

ORDINANCE NO. 14,154

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by repealing subsection (i) of Section 134-1296 thereof, and enacting a new subsection (i) of Section 134-1296, and by adding and enacting a new subsection (21) to Section 134-1326 regarding the use of barb wire and electric fences.

BE IT ORDAINED by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, be and is hereby amended by repealing subsection (i) of Section 134-1296 thereof, and enacting a new subsection (i) of Section 134-1296, and by adding and enacting a new subsection (21) to Section 134-1326 regarding the use of barb wire and electric fences, as follows:

**Sec. 134-1296. Permitted.**

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(i) *Height restrictions for walls and fences.*

(1) In any R residential, C commercial, or M industrial district, the following shall apply:

a. Every fence erected within ten feet of a property line shall be done in the following manner: Posts, supporting rails and other such supporting elements when located to one side of the screening materials shall be on and shall face the property on which the fence is located.

b. Any fence or wall shall conform to the vision clearance requirements of section 114-14 of this Code.

c. No person shall place, construct or maintain or cause to be placed, constructed or maintained any electric fence, except that an electric fence which is energized by a device which bears a certificate that identifies the device is Underwriter Laboratories approved as meeting

the standard for safety for electric fence controllers and is used in accordance with the manufacturer's suggested installation instructions may be used to confine agricultural animals lawfully kept in compliance with the requirements of chapter 18 of this code.

d. No fence shall be erected until a permit for such action has been obtained from the building official except chainlink and wire fences four feet or less in height and all other fences three feet or less in height.

e. The requirements in this subsection shall not apply to fences and walls upon airport, park, or school premises.

f. No fence shall be constructed, used or maintained with barbed wire or similar type fence material except within the M industrial district or for the confinement of agricultural animals lawfully kept in conformance with section 18-4.

(2) In any C commercial or M industrial districts, the following shall apply:

a. No fence or wall in any required yard may exceed ten feet in height, and no fence or wall in a required yard adjoining a street may exceed three feet in height unless constructed of materials which provide openings of not less than 75 percent or more in area of the vertical surface of the fence or wall to permit transmission of light, air and vision through the vertical surface at a right angle. Fences or

walls in any required yard adjoining a residential district shall conform to the requirements applicable to residential districts.

b. No person shall place, construct or maintain, or cause to be placed, constructed or maintained any wire or chainlink type fence with the cut or selvage end of the fencing material exposed at the top, when such exposed top is less than six feet above ground level.

(3) In any R residential districts, the following shall apply:

a. No fence or wall in any required front yard may exceed three feet in height, except the fence or wall may be erected to a height of four feet if the fence or wall or that portion of the fence or wall in excess of three feet is constructed of materials which provide openings of not less than 75 percent in area of the vertical surface of the fence or wall to permit transmission of light, air and vision through the vertical surface at a right angle. On a corner lot, a fence not to exceed six feet in height may be erected in the rear yard area extended to the street side lot line, and in the street side yard with at a least 50-foot setback from the front lot line, provided there is maintained a 15-foot vision clearance triangle whenever there is a driveway or alley within 15 feet of the fence or wall.

b. Fences or walls along interior lot lines within the limits of the side yard on the adjoining lot shall not exceed four feet in height, except when the adjoining dwelling has a side yard of five feet or more, the fence or wall may be erected to a height of six feet. The fence or wall may be erected to a height of eight feet if the fence or wall or that portion of the fence or wall in excess of six feet is constructed of materials which provide openings of not less than 75 percent in area of the vertical surface of the fence or wall to permit transmission

of light, air and vision through the vertical surface at a right angle.

c. No fence or wall in a required rear yard shall exceed eight feet in height, except the fence or wall may be erected to a height of ten feet if the fence or wall or that portion of the fence or wall in excess of eight feet is constructed of materials which provide openings of not less than 75 percent in area of the vertical surface of the fence or wall to permit transmission of light, air and vision through the vertical surface at a right angle, provided there is maintained a 15-foot vision clearance triangle whenever there is a driveway within 15 feet of the fence or wall.

d. No person shall place, construct or maintain or cause to be placed, constructed or maintained any wire or chainlink type fence with the cut or selvage end of the fencing material exposed at the top.

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**Sec. 134-1326. Locations of buildings or uses permitted.**

The zoning board of adjustment may, by special permit after public hearing, authorize the location of any of the following buildings or uses in any district from which they are prohibited by this chapter; provided, however, that no such special permit shall be granted authorizing any building or use in an FW district. A use which is allowed or conditionally allowed by the district regulations for the district in which it is located shall not be allowed by special permit:

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(21) The use of barb wire or similar fencing material for security purposes, upon a finding by the board that the need for extraordinary security precautions are necessary and reasonable under the circumstances, that the need for security is extraordinary when compared to the security needs of other permitted uses in the area generally, and that the necessary security cannot be feasibly provided by alternate means.

Sec. 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Roger K. Brown, Assistant City Attorney

Preston A. Daniels, Mayor

Attest:

I, Donna V. Boetel-Baker, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 02- 2541), passed by the City Council of said City at a meeting held October 21, 2002 signed by the Mayor on October 21, 2002 and published as provided by law in the Business Record on November 4, 2002 Authorized by Publication Order No.3451.

Donna V. Boetel-Baker, City Clerk