

FENCES



WAHOO
BUILDING & ZONING

BUILDING PERMITS FOR FENCES

This pamphlet outlines the basic regulations for building fences as found in the City of Wahoo Zoning Regulations and Municipal Code. Prior to beginning any work on a building or remodeling project in the City of Wahoo, you should check to see if it is permitted under the City's Building Code and Zoning Regulations. Information is available at City Hall and on the City's website, www.wahoo.ne.us, under the "Building and Inspection" section.

Permits are required for construction of fences. Electric, gas, and water meters must be accessible at all times to Wahoo Utilities for maintenance and meter reading. Please consider this when building fences and placing gates.

SWIMMING POOL ENCLOSURES

The perimeter of all pools, outdoor spas, and hot tubs containing at least 24 inches of water **must** be surrounded at ground level by a fence with a minimum height of 4 feet and a maximum height of 6 feet. There shall be no opening in the fence that permits passage of an object of 4 inches or larger in diameter. All gates must be self-closing and self-latching with locking hardware to prevent access when not in use. The intent of this barrier is to prevent the uncontrolled access to a pool or spa from adjacent properties, and from the home, so solid barriers which do not have openings, such as masonry or stone wall, shall not contain indentations or protrusions, except for normal construction tolerances and tooled masonry joints. An approved safety cover for a hot tub satisfies the barrier requirement. (Wahoo Municipal Code §150.001 and Wahoo Zoning Regulations Section 7.12.10, 2009 International Residential Code)

The Diggers Hotline of Nebraska at (800) 331-5666 must be called for underground utilities location at least two working days prior to any digging or excavation. Be aware of any existing utility easements which might require removal of the fence for utility repair or construction and be sure to provide access to meters for utility staff.

If you are not sure of the location of your lot lines, you must have your property surveyed. City staff does not locate lot lines or survey property. Call City Hall at (402) 443-3222 for a list of local surveyor companies.

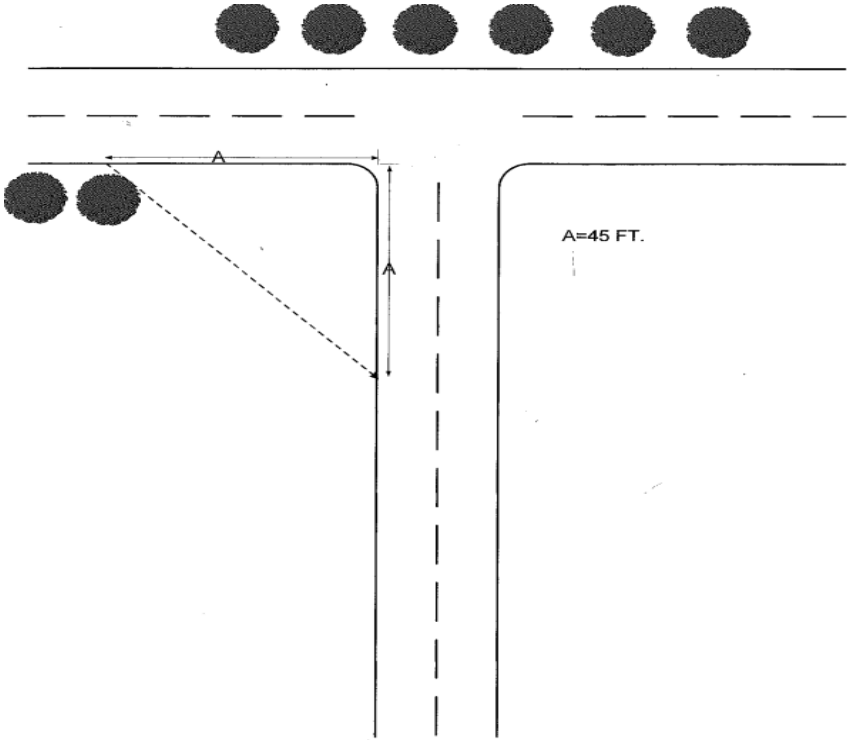
Fences located within a front yard (the side facing a City street) must qualify as an open fence, with 50 percent or more of the surface area in open spaces. Chain link or picket-style fences would be examples of open fences. The maximum height for fences in a front yard is 48 inches. Fences may not be located within the street right-of-way, so it is important to verify the location of your lot lines. Fences on a corner lot cannot interfere with the sight triangle for traffic at the intersection or create a traffic safety hazard.

Residential fences located in a side yard (behind the front line of the house) or a rear yard may not exceed 6 feet in height.

Fences should be located within the boundaries of your property to allow for construction, maintenance, painting, etc., without entering your neighbor's property. Fences may be placed on the lot line if a written agreement between the property owners is filed with the City to place one fence on the common side or backyard lot line.

The finished surface of a fence must face toward adjoining property or street frontage.

Sight triangle is an area at a street intersection in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of 2½ feet and 10 feet above the grades of the bottom of the curb of the intersecting streets, measured from the point of nearest intersecting curbs of curb lines, 45 feet in each direction along the curb line of the streets. At the intersection of major or arterial streets, the distance of 45 feet shall be increased to 75 feet for each arterial leg of the intersection.



BUILDING PERMIT APPLICATION INSTRUCTIONS

Forms are available at City Hall and on the City's website.

- Fill out the form completely with names, phone numbers, addresses, and a complete legal description of the property.
- Submit a plot plan with all dimensions of existing and proposed structures.
- Show all distances to lot lines, any easements, or utilities.
- Submit plan of new building with dimensions and square footage.
- List all subcontractors.
- All subcontractors (electrical, plumbing, heating/air conditioning, etc.) must be licensed with the City of Wahoo.
- The Diggers Hotline of Nebraska at (800) 331-5666 must be called for utility location at least two working days prior to any digging or excavation.
- Submit all information with a \$30 nonrefundable fee to the Building Inspector/Zoning Administrator at City Hall.
- If approved, the initial fee will be credited toward the total permit fee. Approval is indicated by the Building Inspector/Zoning Administrator's signature on the completed permit application.

ZONING ORDINANCE REGULATIONS

Section 7.12 Fences:

7.12.01 No fence shall be constructed within the zoning jurisdiction of the City of Wahoo unless a permit therefore is approved and issued by the building inspector and is constructed in conformance with the following requirements:

1. The height limitation for fences shall be 6 feet above ground level except as provided herein.
2. A fence constructed within a front yard of a residential lot and vegetation used as a barrier, screen, or fence along and parallel to the front line of a residential lot, shall not exceed 48 inches in height.
3. A fence constructed within the portion of a side yard of a residential lot that lies in front of a line extending perpendicularly from the side lot line to the front corner of the structure that is closet to such side lot line, shall not exceed 4 feet in height, except that if the lot is located on a corner, as defined in Article 2 of this Ordinance, a fence constructed within a side yard along the side lot line which is adjacent to a street shall not exceed 6 feet in height.
4. Where it is demonstrated that for security purposes the perimeter fencing around a plant or building located in an area zoned as an Industrial District must be higher than 8 feet in height, said additional height may be approved through a Conditional Use Permit.
5. Fences constructed along and parallel to lot lines separating a residential lot from property located in a Commercial or Industrial District shall not exceed 8 feet in height.
6. Fences constructed along and parallel to rear and side lot lines adjoining arterial streets, as designated by the Nebraska Department of Roads, shall not exceed 8 feet in height.

7.12.02 Fences located within a front or side yard of a residential lot must qualify within the definition of an open fence, except that solid fences may be constructed along a side lot line parallel and adjacent to the lot line that is adjacent to a Commercial District or an Industrial District. A solid fence may be constructed in a side yard parallel and adjacent to the lot line that is adjacent to a street.

7.12.03 No fence or vegetation shall be situated or constructed in such a way as to obstruct the vehicular traffic or otherwise create a traffic safety hazard.

7.12.04 The use of barbed wire in the construction of any fence is prohibited except:

- Perimeter security fencing of buildings constructed in an Industrial District. The plans and specifications for any such fencing must be approved by the City's Building Inspector before commencement of construction.
- Farm fencing constructed for agricultural purposes on parcels of land 20 acres or more in the Transitional Agricultural District.

7.12.05 All fences shall be maintained in good repair.

7.12.06 All fences shall be located inside the boundaries of the property upon which constructed except where two adjacent property owners pursuant to written agreement filed with the City agree to build one fence on the common lot line of adjacent side yards or back yards.

7.12.07 Electric Fences: No electric fence shall be constructed or maintained within the City of Wahoo or within its extraterritorial zoning jurisdiction except in TA-Transitional Agriculture District as hereinafter provided. An owner or lessee of such property may, upon application to the City and approval by the Building Inspector, maintain electrified fencing provided the same shall not be energized to the extent that it is capable of causing bodily harm to persons, be they children or adults, or to animals. Before the Building Inspector shall approve any electrified fencing, it shall be determined that non-electrified fencing will not adequately protect the owner's property and the owner's application for approval of electrified fencing shall set forth in detail the reasons why non-electrified fencing will not adequately protect his property.

7.12.08 Facing: The finished surface of all fences shall face toward adjoining property or street frontage. However, in the case of two or more property owners wishing to share a common fence line between their properties, said property owners shall jointly determine upon which side of the common fence line the finished face of the fence shall be placed. Such determination shall be consistent for the entire length of the common fence line.

7.12.09 Fences in existence as of the date of adoption of this Ordinance: Any existing fence constructed pursuant to a permit issued and approved by the City of Wahoo which was in conformity with the past provisions and which was in place as of said date, may remain without change in accordance with this section notwithstanding same may be in conflict with one or more provisions of this section as amended; provided, however, that replacement or change of said existing fence or addition of a new fence, must meet the requirements of this section as amended.

7.12.10 Pool Enclosures: The perimeter of all pools, spas, or hot tubs containing at least 24 inches of water must be enclosed at the ground level by a barrier or fence with a minimum height of 4 feet and a maximum height of 6 feet. There shall be no opening in the fence that permits passage of an object of 4 inches in diameter or larger. All gates must have locking hardware to prevent access when not in use. Solid barriers which do not have openings, such as masonry or stone wall, shall not contain indentations or protrusions, except for normal construction tolerances and tooled masonry joints.

In addition to the above requirement, when the wall of a dwelling serves as part of the barrier, one of the following conditions shall also be met:

1. The pool shall be equipped with a powered safety cover in compliance with ASTM F 1346; or
2. Doors with direct access to the pool through the wall of the dwelling shall be equipped with an audible alarm; or
3. Other means of protection, such as self-closing doors with self-latching devices, which are approved by the governing body, shall be acceptable, so long as the

degree of protection afforded is not less than the protection afforded by Items 1 and 2 above.

4. Where an above-ground pool structure is used as a barrier, or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps:
 - a. The ladder or steps shall be capable of being secured, locked, or removed to prevent access; or
 - b. The ladder or steps shall be surrounded by a barrier or fence with locking hardware to prevent access when not in use.

The intent of this barrier requirement is to prevent the uncontrolled access to a pool or spa from adjacent properties, and from the home.

Travis Beavers

Building Inspector/Zoning Administrator

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