

## **TOWN OF KENTLAND FENCE ORDINANCE 2023-02-22**

### **AN ORDINANCE OF THE TOWN OF KENTLAND, INDIANA**

**WHEREAS**, The Town Council of the Town of Kentland, Indiana (the "Town Council") has invested and determined that it is necessary to regulate fences within the city limit; and

**WHEREAS**, the Town Council has investigated and determined that it will be advantageous, beneficial and in the best interest of the citizens of the Town of Kentland, Indiana to adopt fence regulations to Title XV Land Usage, (Section 151 Building Codes) to the Town of Kentland Code of Ordinances; and

**WHEREAS**, the Town Council has determined that it is necessary to enact this Ordinance to protect the health and welfare of its residents.

**THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF KENTLAND, INDIANA** as follows:

- I. A Building Permit is required for installing a fence. The cost of a Building Permit for constructing a fence is \$75.00.
- II. RESTRICTIONS
  1. Must have a maximum height of 6' from ground level in a residential area.
  2. All postholes must be located within your property lines. If placed on a designated easement, when and if utility work is required, the property owner will be responsible for removing the fence from the area and replace it at his/her own expense.
  3. A 6' fence may not protrude into the front yard. If the lot is a corner lot, there are more restrictions concerning the visual access and clearance for vehicles and pedestrians. Corner lot are considered to have two (2) front yards, on a residentially zoned lot, fences located within any front yard shall not exceed 42" in height, as measured from the top of the fence to the ground adjacent to the fence.
  4. Call 811 to have utility locations checked PRIOR to digging. These locates include gas, electric, municipal services, and telephone.
  5. Refer to the covenant agreement with your deed for any special rules that may apply to your subdivision. These rules are enforced by your Developer or Homeowners Association and are separate from the Town's requirements.
  6. It shall be the responsibility of the property owners to ensure proper maintenance of fences in accordance with the standards set by this subsection. This includes the repair, removal, and timely replacement of missing, damaged or dilapidated materials.

7. Fences placed near drainage easement must not impede the flow of stormwater.
8. Fences may not be placed on or along the property line, they must be placed 24" off the property line and outside the street right-of-way, vision clearance and platted easements.
9. Fences shall not be permitted to block passage along existing sidewalks.
10. Fences in business or industrial districts, where used for commercial or industrial uses, shall be allowed subject to the following provisions: fenced intended for security purposes shall not exceed a maximum height of either 8', plus a maximum of three (3) strands of barbed wire, and shall be allowed within any side or rear yards; however, they shall not be allowed in any green strip or buffer area.
11. Fencing intended for decorative purposes only, and which does not include any area to be completely enclosed, may be allowed on any part of the parcel, provided that it does not exceed 3' in height.
12. Fences used for agricultural purposes or public safety shall not be regulated by this Code.

### III. REQUIREMENTS:

1. One (1) copy of the plat of survey showing the fence in respect to the property lines and the primary structure.
  2. A completed Building Permit Application form including the names of licensed contractors who will perform the work.
- IV. Building Permits require at least two (2) working days to process. You will be notified by telephone when the permit is ready. All Building Permit fees must be paid in full before the Permit can be issued. Permit placards must be displayed in the window of the primary building where the fence is being constructed.

Any questions can be directed to Town Hall at 219-474-5062.

NOTE: The structure must PASS ALL mandatory inspections by the Kentland Building Commissioner before the project is considered complete. Violations can result in fines or revocation of the structure Building Permit.

Fences are drive by inspections only. There is no need to call when completed.

**BE IT FURTHER ORDAINED** that this Ordinance be in full force and effect after its passage and approval by the Town Council, and upon its publication as required by law.

All other ordinances or portions of ordinances in conflict herewith shall be and hereby are specifically amended in conformity with the provisions of this ordinance.

**PASSED AND ADOPTED** by the Town Council of the Town of Kentland, Indiana, this 8<sup>th</sup> day of March, 2023.

TOWN COUNCIL OF THE  
TOWN OF KENTLAND, INDIANA

  
DEBBY SHUFFLEBARGER

\_\_\_\_\_  
DAVID M. ROWE

  
CHANDLOR WEISS-BRINKMAN

ATTEST: \_\_\_\_\_

  
JUDY KING, CLERK-TREASURER