

ORDINANCE NO. 924

AN ORDINANCE DEFINING AND REGULATING FENCES WITHIN THE CITY OF MEADE, KANSAS, AND REPEALING SUBSECTION 2A, OF SECTION 2, ARTICLE XXVII OF ORDINANCE NO. 814 (ZONING ORDINANCE), ORDINANCE NO. 777, and ORDINANCE NO. 831

WHEREAS, fences are an important element in the composition of the community in terms of function and appearance; and

WHEREAS, type, size, and location of fences have the potential to affect adjacent properties as well as adjoining public spaces; and

WHEREAS, proper placement and design of fences is an important aspect of public safety as well as the aesthetic quality of neighborhoods and the community in general; and

WHEREAS, the Governing Body of the City of Meade, Kansas finds it advisable to establish regulations for location, design, and use of fences in the City of Meade, Kansas.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MEADE, KANSAS THAT:

SECTION 1: DEFINITION. The term “fence” shall mean a free-standing structure of metal, masonry, glass, vinyl, plastic or wood, or any combination thereof, resting on or partially buried in the ground, rising above ground level which is used for confinement, screening, or partition purposes. For the purposes of this Ordinance, a landscape barrier consisting of a planted hedge, or other ornamental vegetative or non-vegetative landscape material shall also be considered a fence.

SECTION 2: REGULATIONS. The following regulations shall apply to the location and construction of fences in the City of Meade, Kansas:

A. Residential Districts:

1. **Front Yard.** Fences may be erected within a required front yard providing such fence shall be no more than forty-eight (48”) inches in height as measured from the top of the curb or if no curb, from the centerline elevation of the adjacent platted street. All fences must have an open space or latching gate to provide access to the residence’s front door.
2. **Side Yard or Rear Yard.** Fences may be erected adjacent to or within a side or rear yard provided such fence shall be no more than eight (8’) feet in height measured from the top of the curb or if no curb, from the centerline elevation of the adjacent platted street.
3. **Corner Lots.** Where a residential structure fronts on one street and sides on another, fences may be constructed in the side street front yard subject to the following:
 - i. The side street front yard is not adjacent to the front yard of an adjoining lot.

- ii. The fence must be set a minimum of fifteen (15') feet from the back of the curb or if no curb, from the edge of the adjacent platted street, and not within city right-of-way.
- iii. The fence shall not extend farther than the front wall of the principal building toward the front street lot line except as in conformance with Paragraph A, subsection 1.
- iv. The fence does not extend into any vision clearance area as defined in Ordinance No. 776 of the City of Meade, Kansas.
- v. The fence does not exceed a height of eight (8') feet as measured from the top of the curb or if no curb, from the centerline elevation of the adjacent platted street.
- vi. The governing body shall establish which street side is considered the actual front yard.

B. Commercial and Industrial Districts:

- 1. Fences not exceeding eight (8') feet in height as measured from the top of the curb or if no curb, from the centerline elevation of the adjacent platted street may be erected in any yard, subject to the requirements of the vision clearance area provisions for corner lot locations, and not within city right-of-way.

C. Prohibited Fences:

- 1. No fence shall be constructed in such a manner or be of such design as to hazardous or dangerous to persons or animals.
- 2. No person shall erect or maintain a fence which will materially damage the adjacent property or any fence which shall adversely affect the public health, safety, and welfare.
- 3. No fence shall be constructed, either in whole or part, with the following materials:
 - a. Wood pallets, planks, plywood, or particle board
 - b. "T" posts, or creosote posts
 - c. Landscaping timbers used as fence posts
 - d. Barbed or razor wire
 - e. Electric fences (meaning a fence wire through which an electrical current can be passed, giving an electrical shock to any person or animal touching it.)
 - f. Roofing or siding tin cannot be used as fencing in Residential Districts.
- 4. Acceptable building materials include:
 - a. Wrought iron or other decorative materials

- b. Masonry
- c. Stone
- d. Chain link, with galvanized posts, and galvanized pipe top runner
- e. Metal tubing, painted or galvanized
- f. Wood planks that are cedar, treated, redwood, or painted
- g. Vinyl fencing material
- h. Composite material manufactured specifically as fencing materials
- i. Welded wire mesh fence in rolls or panels is acceptable in back yards (not front side yards on corner lots).

- 5. No fence shall be constructed, either in whole or part, with snow fence or safety fence, except that such fence may be constructed on a temporary basis during construction or demolition.

D. All fences shall conform to the construction standards of the building code and other applicable Ordinances and regulations. A building permit must be completed, submitted, and approved, before constructing a new fence, changing location of an old fence, or changing the height of a fence.

E. Variances to Fence Regulations:

- 1. Upon the payment of any fees required by Ordinance No. 699 of the City of Meade, Kansas, the Board of Zoning Appeals may authorize a higher fence at Public or Private Schools, Parks, Playgrounds or Commercial or Industrial Areas where needed for security and when such fence will promote the safety, health, or general welfare of the public, and may make such other variances to the fence regulations, in an individual case, as it may deem appropriate subject to such requirements and conditions as it may attach.

F. City Access to Electric Meters

- 1. When an electric meter is located in a fenced backyard or attached to the structure in a fenced area, an unlocked alley gate must be provided allowing access for electric utility workers. If access is not provided the City can move the meter to the alley at the property owner's expense.
- 2. If an electric utility worker must access the electric meter, the City shall make a good faith attempt to notify the property owner before such access is made. Notwithstanding, an electric utility worker may access an electric meter immediately in the event of an emergency. The City shall not be responsible for pets who escape from a fenced backyard or fenced area.

SECTION 3: CONFLICTS. The provisions of this Ordinance shall govern where there may be conflict between these regulations, and the fence regulations of existing Zoning Ordinance No. 699 of the City of Meade, Kansas, but shall not apply to agricultural related fences.

SECTION 4: REPEAL. Subsection 2a, of Section 2, Article XXVII of Ordinance No. 814 (Zoning Ordinance), Ordinance No. 777, and Ordinance No. 831 of the City of Meade, Kansas are hereby repealed.

SECTION 5: EFFECTIVE DATE. This Ordinance shall become effective from and after its passage, approval, and publication one time in the official newspaper of the City of Meade, Kansas.

ADOPTED AND APPROVED by the Governing Body, this 25th day of September 2023.

ATTEST:

JD HEGWOOD, Mayor

JANET GLEASON, City Clerk

I, Janet Gleason, City Clerk of the City of Meade, Kansas, hereby verify and state that the foregoing is a true and correct original ordinance; that the record of final passage is found on page ____, volume “__” of the journal; that it was published in the Meade County News, the official paper on _____, 2023.

On September 25, 2023, the City of Meade, Kansas, passed Ordinance No. 924. An Ordinance Defining and Regulating Fences Within the City of Meade, Kansas, and Repealing Subsection 2a, of Section 2, Article XXVII of Ordinance No. 814 (Zoning Ordinance), Ordinance No. 777, and Ordinance No. 831. A complete copy of the ordinance is available at www.cityofmeade.org or in the office of the city clerk 132 S Fowler, free of charge. This summary is certified by the city attorney to be legal, accurate and sufficient.

