

ORDINANCE NO. 2024-05

AN ORDINANCE AMENDING THE CODE OF THE CITY OF LEON PERTAINING TO FENCING

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the City of Leon:

SECTION 1: Sections 4-401 through 4-408 of the City Code are amended to read as follows.

4-401. Definitions.

(a) Fence means a barrier, railing, or other upright structure, typically of wood, enclosing an area of ground to mark a boundary, control access, or prevent escape.

4-402. Acceptable and prohibited materials.

(a) The following items are acceptable materials to use to construct a fence:

(1) wood, chain link, premanufactured molded fence, metal wrought iron, composite fencing and vinyl fencing.

(2) all chain link fencing must have a proper top rail installed to consider it completed.

(b) The following items are prohibited materials to use to construct a fence:

(1) fencing of a temporary or short-lived nature such as safety fencing, snow fencing, silt fencing, hardware cloth fencing, bamboo and reed fencing, netting, tarp material, corrugated tin, T-post (without approved cover), U-post, barbed wire, razor wire, or other material that is determined to pose a safety concern, livestock wire, bricks, stone, cinder block, tires or like materials.

(2) Chain link fencing with installed slats of vinyl or similar material.

4-403. Height restrictions.

The following maximum height restrictions shall be observed for all new and/or replacement fence construction within the City of Leon, Kansas:

6' high on side and rear property lines

4' high in front setback (including street side on corner lots).

3' high in sight triangle of corner lots

(a) No fence shall be constructed which constitutes a traffic hazard.

(b) No fence shall be constructed in such a manner or be of such design as to be hazardous or dangerous to persons or animals.

(c) No person shall erect or maintain any fence which will materially damage the adjacent property by obstructing the view, shutting out sunlight or hindering ventilation, or which fence shall adversely affect the public health, safety, and welfare.

(d) No fence except fences erected upon public school grounds or in public parks and in public playgrounds shall be constructed of a height greater than four feet in the front yard or side street line; or six feet elsewhere; provided, however,

that the Governing Body may, as a special use, authorize the construction of a fence higher than eight feet if the Governing Body finds the public welfare is served.

4-404. Certain fences, walls, or enclosures built or required for animals.

(a) Any fencing built or maintained to keep livestock which is listed in Chapter 2, Article 8 will be required to comply with the requirements for fencing set forth by Kansas State Statutes. If Kansas State Statutes do not address certain fencing requirements, then the City Code fencing requirements will be applicable. However, no barbed wire or electric fence will be allowed within the city limits of Leon even if allowed by Kansas State Statutes.

4-405. Fence location and requirements.

(a) No fencing shall be constructed beyond platted lot lines. For unplatted property, no fence shall be constructed within (15) feet of any street right-of-way.

(b) All fences shall be constructed with the finished side facing outward from the property. The posts and support beams shall be on the inside or shall be designed as an integral part of the finished surface.

(c) All fences must be free standing and constructed in a manner where it will stand on its own without leaning or falling.

(d) All fences must be maintained in good, sound condition. They must be free of damage or breaks. If the fence shows peeling, flaking, scaling, chipping, or missing paint it must be either repainted or all of the paint removed. Materials used to construct a fence must be residential in character and aesthetically pleasing to the surrounding neighborhood.

4-406. Installation permit required.

No person shall install, erect or substantially replace any fence without first having obtained a permit authorizing the work to be done. Application for a permit shall include the location and legal description of the property, name of the record owner of the property, name of permittee, classification and height of fence, location as shown on a plot plan, and estimated time of completion. There shall not be a fee for such a permit.

4-407. Maintenance and repair of fences.

Fences shall be kept in repair and any dilapidated, dangerous or unsightly fence shall be removed or repaired when so ordered by the governing body.

4-408. Certain fences, walls, hedges deemed nuisances; Notice to repair or move.

Any fence or wall here and after erected or maintained contrary to the provisions of this article is hereby declared to be a nuisance and shall be removed or repaired by the owner thereof or by the person occupying the premises on which it is located within ten (10) days after receipt of notice from the governing body to repair or remove the same.

4-409. Nonconforming fences.

Nonconforming fences which may be continued:

(a) The following lawful nonconforming fences may be continued:

(1) A fence which existed prior to the effective date of Ordinance 2024-01 with the exception of fences listed in section 4-409(b)(1).

(b) These regulations shall supersede any covenants, deed restrictions, or any other requirements currently in place on a property.

(1) Any fence currently with electrical wire and/or hot wire (charged or uncharged) or any fencing of similar characteristics, due to safety concerns, that does not meet requirements set forth herein may remain on said property until six (6) months from the adoption of Ordinance No. 2024-05.


Violation; penalty.


Any person violating or permitting the violation of this chapter shall, upon conviction in municipal court be fined a sum not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00). In addition, the court may order the permit, license or registration of the fence revoked and the fence ordered to be repaired or torn down. Each day that a violation continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this chapter shall pay all expenses necessitated by the enforcement.

SECTION 2: Any Ordinances or Code provisions inconsistent herewith are hereby repealed.

SECTION 3: This Ordinance shall take effect and be in full force from and after its adoption by the governing body of the City, approval by the Mayor and publication once in the official newspaper of the City. The official newspaper of the City is the city website: www.cityofleon.org.

ADOPTED AND PASSED by the governing body of the City of Leon, Kansas on February 05, 2024, and APPROVED AND SIGNED by the Mayor on February 5, 2024.


KRISTINA SEMISCH, Mayor

ATTEST:

JODIE LAIDLER, City Clerk

