

City of Haysville

Understanding the Fence Regulations



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For more information on this topic,
please contact:

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www.haysville-ks.com

Many of you may not know that there are fence regulations in Haysville. You may not know that you must obtain a permit to construct or replace a fence on a residential lot. And, you may not know that all fences constructed, maintained, repaired or replaced must conform to these regulations.

The City of Haysville hopes that this brochure will help you better understand the fence regulations and to inform you that such regulations do exist so that you do not unknowingly violate these regulations.

Our advice to anyone wanting to put up a fence is to contact the Public Works department before you buy any materials or hire someone to put up your fence. We would be happy to discuss your project with you to ensure that it complies with current city codes. All we ask is that you prepare a detailed site plan for us to review with you.

Definitions.

The following definitions are used in this brochure:

“Abutting yard” shall mean the yard on a corner lot that is located between the principal structure and the abutting street from which the principal structure does not receive its street address

“Controlled intersection” shall mean any intersection of two streets, the traffic right of way of which is assigned by stop signs, yield signs, or other traffic signs or signals.

“Uncontrolled intersection” shall mean any intersection of two streets, the traffic right of way of which is not assigned by stop signs, yield signs, or other traffic signs or signals.

“Enforcement officer” shall mean the employee designated to enforce the provisions of this ordinance. Includes but not limited to City Inspector.

“Sight triangle” shall mean a triangular-shaped portion of land established at intersections in which there are restrictions on things erected, placed or planted which would limit or obstruct the sight distance of motorists entering or leaving the intersection (see example below).



Applications & Permits

Any person intending to construct a fence, or to replace more than 25% of an existing fence, must apply for a “fence” permit. Application forms are available at the Public Works Facility located at 401 S. Jane. There is an application fee of \$25.00.

A detailed site plan must be submitted with this application. The site plan should include:

- Property line dimensions,
- Location of the dwelling,
- Proposed fence location,
- All utilities and utility easements,
- All setbacks, and
- Rights-of-way.

You can get property line dimensions, utility easement locations, setback and right-of-way information from City Hall or the Public Works Department.

The Building Inspector will review all applications to ensure that all proposed fences comply to the fence regulations. The Enforcement Officer will have two (2) full business days to review the applications, excluding the day of receipt. If an application is denied, the Enforcement Officer will state in writing the reasons for denial.

Any person or entity that will be receiving compensation for constructing a fence in Haysville must hold any current and valid trade, professional, business or contractors’ license as required by City Code.

Dangerous Fences are Prohibited!

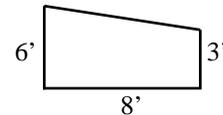
No fence shall be constructed or maintained in such a manner as to present a danger or hazard to any person or animal.

Maximum Height of Fences

Fences located outside of the sight triangle shall not exceed six (6) feet in height.

Fences located inside of the sight triangle, even if it is just a portion of the fence, shall not exceed three (3) feet in height. This height is measured from the highest curb located within the sight triangle to the finish height of the fence.

Fences that extend beyond the front plane of the principal structure and/or that extend into the front yard of an abutting yard (corner lot), shall decrease from a maximum height of (6) feet to three (3), or four (4), feet (depending on the fence material) within a linear distance of eight (8) feet.



Fence Materials & Features

Permitted fencing material:

- Wood fence boards;
- Ornamental iron (decorative tops are subject to the approval of the Enforcement Officer);
- Woven wire or chain link;
- Nylon, plastic, or “PVC”, provided such materials are designed for use as fencing; or
- Masonry or poured concrete.

Prohibited fencing materials and features:

- Metal panels;
- Barbed wire;
- Single barbs; or
- Materials that carry an electrical charge.

Depending on the type of material you use there may be some restrictions on the minimum height of the fence and on the open spaces in the fence.

Encroachments

No portion of a fence shall extend onto any street right-of-way.

No portion of a fence shall be located upon a utility or other public easement unless the following conditions are met:

- At least one (1) gate of at least eight (8) feet in width shall be located within the length of the fence that is located upon the easement. This can also be (2) 4ft gates.
- There shall be a working clearance of at least four (4) feet around any utility appurtenance which may require access by any utility provider. This includes, but is not limited to: pad mounted transformers, utility boxes, or manholes.

Fences located upon utility or other public easements shall be dismantled and reassembled at the expense of the owner whenever the city or a duly franchised utility under the auspices of the city shall request the fence to be dismantled. In the event an emergency occurs and the owner of such fence cannot be located quickly, the city is authorized to immediately dismantle the fence.

Existing Fences

These regulations do not apply to fences existing prior to the date of adoption of the City Code Book (May 28, 2003); however, if 25% or more of the total linear feet of an existing fence is repaired or replaced, the entire fence will need to come into compliance with the current fence regulations.

Variations & Exceptions

Any person desiring to construct a fence that does not comply with one or more of the provisions of the fence regulations may apply for a variance or exception from these provisions. All applications shall be in writing and state a detailed reason for the request. Requests for a variance from the height restrictions and provisions of these regulations must be accompanied by a stamped set of engineering plans and a fee of \$100.00. The engineering plans must demonstrate that the proposed fence will not pose a danger to persons, vehicular traffic, and the public at large, and that the project is architecturally and structurally sound and safe. Utility permission may still be required. Contact the Public Works Department for more detailed information on the procedures for a variance or exception.

Notice of Violation

The Enforcement Officer will send a written notice to the person in charge of any premises upon which exists a fence in violation of these regulations. This notice will be sent by certified mail (return receipt requested) or by personal service. This notice will state the following:

- The violation(s);
- The violation must be removed within 10 days of receiving this notice;
- Such person may, within the time specified in the notice, request a hearing before the governing body;
- Failure to make a timely request for a hearing shall constitute a waiver of the person’s right to contest the findings of the Enforcement Officer; and
- Failure to remove and abate the violation, or to request a hearing within the time allowed may result in prosecution and/or removal and abatement of the violation by the city.