



CITY COUNCIL MEMORANDUM

TO: City Council

FROM: Matthew R. Schmitz, MPA - City Manager

DATE OF MEETING: September 8, 2025

ITEM TITLE: First Reading of an Ordinance Amending Chapter 152 of the Code of Ordinances of the City of Independence, Iowa, Regarding Fences, Walls, and Hedges

BACKGROUND:

Following a discussion at the August 11, 2025, City Council meeting, City staff, in consultation with the City Attorney, began a review of Chapter 152 concerning fence regulations. The review was prompted by questions about the requirement for a three-foot offset from property lines. Research indicated a potential conflict with state law. The matter was further discussed at the City Council Work Session on September 2, 2025, leading to the development of the proposed ordinance to clarify the regulations.

DISCUSSION:

The proposed ordinance amends Section 152.02 of the City Code, focusing on restrictions for interior lots. The key change is to remove the section that required a 3' offset for fences, walls, and hedges from the property line, allowing residents to place them directly on their property line if desired. Additionally, during the Work Session, there was a request to modify the previous six-foot six-inch height requirement to six-feet, and that has been modified as well.

RESULTS:

The City has established priorities during strategic planning sessions. This item supports the Vision from that session of **supporting high-quality City services** and **efficient and effective planning and prioritizing of all available resources**. This item helps achieve that vision by clarifying the City's Code of Ordinances, making the regulations easier for residents to understand and for staff to administer, thereby improving service delivery and ensuring compliance.

FINANCIAL CONSIDERATION:

There are no financial considerations associated with this item, other than publication costs for the update to the Code.

RECOMMENDATION:

Staff recommends a motion to approve the first reading of an ordinance amending Chapter 152 of the Code of Ordinances of the City of Independence, Iowa, Regarding Fences, Walls, and Hedges.

Staff recommends a motion to suspend the statutory rule requiring an ordinance to be considered and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed.

Staff recommends a motion to have this ordinance, which amends Chapter 152 of the Code of Ordinances of the City of Independence, Iowa, Regarding Fences, Walls, and Hedges, placed on its final passage for adoption pursuant to Iowa Code Section 380.3 and to authorize the Mayor to sign the Ordinance. The changes will be effective upon the ordinance summary being published in the newspaper.