

**17.110**  
**HARVARD FENCE ORDINANCE**

This ordinance shall be known, cited and referred to as the "Harvard Fence Ordinance". (Ord. 87-134, 1987)

**17.110.010 Purpose**

This ordinance is adopted for the following purposes:

- A. To regulate the height and placement of fences in residential, commercial and business districts.
- B. To define the various types of fences.
- C. To establish standards for construction, erection, and maintenance of fences. (Ord. 87-134, 1987)

**17.110.020 Definitions**

As used in this Chapter, the following terms shall have the following meanings "Fence":

- A. Fence means a structure, including gates, or tree or shrub hedge which is a barrier and used as a boundary or means of protection or confinement.
- B. "Open Fence" means a fence which has over its entirety at least 50 percent of the surface area in open space as viewed at right angles from the fence. (Ord. 2008-132,§1)
- C. "Solid Fence" means a fence which conceals from view, from adjoining properties, streets, or alleys activities conducted behind it. (Ord. 87-134, 1987)

**17.110.030 Open Fences**

- A. Open fences shall not be more than six feet in height in any residential district except that in a front yard the height shall not exceed 42 inches. Open fences in any business or manufacturing district shall not exceed eight feet in height. Heights of fences shall be measured at the natural average grade. Open fences may be set on the lot line, excepting in a front yard where the fence but be no closer than 2 feet from the lot line. (Ord. 2008-132, §3; Ord. 99-101,§1,1999)
- B. "Fence" includes gates and any tree or shrub hedge which is a barrier and used as a boundary or means of protection or confinement; however, shrub fences will not be considered as fences when used as a buffer zone between commercial, industrial, and residential; a solid fence must be constructed where screening is required.
- C. No fence shall be constructed or erected until a building permit has been issued and the fee for said permit paid; no fence shall be constructed within a public way or public utility easement; no fence shall be constructed of barbed wire, iron spikes or other sharp pointed instruments or barbed plants, nor shall any fence be erected which is connected in any way to any source of electricity; nor shall any snow fences, farm fences or chicken wire bag fences be allowed; all fence posts shall be decay or corrosion resistant and shall be set in concrete bases.
- D. An accurate sketch showing the proposed location of the fence on the premises shall be furnished to the Building Officer at the time application is made for the permit to erect a fence.

- E. It shall be unlawful for the owner, occupant or person in custody of any premises in the City, having a fence thereon, to permit such fence to exist in a state or condition which is liable to cause injury to any person or to property, or which is liable to collapse, or which encroaches upon or leans upon the premises of another or to property. (Ord. 87-134, 1987)

#### **17.110.040 Solid Fences**

- A. Solid fences shall not be more than six feet in height in any business district or residential district and not more than eight feet in height in any manufacturing district. A solid fence shall not be erected in a front yard. Solid fences are permitted on the lot line or along access strips backing thoroughfares providing written permission from the utility company and/or easement holder has first been obtained. (Ord. 2008-132, §4; Ord. 99-107, §1, 1999; Ord. 90-140, §2, 1990; Ord. 89-140, §1G, 1989)
- B. No fence shall be constructed or erected until a building permit has been issued and the fee for said permit paid; no fence shall be constructed of barbed wire, iron spikes or other sharp pointed instruments or barbed plants nor shall any fence be erected which is connected in any way to any source of electricity; all fenceposts shall be decay or corrosion resistant and shall be set in concrete bases.
- C. An accurate sketch showing the proposed location of the fence on the premises shall be furnished to the Building Officer at the time application is made for the permit to erect a fence. The sketch shall show the location of any utility easements on the property. (Ord. 99-107, §2, 1999)
- D. It shall be unlawful for the owner, occupant or person in custody of any premises in the city having a fence thereon, to permit such fence to exist in a state or condition which is liable to cause injury to any person or to property, or which is liable to collapse, or which encroaches upon or leans upon the premises of another.
- E. Solid fences shall also be required for swimming pools, according to Harvard Municipal Code 19.07. (Ord. 87-134, 1987)

#### **17.110.050 Variations**

The City Council may authorize variations from the provisions of this ordinance according to procedures delineated in Section 17.52.040 of the zoning ordinance. (Ord. 87-134, 1987)

#### **17.110.060 Restrictions**

- A. Those fences existing in front yards that are legal non-conforming on the effective date of this Section shall be completely removed when more than 50 percent of said fence has been damaged or is in a state of disrepair. Other than routine maintenance, alterations, structural changes and additions to such non-conforming fences is prohibited. (Ord 2008-132, §2)
- B. For the purposes of this Section, on a corner lot, any yard abutting a roadway should be considered a front yard. (Ord 2008-132, §2)