

ORDINANCE NO. 2024

**AN ORDINANCE AMENDING AND RE-ENACTING SECTIONS 39.07.005
OF ARTICLE 39, RELATING TO FENCING REGULATIONS**

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF DICKINSON, NORTH DAKOTA, AS FOLLOWS:

SECTION 1: Section 39.07.005 of Article 39 of the City Code of the City of Dickinson is hereby amended and re-enacted as follows:

Section 39.07.005 Fence Regulations

a. Permit Required

No fence shall be erected, moved, added to, or structurally altered without a fence permit obtained from the City.

a.b. Location Restriction

Unless otherwise provided by this title or other sections of the Dickinson Municipal Code, no fence shall be built on any lot or tract outside the surveyed lot lines, or tract outside the surveyed lot lines.

b.c. Sight Obstruction

No solid fence permitted or required by this title or other sections of the Dickinson Municipal Code shall be built in any manner which creates a traffic hazard or obstructs visibility. Vision clearance zones set forth by Section 39.07.002(d) shall be maintained.

c.d. Residential Fences

Fences constructed within residential districts or on land used for residential purposes are subject to the following provisions.

1. Height: The maximum height of a fence within a required front yard or street side yard setback shall be four feet. The maximum height for any fence outside of a required front yard shall be 6.5 feet. Fences on corner and double frontage lots must have a front yard and street setback, as determined by the ~~Planning Director~~Building Official or his/her designee.
2. Materials: Fences shall be constructed of wood, chain-link, PVC / resin, stone or masonry materials only. Barbed wire and / or electrified fences are not permitted, and are defined as any fence that includes in its material barbs, razors, electric current or other features specifically designed to injure or abrade an individual or animal who attempts to negotiate the fence.

d.e. Other Fences

Fences constructed in commercial and industrial districts are subject to the following special provisions.

1. The maximum height of a fence for any permitted use in any nonresidential zoning district shall be 6.5 feet.
2. Civic Uses in Residential Districts: The maximum height of fences installed as part of Primary and Secondary Educational Facilities or Park and Recreation Use Types within Residential Zoning Districts shall be eight feet.
3. The Board of Adjustment may approve greater fence heights on a case-by-case basis if it concludes that such permission furthers the health, safety, and welfare of the residents of the City of Dickinson.

4. Barbed wire may be used in the construction of perimeter security fencing in an industrial district or for municipal facilities provided that the bottom strand of the wire shall be at least six feet above ground level. Barbed wire may be constructed for agricultural purposes in an AG District. Electrified fences are permitted only within the AG zoning district.

e.f. Existing Fences

Any existing fence lawfully built before the effective date of this Ordinance may remain in place without change. Any replacement or change of such fence shall meet the requirements of this section. (Ord. No. 1171 § 1. Ord. No. 1604§ 9)

Section 2: Repeal of Ordinances in Conflict. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Section 3: Severability. In the event any section of this Ordinance is held invalid by court of competent jurisdiction, the invalidity shall extend only to the section affected, and other sections of this Chapter shall continue in full force and effect.

Section 4: Effective Date: This Ordinance shall be in full force and effect from and after final passage.

Scott Decker, President
Board of City Commissioners

ATTEST

Dustin Dassinger, City Administrator

First Reading: August 20, 2024

Second Reading: September 3, 2024

Final Passage: September 3, 2024