



CITY COUNCIL WORK SESSION MEMORANDUM

TO: City Council

FROM: Matthew R. Schmitz, MPA - City Manager

DATE OF MEETING: September 2, 2025

ITEM TITLE: Ordinance to amend Chapter 152, Fences, Walls and Hedges in the City of Independence Code of Ordinances.

DISCUSSION:

This item was sent to the Work Session from the August 11, 2025, Council meeting

For reference, the original memo from the Council Meeting is attached.

At the August 11, 2025, Regular City Council Meeting, Staff included an item to discuss a potential amendment to the City's Code of Ordinances for Chapter 152, Fences, Walls and Hedges, specifically the requirement that the fence be offset from the property line three (3) feet unless permission is obtained from the adjoining property owner to place the fence on the property line.

In researching this matter in consultation with the City Attorney, we found that Chapter 359A of the Iowa Code applies to Cities. As such, we believe the requirement to offset the fence by three feet is unlawful if the resident wants to build a "lawful fence". If the residents want to make a more decorative fence, we believe the City can and should regulate it.

With that in mind, the Staff would like to discuss with the Council the possible removal of the three-foot offset, as well as ask if there are any other regulations the Council would like to have in place for fences located within the City.

The current code is attached for reference.

RECOMMENDATION:

Staff recommends discussion of this topic. No action is needed at this meeting, as any decision items needed would be brought forward to a City Council meeting for approval.