

ORDINANCE NO. 2020-03

AN ORDINANCE AMENDING CHAPTER 155 OF THE CODE OF ORDINANCES OF THE CITY OF BRIGHTON, IOWA FOR THE PURPOSE OF AMENDING THE RESTRICTIONS ON ERECTING FENCES WITHIN THE CITY OF BRIGHTON, IOWA

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, IOWA:

SECTION 1. SUBSECTION AMENDED. The Code of Ordinances of the City of Brighton, Iowa, 2012 is hereby amended by repealing Section 155.25 “Fences”, Ordinance 2020-03 and enacting in lieu thereof a new section to be entitled and codified to read as follows:

SUBSECTION 155.25 FENCES.

1. Fences in which the openings between the materials of which the fence is constructed represent less than seventy percent (70%) of the total surface may be erected to a height not exceeding eight (8) feet along the boundaries of a lot, except that no such fence shall be erected within thirty (30) feet of the intersection of two (2) street lines. Wire fences and other fences in which the openings between the materials of which the fence is constructed represent more than seventy percent (70%) of the total fence area may be erected to a height of six (6) feet, except within thirty (30) feet of the intersection of two (2) street lines.
2. Additional Requirements.
 - A. No fence shall be erected until a permit has been obtained through the procedures contained in this chapter. However, no fee shall be assessed in the granting of a fence permit.
 - B. For purposes of obtaining a fence permit, property lines must be located exactly. Estimates are not acceptable.
 - C. The following building setbacks will apply to erecting a fence: 0 feet from an adjoining property line, 5 feet from the alley, and 15 feet from front lot line. Note that a corner lot has two front lot lines.
 - D. Fencing must not exceed the front of existing structure.
 - E. A variance to the setbacks may be granted if adjoining property owners sign a written agreement that outlines the material from which the fence will be constructed, the height of the fence and the agreement is filed with the County Recorder.

SECTION 2. REPEALER. All Ordinances and parts of Ordinances in conflict with provisions of this Ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE: This ordinance shall be in effect on _____, 2020, after its final passage, approval and publication as provided by law.

Passed by the Council on the _____ day of _____, 2020 and approved this _____ day of _____, 2020.

Melvin Rich – Mayor

ATTEST: _____
Amy Dailey – City Clerk

First reading: _____

Second reading: _____

Third reading: _____

I certify that the foregoing was published as Ordinance 2020-03 on the _____ day of _____, 2020.