

## ORDINANCE NO. 2179

**AN ORDINANCE OF THE CITY OF CRETE, NEBRASKA RELATING TO ZONING AND REGULATIONS; TO AMEND SECTION 11-502 OF THE CRETE MUNICIPAL CODE TO CHANGE THE DESIGN STANDARDS FOR FENCING.**

**BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRETE, NEBRASKA:**

**Section 1.** That Chapter 11, Article 5, Section 11-502 of the Crete Municipal Code shall be amended as follows:

### **11-502 FENCES, WALLS, AND HEDGES.**

- (1) Notwithstanding other sections or provisions of the City Code, fences, walls, and hedges are permitted in any required yard, provided that no fence, wall, or hedge along the sides or front yard shall be erected over four feet in height and all fences in the front yard must be of an open weave or see-through design. Hedges and walls up to four feet in height will be allowed in the front yard only upon application for a special permit and approval by the City.
- (2) The following regulations shall apply to the construction of all fences:
  - (a) All fences constructed in the City of Crete shall comply with this section and a building permit must be obtained.
  - (b) All fences shall conform to the construction standards of the Building Code and all other applicable ordinances and resolutions.
  - (c) No fence shall be constructed closer to the street than the property line, and no fence shall be closer than eighteen inches to the sidewalk. The good side of the fence shall face the outside of the property.
  - (d) No fence erected in a required front yard shall materially obstruct public view. Permitted types of fences for use in front yards shall include split rail, chain link, or other similar open-spaced or see-through material. No component of a front yard fence shall exceed four feet in height, nor shall any structural member exceed three feet in cross-sectional area.
  - (e) No fence shall be constructed which will constitute a traffic hazard as identified in the sight triangle of a corner lot.
  - (f) No fence shall be constructed in such a manner or be of such design as to be hazardous or dangerous to persons or animals by intent of its construction or by inadequate maintenance.
  - ~~(g) No fence shall be constructed within a designated floodway.~~
  - ~~(h) No component of a fence within Residential Districts, except fences erected upon public or parochial school grounds or in public parks and playgrounds, shall be constructed of a height greater than six feet.~~
  - ~~(i) In Commercial and Industrial Districts, the maximum height of fences shall be eight feet; however, when industry standards for certain types of businesses recommend fences of greater heights, the City may allow greater heights upon application for and approval of a special permit.~~
  - (g) No fence shall be built with scrap lumber, scrap metal, metal roof panels, corrugated or sheet

metal, pallet wood, tarps, plywood, barbed or razor wire, v-mesh, field fence, woven field fence, welded utility fence, electrified wire fence or any similar or like wire fencing materials.

- (h) No fence shall be constructed within a designated floodway.
- (i) No component of a fence within Residential Districts, except fences erected upon public or parochial school grounds or in public parks and playgrounds, shall be constructed of a height greater than six feet.
- (j) In Commercial and Industrial Districts, the maximum height of fences shall be eight feet; however, when industry standards for certain types of businesses recommend fences of greater heights, the City may allow greater heights upon application for and approval of a special permit.

**Section 2.** That the changes specified in the above sections shall be codified as part of the Crete Municipal Code as stated herein.

**Section 3.** That all ordinances or parts of ordinances in conflict herewith shall be repealed and that any partial repeal shall not affect the other parts of ordinances or codified sections that can be given effect without the repealed parts.

**Section 4.** That if any section, part, or provision of this ordinance is for any reason held invalid, the invalidity thereof shall not affect the validity of any other section, part, or provision of this ordinance.

**Section 5.** That this ordinance shall be published in pamphlet or book form and shall take effect and be in full force and effect from and after its passage, approval, and publication, as provided by law.

PASSED AND ENACTED the \_\_\_\_ day of \_\_\_\_\_ 2023.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

