

ORDINANCE NO. 2020-01

**AN ORDINANCE ESTABLISHING FENCE AND WALL STANDARDS FOR THE  
TOWN OF HOPE, INDIANA**

**WHEREAS**, the Town of Hope Town Council (the "Council") has previously adopted certain ordinances related to Zoning and Subdivision Control; and

**WHEREAS**, the Council has reviewed the Hope Town Code and has determined that Chapter 10, Article 3, should be amended to add Section 10-25-11.66 Fence and Wall Standards;

**NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF HOPE, INDIANA, THE FOLLOWING:**

1. That Chapter 10, Article 3, **ZONING ORDINANCE**, shall be amended to include the following section:

**§ 10-25-11.66 FENCE AND WALL STANDARDS.**

**These Fence and Wall Standards shall apply to all zoning districts within the Town of Hope.**

**A. Exemptions:** Fences used in the following circumstances shall be exempt from the requirements of this Section:

1. Correctional Facilities: Fences and other barriers used in correctional facilities.
2. Swimming Pools: Swimming pool fencing shall conform to the regulations of the State of Indiana and the Bartholomew County Code of Ordinances, as applicable.
3. Retaining Walls: Retaining walls shall conform to the regulations of the Bartholomew County Code of Ordinances.
4. Highway Barrier Walls: Highway barrier walls erected and/or approved by the Indiana Department of Transportation shall comply with any applicable INDOT specifications.

**B. General Restrictions:** The following general restrictions apply to all fences and walls as specified below:

1. Rights of Way: No fence or wall shall be constructed in or allowed to encroach upon any public right of way.
2. Easement: No fence or wall shall cross a public or private easement without the permission of the easement holder.
3. Intersection Visibility: No fence or wall shall be erected or maintained within the intersection as to prohibit or hinder visibility.
4. Prohibited Elements: Chicken wire, concertina wire, or razor wire, razored edges, broken glass, affixed spikes, projecting nails, or other pointed instruments of any kind are prohibited. Decorative spikes that are part of an ornamental fence shall be allowed.
5. Structural Orientation: Fences shall be erected with the structural side, including all structural members, braces, bolts, etc., facing the interior of the property that the fence encloses.

**C. Residential Use Restrictions:** The following restrictions shall apply to all residential uses:

1. Prohibited Fence Types: All electrified and barbed wire fences are prohibited on all residential properties, except those in a Agricultural zoning district.
2. Height Limits: No fence or wall shall exceed a height of 8 feet in any side or rear yard or 42 inches in any front yard. When applying this subsection to through lots (which technically have 2 front yards), the front yard on to which the primary structure faces shall be considered the front yard, and the other front yard shall be considered a rear yard. Corner lots shall be considered as having 2 front yards, consistent with the other provisions of this ordinance.
3. Fence Construction: The fence shall be completely opaque and be constructed of wood or masonry, or of composite materials such as vinyl, provided the materials used create an opaque screen are of solid construction and can be maintained. Metal fences which are not opaque are specifically prohibited, except for chain link or metal ornamental fencing. The fence shall be constructed so that the non-structural side faces outward.

**D. Non-residential / Non-agricultural Use Restrictions:** The following restrictions shall apply to all non-residential / non-agricultural uses:

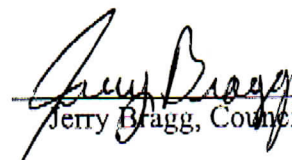
1. Prohibited Fence Types: All electrified and stockade fences are prohibited. Barbed wire fences are permitted for the purposes of security.
2. Height and Location Limits: No fence or wall shall exceed a height of 8 feet in any side or rear yard or 42 inches in any front yard. In the case of properties with multiple front yards, this restriction shall apply only to the front yard providing the primary access to the property.

**E. Height Measurement:** Fences and walls shall be measured from the surrounding grade, including the base of any berms, to the top of the fence. A fence post may extend 6 inches beyond the top of the fence.

2. **SEVERABILITY:** Any provision herein contained which is found by a court of competent jurisdiction to be deemed to be unlawful or which by operation of law shall be inapplicable, shall be deemed omitted but the rest and remainder of this ordinance, to the extent feasible, shall remain in full force and effect.


3. **EFFECTIVE DATE:** This Ordinance shall become effective immediately upon passage or as provided for by law.


**ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF HOPE, INDIANA,** on this the 18 day of August, 2020 by a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays.

  
Jerry Bragg, Council President

  
Nellie Meek, Town Council Member

  
Clyde Compton, Council Vice President

  
William E. Johnson, Town Council Member

  
Ohmer Miller, Town Council Member

Approved and signed this 18 day of <sup>August</sup>~~July~~ 2020 at \_\_\_\_\_ M.

ATTEST:

  
\_\_\_\_\_  
Clerk of the Town Council