT Section 2-08. Fences, be added to the Town of Fleming
Zoning Ordinance to read as follows:

2-08. Fences

When any fence, divisional, retaining or free-standing
wall or hedge is erected or rebuilt, the following
regulations shall apply:

- (A) No person shall erect or rebuild any fence, divisional, retaining or free-standing wall or hedge without obtaining a building permit through the Town of Fleming, Colorado, as set forth in Section 7-02 of this zoning ordinance.
- (B) No person shall erect or rebuilt any fence, divisional, retaining or free-standing wall, which extends beyond the property lines, except as allowed under Section (K) of this section.
- (C) No person shall plant the trunk of any hedge closer than three feet within any property line, except as allowed under Section (K) of this section. Such hedge shall be maintained under the allowed height as set forth in other sections of this section. Such hedge shall also comply with Ordinance 1-1993, and any other ordinance pertaining to trees in the Town of Fleming.
- (D) No person shall erect or rebuild any fence, divisional, retaining or free-standing wall or hedge in excess of six feet in height in any district, except as allowed under Section (K) of this section.
- (E) Any fence, divisional, retaining or free-standing wall or hedge shall conform with all the other zoning regulations of this ordinance.
- (F) If, in the discretion of the Zoning Administrator, any fence, divisional, retaining or free-standing wall or hedge is permitted on any public easement, in flood control areas or across ditches, they must be designed and constructed so as to allow the ingress and egress of respective utility companies, avoid obstruction of drainage, not impede the flow of flood waters, nor accumulate debris, and are subject to being easily moved. If any such fence is required to be moved for maintenance or any other purpose, said removal shall be the responsibility of and at the sole expense of the property owner without any liability to the Town of Fleming.
- (G) Fences Permitted:
 - (1) Any solid fence, divisional, retaining or free-standing wall or hedge, not over thirty-six inches in height, and fences at least eighty percent open and not over forty-two inches in height, may be erected or rebuilt anywhere except as limited in other sections of this ordinance.

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- (2) Any fence, divisional, retaining or free-standing wall or hedge not over six feet in height may be erected or rebuilt anywhere except in a front yard and line of sight clearance area as defined below:
 - (a) Line of sight clearance area is defined as the triangular area formed by: (1) the lines extended from any corner of a corner lot adjacent to two intersecting streets to a distance of forty feet along both property lines from the corner (constituting the two sides); and (2) and diagonal connecting such lines (constituting the third side).

(H) Fences Not Permitted:

- (1) Electrically charged fences are not permitted in any zoning district. No person shall erect or rebuild any device or system for electrically charging any fence, wall or partition within the Town of Fleming.
- (2) Barbed wire fences are not permitted in any zoning district within the Town of Fleming; however, upon application, the Zoning Administrator may, in his sole discretion make an exception as follows:
 - (a) Not more than four horizontal strands of barbed wire may be strung on the top of a chain link fence in Industrial or Business Districts for security purposes. The lowest strand of barbed wire shall be a minimum of six feet above the ground.

This exception applies to business or industrial uses only.

(I) Temporary Fences:

Upon application, land under development may be surrounded by a temporary chain link fence up to six feet in height and allowed for a specified time as a temporary fence at the discretion of the Zoning Administrator. Gates into the fence enclosure may be provided as needed, however, they shall be located at the discretion of the Zoning Administrator, upon application.

(J) Fences Required:

All outdoor swimming pools of 5,000 gallon capacity or more shall be enclosed by a fence or wall six feet in height.

In the event the Zoning Administrator of the Town of Fleming, deems it necessary for the general health, safety, welfare and enjoyment of property by citizens, or for environmental and aesthetic values, it may require up to an eight foot fence made of materials suitable to the circumstances to separate the various zoning districts from one another, or to surround junkyards, lumber yards, salvage yards, and similar uses.

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(K) Exceptions to Locations and Heights:

The Zoning Administrator may consider the following as exceptions to the location and height requirements of a fence, and in his discretion, grant a fence permit:

- (1) That the adjacent property owner will not be adversely affected;
- (2) That pedestrian access will not be hampered; and
- (3) The line of sight clearance area will be clear.

(a) For Location Exceptions:

- (1) Where a fence, divisional, retaining or free-standing wall or hedge is requested to extend over the right-of-way line toward a public street.
- (2) On a through lot.

(b) For Height Exceptions:

- (1) Recreational fences and walls:
Tennis Courts
Baseball Fields
Other similar recreational uses.
- (2) Commercial and Business Zones:
Fences for security purposes
Fences necessary for and used in conducting a particular business.

(L) Violations:

Existing fences in violation of this section and erected prior to its passage, except those fences hampering pedestrian access or those fences in the line of sight clearance area may be permitted to remain; however, once destroyed or removed, fences must be rebuilt to conform to this section. Prohibited barbed wire or electrical fences shall be removed within one year.

The Zoning Administrator may, in order to protect the health, safety, welfare and property enjoyment of the citizens and inhabitants of the Town of Fleming, order that fences, divisional, retaining or free-standing walls, hedges and other plantings which cause traffic hazards, or which are dilapidated, unsightly or dangerous, order that the same be removed within a specific time period, depending on the severity of the hazard.

THAT all other sections of the Town of Fleming Zoning Ordinance remain in full force and effect.

Introduced, considered favorably on first reading, and ordered posted at the following three places this 7th day of January, 1997.

1. Fleming Town Hall
2. Fleming Post Office
3. First National Bank of Fleming

Larry W. Wisdom
Larry W. Wisdom, Mayor

ATTEST:

Susan J. Einspahr
Susan J. Einspahr, Town Clerk

Passed and adopted on final reading this 4th day of February, 1997.

Larry W. Wisdom
Larry W. Wisdom, Mayor

ATTEST:

Susan J. Einspahr
Susan J. Einspahr, Town Clerk