

ORDINANCE NO. 1534

AN ORDINANCE ENTITLED “AN ORDINANCE TO AMEND SECTION 17.31.01:

BE IT ORDAINED BY THE CITY OF MADISON, SOUTH DAKOTA, TO WIT:

That Section 17.31 of the Revised Ordinances of the City of Madison, also known as the Code of Ordinances be amended to read as follows:

**Sec. 17.31. Fences.**

**Sec. 17.31.01. Construction Limitations.**

1. Notwithstanding other provisions of this ordinance, fences, walls, and hedges with a maximum height of not more than seven (7) feet high, may be erected on any part of a lot other than in the required front yards.

Exceptions: The following types of fences may be constructed in the required front yard(s) under the following conditions:

A) Lots with one Frontage:

- i) Fences less than fifty percent (50%) solid subject to the following conditions:
  - (a) Maximum height is no greater than four (4) feet.
- ii) Fences greater than fifty percent (50%) solid:
  - (a) Maximum height is no greater than thirty (30) inches; or
  - (b) Maximum height is no greater than four (4) feet where said fence does not in any way obstruct the view of pedestrian or vehicular traffic from the intersecting right-of-way to the ingress/egress point of the lot. A fence will be considered to obstruct said view when constructed within the triangular area formed by the intersection road right-of-way line, the center line of the ingress/egress and a straight line connecting points on said road and ingress/egress line each of which is fifty (50) feet distance from the point of intersection.

B) Lots with more than one Frontage:

- i. Fences in the required yard space and in any additional space between the right-of-way and the primary entrance, or “front door,” of the structure less than fifty percent (50%) solid subject to the following conditions:
  - (a) Maximum height is no greater than four (4) feet.

- ii. Fences in the required yard space and in any additional space between the right-of-way and the primary entrance, or “front door,” of the structure greater than fifty percent (50%) solid:
  - (a) Maximum height is no greater than thirty (30) inches; or
  - (b) Maximum height is no greater than four (4) feet where said fence does not in any way obstruct the view of pedestrian or vehicular traffic from the intersecting right- of-way to the ingress/egress point of the lot. A fence will be considered to obstruct said view when constructed within the triangular area formed by the intersection road right-of-way line, the center line of the ingress/egress and a straight line connecting points on said road and ingress/egress line each of which is fifty (50) feet distance from the point of intersection.
- iii. Fences not in the required yard space and in any additional space between the right-of-way and the primary entrance, or “front door,” of the structure, subject to the following conditions:
  - (a) Maximum height is no greater than seven (7) feet where said fence does not in any way obstruct the view of pedestrian or vehicular traffic from the intersecting right- of-way to the ingress/egress point of the lot. A fence will be considered to obstruct said view when constructed within the triangular area formed by the intersection road right-of-way line, the center line of the ingress/egress and a straight line connecting points on said road and ingress/egress line each of which is fifty (50) feet distance from the point of intersection.

- 2. Fences, walls, and hedges which are more than thirty (30) percent solid shall abide by Section 17.30.
- 3. No person shall hereafter construct, erect or maintain or cause to be constructed, erected or maintained in the City of Madison corporate limits any fences of any character or material, without first securing permission from the Administrative Official.
- 4. No such fence of any kind shall be built closer than two (2) feet to the inside sidewalk line or street right-of-way.
- 5. Approved fencing materials include stone, brick, wood, vinyl, and chain link. The City further requires fencing materials to be “new” - used for first time installation. Individuals wishing to utilize “used” - not first time installation fencing materials shall require Board of Adjustment approval. No electric or barbed wire shall be used in the construction of any fences within the City of Madison, except that barbed wire may be used on agricultural property and in connection with a security fence when the barbed wire is at least six (6) feet from the ground.

6. Hedges or other plantings which create a fence effect are subject to the same regulations as fences.
7. That side of the fence considered being the face (facing as applied to fence post) should face abutting property.

Passed and adopted this 3<sup>rd</sup> day of December, 2012.

CITY OF MADISON

/s/Gene Hexom  
Mayor

ATTEST: /s/Jeff Heinemeyer  
City Finance Officer

1<sup>st</sup> Reading: November 19, 2012  
2<sup>nd</sup> Reading: December 3, 2012