

ORDINANCE NO. 014-01

AN ORDINANCE AMENDING CHAPTER 17.48.050 OF THE LAUREL MUNICIPAL CODE TO UPDATE THE CITY'S ZONING ORDINANCE REGULATING FENCE HEIGHTS WITHIN THE CITY OF LAUREL.

WHEREAS, the City Council desires to keep the Laurel Municipal Code current by modifying and updating chapters, sections and subsections to address situations and problems within the City and to remain in accordance with Montana law; and

WHEREAS, the City Council directed City Staff to modify the existing ordinance to comply with changing conditions within the City's planning jurisdiction; and

WHEREAS, City Staff prepared, reviewed, and approved the following amendments to the existing Chapter 17.48.050 as noted herein and hereby recommends the same to the City Council for their full approval.

IT IS HEREBY ORDAINED by the City Council for the City of Laurel, Montana, that Title 17 is hereby amended, modified and adopted as follows:

17.48.050 Fence heights.

~~A. In R-7500, R-6000, RLMF, RMF, RMH, PUD, RP, NC, and P zones, fence heights in front yards shall not exceed three feet except as noted in subdivision A.1.; side and rear yard fence heights in these same zones shall not exceed six feet; on corner lots adjacent to a street, houses with a front yard facing a side street (or at ninety degrees, approximately, from the adjacent front lots), and with a side yard or back yard adjacent to a front yard in the same block (see illustrations attached to the ordinance codified in this section for examples) shall not have a backyard fence higher than three feet where adjacent to a front yard, or a side yard fence paralleling the street higher than three feet except as noted in subdivision A.1.~~

~~1. Chain link, woven wire, or other similar type fences which provide no more than ten percent obstruction to visibility through the fence when constructed can extend to four feet in height in front and side yard areas, otherwise restricted in height to three feet.~~

~~B. There are no fence height requirements in AG, RE-20,000, CBD, CC, HC, LI and HI zones.~~

~~C. Electric fences shall not be permitted in any commercial or residential zones except AG and RE-20,000 zones.~~

~~D. No fence shall be located in a public right-of-way.~~

~~E. The height of a fence shall be the vertical distance from the highest top board, rail, or wire to the ground directly below.~~

~~F. — These provisions shall not apply to fences required to surround and enclose existing junkyards and public utility installations or to enclose school grounds and public playgrounds.~~

~~G. — It is unlawful for any person to erect or maintain any barbed wire fence in or along a residential area in the city. Further, any barbed wire fence erected in other areas of the city shall, along any public street or sidewalk, maintain the lowest strand of barbed wire at least six feet above sidewalk grade, over the top of a non-barbed fence over private property and at least six inches inside property line.~~

~~H. — Fences proposed to surround three or more houses and designed as part of the landscape and development approval requirements in new subdivisions shall be reviewed during the subdivision review process. Fences proposed to surround three or more houses in existing subdivisions shall be reviewed through the special review process. (Ord. 892, 1986; prior code § 17.40.010(D))~~

- A. Fences, walls and hedges may be erected or maintained in any zoning district provided the height, setback, and material provisions outlined below are followed and a permit is secured as per Laurel Municipal Code Chapter 15.20. "Fence" for the purposes of this section means any fence, wall or hedge. No fence shall be erected or maintained in the public right-of-way, closer than one (1) foot from a sidewalk. Fences shall be constructed on private property.
- B. Height. Height for the purposes of this section shall be defined as the vertical distance from the top rail, board or wire to the ground directly below.
- C. Setbacks required. Fences, walls and hedges of up to four (4) feet may be erected or maintained in the required front yard and side yard adjacent to street setback. Fences, walls and hedges up to six (6) feet may be erected or maintained in rear yard and side yard not adjacent to street, except as noted in section D. None of the above setback requirements shall apply to lands located in AG, CBD, CC, HC, LI, and HI zones.
- D. Side yard adjacent to street fences. If the property abuts an alley, a fence may be erected along the side yard adjacent to the street and maintained up to six feet (6) from the rear of the dwelling to the alley as well as along the alley. Clear vision at alley shall apply.
- E. Setbacks for clear vision areas. No fence, wall or hedge greater than thirty (30) inches may be erected or maintained in any zoning district within a clear vision zone as defined by City of Laurel Resolution No. R03-63. Fences of chain link, woven wire or other similar type fence which provide no more than ten (10) percent obstruction to visibility through the fence when constructed can extend to four (4) feet in height may be constructed in this area.
- F. Material permitted. All fences in residential, agricultural and commercial zoning districts shall be constructed from materials which are commonly used for fencing. Commonly used fence materials include wood, brick, stone, split railing, wire, vinyl, chain link and ornamental iron work. In HI and LI zones fences may be constructed of finished or coated steel or aluminum building panels. Fences shall not be constructed from railroad ties,

wooden pallets, tires, rubble or salvaged material. Materials not listed are subject to special review by the city planning group.

- G. Material exception - Barbed wire and electric fence. In the city limits no barbed wire or electrical fencing shall be permitted in residential zoning districts. Barbed wire and electrical fencing shall be allowed in AG and RT zoning districts. Electrically charged fencing along any public way shall be posted with warning signs or fluorescent marking at intervals not to exceed one hundred fifty (150) feet.
- H. Security fences. In AG, CBD, CC, HC, LI, and HI zones security fences may maintain a barbed wire fence on top of a non-barbed wire fence as long as the lowest strand of barbed wire is eight (8) feet above grade.
- I. Miscellaneous exceptions. These provisions shall not apply to fences required to surround and enclose existing junk yards and public utility installations or to enclose school ground and public playgrounds.
- J. Penalties. Any person violating a provision of this chapter may, upon conviction thereof, be punished as set forth in Section 1.36.010 of this code.

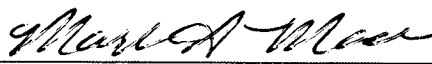
This Ordinance shall become effective thirty (30) days after final passage by the City Council and approved by the Mayor.

Introduced and passed on first reading at a regular meeting of the City Council on April 1, 2014, by Council Member Poehls.

PASSED and ADOPTED by the Laurel City Council on second reading this 6th day of May, 2014, upon motion of Council Member Poehls.

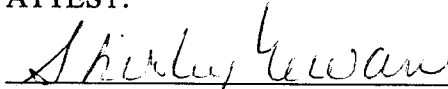
APPROVED BY THE MAYOR this 6th day of May, 2014.

CITY OF LAUREL

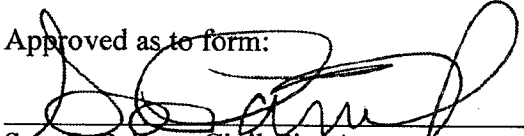


Mark A. Mace, Mayor

ATTEST:



Shirley Ewan, Clerk/Treasurer

Approved as to form:


Sam S. Painter, Civil City Attorney