

ORDINANCE NO. 880

AN ORDINANCE AMENDING CHAPTER 165, ZONING REGULATIONS, OF THE CODE OF ORDINANCES OF THE CITY OF DYERSVILLE, IOWA, BY REPEALING AND REENACTING SECTION 165.09.11, FENCE REGULATIONS, RELATING TO PERMIT REQUIREMENTS FOR PERMANENT AND TEMPORARY, MOVABLE FENCES

WHEREAS, the City of Dyersville is authorized to adopt and amend zoning regulations under Iowa Code Chapter 414 and Sections 372.9 and 364.1, as recognized in Section 165.01.02 of the Dyersville Code of Ordinances; and

WHEREAS, Section 165.09.11(E) requires a permit before a fence is constructed or reconstructed but does not distinguish a permanent fence from a temporary, movable fence, and the Code does not define “fence”; and

WHEREAS, residents increasingly use temporary, movable fences for gardens and pet areas that involve no site work or grading and are not built into the ground; and

WHEREAS, the City has long administered this permit as a fence permit, while the Code refers to it as a building permit, and aligning the term reduces confusion for residents and staff; and

WHEREAS, restating Section 165.09.11 in its entirety, rather than amending a single subsection, allows residents, staff, and the Council to read the complete fence regulations as they will appear after adoption; and

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DYERSVILLE, IOWA:

SECTION 1. REPEAL AND REENACTMENT. Section 165.09.11, Fence Regulations, of the Code of Ordinances of the City of Dyersville, Iowa, is repealed and reenacted to read in its entirety as follows:

165.09.11. Fence Regulations.

A. Corner Visibility. In any residential district, no fence or continuous planting shall be maintained within thirty (30) feet of any corner lot street line intersection, which would impair the sight distance of the operator of a motor vehicle.

B. Location. No fences are permitted in the public street right-of-way and shall be erected and maintained to avoid limiting or obstructing the flow of water in natural drainage courses, or drainageways created within easements.

C. Easements. Any fence erected on a tract of land subject to an easement for the construction, maintenance, operations, or replacement of any water, sanitary or storm sewer, gas line, electric power, telephone, or other utility poles, or other cables or lines shall be designed and constructed to be readily removable to permit the use of the easement. Such fences shall be subject to removal by request whenever necessary to permit access. The cost of removal or replacement shall be the responsibility of the fence owner.

D. Materials. The following materials shall be required:

- i. Fences shall be constructed of wood, chain-link, PVC/resin, stone, or masonry materials, or ornamental metals only.
- ii. Wood fences shall use standard building lumber only.
- iii. Barbed wire fences are not permitted except in the A-1 and I-3 districts and are defined as any fence that includes in its material barbs, blades, razors, electric current, or other features specifically designed to injure or abrade an individual or animal who attempts to negotiate the fence.
- iv. Wire mesh fences may be permitted to enclose tennis courts and game and recreation areas on public land and residential lots.

E. Permit.

- i. Permanent fences.** A fence permit, issued pursuant to Section 165.03.04(D), Building Permit, is required before any permanent fence is constructed or reconstructed. A permanent fence is a fence that is supported by posts, footings, or other members set into the ground, or that otherwise requires site work or grading to install.
- ii. Temporary, movable fences.** A fence permit is not required for a temporary, movable fence. A temporary, movable fence is a fence that is placed on the surface of the ground or held in place by stakes or supports that can be removed by hand, that requires no site work or grading to install, that can be relocated without disassembly of members set into the ground, and that remains in place no longer than one hundred eighty (180) consecutive days. A fence that remains in place longer than one hundred eighty (180) consecutive days, or that is installed in any manner described in paragraph i, requires a fence permit.
- iii. Location, height, and other requirements for temporary, movable fences.** In a residential district, a temporary, movable fence shall not be located in a front yard and shall not exceed four (4) feet in height in a side or rear yard; this requirement applies in place of the residential height schedule in Section 165.09.11(F)(i). In all other districts, a temporary, movable fence is subject to the height limits of Section 165.09.11(F). A temporary, movable fence remains subject to the corner-visibility requirement of Section 165.09.11(A), the location and drainage requirement of Section 165.09.11(B), the easement requirement of Section 165.09.11(C), and the prohibition on barbed wire and other injurious fencing in Section 165.09.11(D)(iii). The remaining materials requirements of Section 165.09.11(D) do not apply to a temporary, movable fence.

F. Height.

- i. Residential Districts.** No fence or continuous planting over three (3) feet in height shall be maintained in any front yard; no fence or continuous planting over four (4) feet in height shall be maintained in any side yard; and no fence or continuous planting over eight (8) feet in height shall be maintained in a rear yard.
- ii. Civic Uses in Residential Districts.** The maximum height of fences installed as part of Primary and Secondary Educational Facilities, Day Care, Park and Recreation Use Types, or any other use that provides secured outdoor space for children within residential zoning Districts shall be eight (8) feet.

iii. Non-Residential Districts. The maximum height of a fence for any permitted use in any non-residential zoning district shall be eight (8) feet, except that fences shall not be permitted in the front yard of commercial and civic districts.

G. Appeals. Denial, revocation, or cancellation of a fence permit based on the provisions of this Subsection may be appealed to the Board of Adjustment, as set forth in Section 165.03.04(M), Appeals.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with this ordinance are repealed to the extent of the conflict.

SECTION 3. SEVERABILITY. If any section, provision, or part of this ordinance is adjudged invalid or unconstitutional, that adjudication shall not affect the validity of the ordinance as a whole or of any section, provision, or part not adjudged invalid or unconstitutional.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect upon its final passage, approval, and publication as provided by law.

First Reading: _____

Second Reading: _____

Third Reading: _____

Passed and approved by the City Council of the City of Dyersville, Iowa, on this _____ day of _____, 2026.

Jeff Jacque, Mayor

ATTEST:

Tricia L. Maiers, City Clerk