

**CITY OF FREEMAN
ORDINANCE 2021-04**

AMENDMENT TO THE OFFICIAL ZONING ORDINANCE OF THE CITY OF FREEMAN

AN ORDINANCE AMENDING SECTION 1213 (OBSTRUCTIONS), NUMBER 11 (FENCES),
OF "THE OFFICIAL ZONING ORDINANCE OF THE CITY OF FREEMAN",
HUTCHINSON COUNTY, SOUTH DAKOTA, FOR AMENDING THE FENCE REGULATIONS

BE IT ORDAINED BY THE CITY OF FREEMAN,
HUTCHINSON COUNTY, SOUTH DAKOTA

Section 1213 (Obstructions), Number 11 (Fences) of The Official Zoning Ordinances of the City of
Freeman, Adopted 08/09/1999, Amended 01/15/2007,
is hereby amended to read as follows:

A. Purpose: This ordinance is adopted for the following purposes:

1. To define the various types of fences.
2. To define the Front Yard, Side Yard, and Back Yard.
3. To regulate the height and placement of fences in residential, business and commercial districts.
4. To establish standards for Construction Materials used, Building and Maintenance of Fences, Walls, and Screenings.

B. Definitions:

1. "Fence" means a structure, including gates, or shrub hedge, serving as an enclosure, a barrier, a boundary, or means of protection or confinement.
2. "Open Fence" means a fence which has over its entirety at least 50 percent open surface. Examples may include decorative, picket, wrought iron.
3. "Solid Fence" means a fence of solid construction which conceals from view, from adjoining properties, streets, or alleys activities conducted behind it.
4. "Front Yard." A yard extending across the full width of a lot and between the front lot line and the nearest wall of the house or structure on the lot.
5. "Side Yard." Side yard shall mean an open space between a main building and the side lot line, extending from the front yard to the rear yard.
6. "Back Yard." A yard extending across the full width of a lot and between the nearest wall of the house or structure on the lot and the rear lot line.

C. Residential Fences:

1. Only Open Fences (no Closed Fences) may be used in a Front Yard. The height shall not exceed 4 feet. (Note fence height difference in Traffic Visibility Triangle.)
2. Side Yard and Back Yard Chain Link fences may not exceed 4 feet in height.

3. Side Yard and Back Yard Solid fences may not exceed 6 feet in height.
4. Hedges may not exceed 4 feet in the front yard and 6 feet on the side and back yards (note height difference in Traffic Visibility Triangle)
5. Set Backs. Fences may not be placed closer than 1 Foot from the lot line.
6. Set Backs. Fences located within a "Traffic Visibility Triangle" on a corner lot, may not be placed closer than two and one-half (2.5) feet from the lot line. See "Traffic Visibility Triangle" explanation under Definitions of Zoning Ordinances adopted 08/09/1999 and amended 01/15/2007.
7. Finished side of the fence shall face out towards adjacent residential lots and Public right of ways.
8. Solid fences shall also be recommended for swimming pools.

D. Allowable Fence Materials: Fence Materials will be designed for, and manufactured as fence, and for fence use. Wood, decorative metal, chain link, vinyl, composite fence materials, wrought iron, masonry. Other material includes living shrubs or hedge.

E. Prohibited Fence Materials: Cloth, corrugated metals (except in Business and Industrial Districts), roofing panels, plastic sheeting, pallets, snow fence, plywood, paper, plastic, chicken wire, and any other materials not listed in Allowable Materials.

No Barbed wire, razor wire, iron spikes, other sharp points, or barbed plants.
No Electric fences.

F. Maintenance: All fences shall be maintained in good, safe, stable, and attractive condition. Consistent with the design established with the fence permit. Leaning, sagging, unsightly (from worn paint or stain) rotten, broken, or missing components shall be replaced or repaired immediately, or fence will be ordered to be removed by the City Zoning Administrator.

G. Business District and Industrial Fences:

1. Fence shall not exceed ten feet in height.
2. Fences may be constructed with either open or closed fence material.
3. Corrugated Metal Sheeting (with Corrosion Resistant finish) may be used only after the Board of Adjustment approves the material and confirms it will not present an aesthetic hardship for neighboring properties.

4. Barbed Wire on the top of a fence may only be used with the approval of a Conditional Use Permit.
5. Finished side of the fence shall face out towards adjacent residential lots and Public right of ways.
6. Set Backs. Fences in Business and Industrial zones may be placed on the lot lines.
7. Set Backs. Fences located within a "Traffic Visibility Triangle" on a corner lot, may not be placed closer than two and one-half (2.5) feet from the lot line. See "Traffic Visibility Triangle" explanation under Definitions of Zoning Ordinances adopted 08/09/1999 and amended 01/15/2007.

H. TEMPORARY FENCES exempt from Building Permit process include:

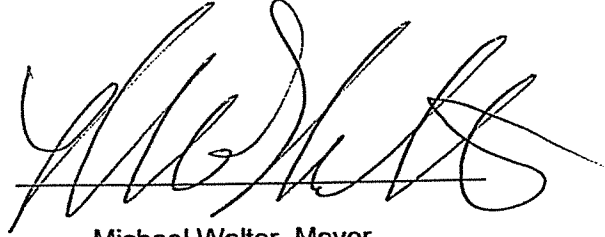
- 1). Garden Fence made of woven wire material placed around flower beds and / or vegetable gardens do not exceed three (3) feet in height. Garden Fence allowed May 1st thru September 1st.
- 2). Snow Fence made of plastic material and designed for the purpose of limiting snow drifting. Snow fences shall not be erected in such a manner as to cause snow to accumulate on neighboring properties or on any roads or highways. Snow Fence allowed November 1st thru April 1st.
- 3). Construction Site Fence shall be permitted to enclose the complete project or partial site area. Fence will not be dangerous or detrimental to the health or safety of any person, or obstruct the view as to create a traffic hazard. Temporary construction fences may be authorized for intervals (of 1 or more) not to exceed 180 days each.
- 4). Emergency / Disaster Fence may be used as a safety or security measure as needed. Emergency / Disaster fencing shall not remain in place longer than is necessary to perform its function.
- 5). Temporary Fencing use will be at the discretion of the Zoning Administrator.

I. Other Guidelines:

1. No fence shall be constructed or erected until a building permit has been issued and the fee for said permit paid.
2. An accurate sketch showing the proposed location of the fence on the premises shall be furnished at the time the fence permit application is made.
3. Any fence which totally encloses a property, shall have at least one gate.
4. Ground that is zoned AGRICULTURAL DISTRICT is exempt from fence ordinance.
5. Any person violating the provisions of this fencing ordinance is subject to the

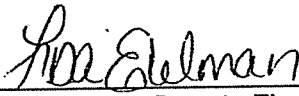
penalties set forth in Article 16 of these Zoning Ordinances. In addition, any person who is constructing an offending fence, may be required to stop such construction, upon by the issuance of a "Stop Order", by the City of Freeman Zoning Administrator. The Zoning Administrator may also seek to gain compliance by any legal means available pursuant to these Ordinances or South Dakota law.

Dated this 5th day of May, 2021.

A handwritten signature in black ink, appearing to read "Michael Walter", written over a horizontal line.

Michael Walter, Mayor

(SEAL)

ATTEST: 
Lisa Edelman Deputy Finance Officer

First Reading: April 7, 2021
Second Reading: May 5, 2021
Published: May 13, 2021
Effective Date: June 2, 2021