



City of Dyersville
City Administrator's Office

ADMINISTRATIVE INTERPRETATION
City Administrator — Chapter 165, Zoning Regulations

Interpretation No.: 26-01

Date: 07/01/2026

Issued by: Mick J. Michel, City Administrator

Authority: The City Administrator's duty is to administer and enforce Chapter 165. The interpretive standard in Section 165.03.04(L) is applied below. This interpretation is issued on the Administrator's own initiative to guide consistent enforcement.

Provision interpreted: Section 165.09.11(E),

Question

Does a temporary, movable fence — the kind a resident places around a garden or a pet area — require a fence permit under Section 165.09.11(E) of the Dyersville Code of Ordinances?

The situation that gives rise to this interpretation

Fence permits are a routine part of the City's work. The City reviews roughly fifteen to twenty fence permits each year, and the process works well for the fences it was built around: chain-link and wood privacy fences set on posts driven into the ground. A property owner applies, the Administrative Assistant assigns a task in the asset-management system, and the application comes to the City Administrator for review under Section 165.09.11(E).

A different kind of fence has become common, and it does not fit that process. Residents increasingly use light, movable fences for gardens, for pet areas, and for snow. These fences are set on the ground surface or held by hand-pulled stakes. They are not built into the ground, and they can be picked up and moved. The City has not historically treated these as requiring a permit.

The difficulty is that the Code provides no clear rule. It does not define "fence," and it draws no line between a permanent fence and a temporary, movable one. As a result, the same facts can be treated differently depending on who looks at them, and a question about whether a permit is even required can arise only after a fence is already in place. A clear, written standard is needed so that residents and staff are treated consistently and so that the permit requirement is applied to the fences it was intended to cover. I issue this interpretation to provide that standard.



The standard I must apply

Section 165.03.03(D)(i)(a) directs that an interpretation of the general intent and/or specific meaning of any portion of the Zoning Ordinance text. I have applied that standard below.

Analysis

Three provisions of the Code bear on the question, and they must be read together.

Section 165.09.11(E) currently states that no fence shall be constructed or reconstructed without a permit being issued. The operative words are “constructed or reconstructed.” The ordinary meaning of “construct” in dictionaries is to build or form something by putting together parts or materials. To construct or reconstruct a fence, then, is to build or erect it as a fixed work affixed to the ground — set on posts, footings, or other members placed in the ground. A light fence that rests on the surface, or is held by stakes that pull out by hand, and that can be moved without disturbing anything fixed in the ground, is not “constructed” in that ordinary sense.

When a person obtains a building permit, they will work the site, grade it, and construct a building or a fence. It treats construction as work that begins with “the commencement of site work and grading.” A temporary, movable fence involves neither. Under the Code’s own framing of construction, there is nothing to “construct.”

The definitions section points the same way. Section 165.04.03 defines a “structure” as anything constructed or erected that must rest on the ground, but it expressly excludes fences from that definition. The Code therefore already treats fences as a lighter category, set apart from permanent structures. Reading the permit requirement to reach only fences that are actually built into the ground is consistent with that intent.

Read together, the plain meaning of “constructed,” the Code’s framing of construction, and the treatment of fences as distinct from structures all support the same conclusion: the permit requirement applies to fences that are built into the ground, not to temporary, movable fences that are not.

Interpretation

I interpret Section 165.09.11(E) as follows:

1. A fence permit is required before a 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.
 2. A fence permit is not required for a temporary, movable fence — a fence that rests on the surface of the ground or is held by stakes or supports removable by hand, that requires no work in the ground to install, and that can be relocated without disturbing anything fixed in the ground. A fence installed in any manner described in paragraph 1 requires a fence permit.
 3. A temporary, movable fence remains subject to every requirement of Section 165.09.11 that applies to it, including 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
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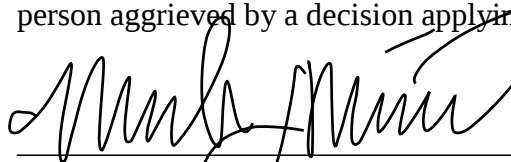
Section 165.09.11.C, the prohibition on barbed wire and other injurious fencing in Section 165.09.11.D.iii, and the height schedule of Section 165.09.11.F. The remaining materials requirements of Section 165.09.11.D, which describe permanent fencing materials, do not apply to a temporary, movable fence. A temporary, movable fence that violates any applicable requirement may be required to be moved or removed.

Effect, record, and review

This interpretation applies to all fence matters going forward, including any matter now pending. It is a forward-looking standard; it does not single out any one property or owner. Any open enforcement matter should be evaluated against this standard.

This interpretation is interim. I will bring forward a text amendment to the City Council and upon their own motion, they may forward it to the Planning and Zoning Commission for a report, which at the City Council will consider the Amended Ordinance. The amendment, once adopted, will govern.

This interpretation is a public record and it will be available at the City Clerk's Office. Any person aggrieved by a decision applying it may appeal to the Board of Adjustment.

A handwritten signature in black ink, appearing to read "Mick J. Michel", is written over a horizontal line.

Mick J. Michel
City Administrator
