

**ORDINANCE 2009-01
FENCE CONTROL
TOWN OF WELAKA**

**AN ORDINANCE ESTABLISHING RULES AND REGULATIONS FOR FENCE,
WALL AND HEDGES WITHIN THE TOWN OF WELAKA, FLORIDA.**

WHEREAS, the Town Council of the Town of Welaka recognizes the public safety of the citizens of Welaka and that the need exists to establish minimum standards for raising of fences, walls and hedges upon private property lines and abutting municipally owned properties; and

WHEREAS, the Town Council of the Town of Welaka recognizes the right of the public to own and maintain fences, walls and hedges; and

WHEREAS, the Town Council of the Town of Welaka has determined that minimum standards must be set for the establishment of said fences, walls and hedges.

THEREFORE, BE IT ORDAINED by the Town Council of the Town of Welaka, Florida as follows:

Section 1.

Location of Fences, Walls and Hedges

- a. Must be located entirely on the applicant's property.
- b. May not be installed in a drainage or utility easement.
- c. Must have three (3) copies of site plans in which shows the location of all structures. (House plus all accessory structures), property lines, dimensions and include a current survey of said property.
- d. Application must contain proposed fence location within the site plan.
- e. With respect to all fences abutting municipally owned property, the finished side of such fences shall face outward toward the abutting municipal property with all posts and supports being placed upon and facing the private property upon which they are constructed.

Section 2.

Street, Corner Visibility

No fence, wall, hedge, screen planting or other obstructions of vision extending in excess of two (2) feet, but less than three (3) feet, above the established street center line grade shall be erected or maintained on any part of a corner lot that is included between the lines of intersecting streets and a line intersecting them at points thirty (30) feet distant from the intersection of the street. Note: In no case shall any fence, wall, hedge or screen planting be located so as to cause a hazard to the movement of vehicles or pedestrian as determined by the Police Department.

Section 3.

Front Yard Limitations

Each yard on your property that faces a street is a front yard in, which is defined as the area between the street and the front setback line. A front yard fence cannot be more than 48" (4 Ft.) in height.

Section 4.

Side and Rear Yard Limitations

A property with a residence cannot have a fence or wall more than six (6) feet in height measured vertically between the ground and the top of the fence, or wall at each point along the length of the fence or wall. Hedges must be kept at 48" (4 Ft.) in height and kept in good condition.

Section 5.

Prohibited Materials

Fences that are electrical, barbed or charged are prohibited.

Section 6.

Swimming Pools

All pools must be fenced in with a gate and a lock. The Fence must be a minimum of 48" (4 Ft.) in height.

Section 7.

Industrial or Commercial Fences

Same requirements as for non-industrial or non-commercial except: Fence must be of chain link type and set to the rear of the building. Fence height can be six (6) feet plus one foot of barbed wire. No other type of wire can be used on top of fence.

Section 8.

Permits

PERMIT FEE: \$50.00

A permit is required to install a fence or wall. A permit is not required to plant hedges or other vegetation as long as the work/result complies with the regulations for a fence or wall. When repairs are made to an old fence it will be required to update, at that time, to the current requirements for a fence or wall and will require a permit.

Section 9.

Penalties and Enforcement

This ordinance may be enforced by any means permitted by State Law or Town of Welaka ordinance including, but not limited to, the provisions of Part 1, Chapter 162 of the Florida Statutes and may also be prosecuted as a civil infraction by citation pursuant to the provision of Part 2, Chapter 162 of the Florida Statutes. The Code Enforcement Officer is hereby designated to enforce the provisions of this ordinance and the manner authorized by Part 2, Chapter 162 of the Florida Statutes and the Town of Welaka Ordinance 97-11 as amended from time to time. This ordinance may also be prosecuted in the same manner and in accordance with Section 125.69 of the Florida Statutes.

Section 10.

Effective Date

This ordinance shall take effect immediately upon approval of the Town Council of the Town of Welaka on second reading.

PASSED on First Reading this 14th day of April, 2009.

PASSED AND ENACTED by the Town Council of the Town of Welaka, State of Florida, this 12th day of May, 2004.

ATTEST:

SIGNED:

Judy Jones, Town Clerk

Gordon Sands, Mayor

APPROVAL AS TO FORM:

Town Attorney

Gilbert McGauley, Council President