

(Published in the Topeka Metro News December 14, 2009)

**ORDINANCE NO. 19337**

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., concerning fencing requirements, amending City of Topeka Code § 48-29.03 and specifically repealing said original section.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

Section 1. That section 48-29.03, Fences, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**Fences.**

(a) *Location and height:* Fences and hedges, shall be subject to the following location and height requirements:

(1) No portion of a fence shall exceed eight feet in height.

(2) Fences and hedges shall be located so no part thereof extends into public right-of-way nor is located closer than one foot from a public sidewalk.

(3) In "R" or "M" districts, fences beyond the front face of the principal structure shall not exceed four feet in height.

(b) *Hazards:*

(1) No fence shall be constructed which will constitute a traffic hazard, and no permit shall be granted for the construction of a fence until the city or county engineer has certified that the proposed fence will not constitute a traffic hazard.

(2) No fence shall be constructed in such a manner or design as to be hazardous or dangerous to persons or animals.

(c) The following shall constitute exceptions to the requirements of subsection (a);:

(1) Fences located in or ~~around~~upon parks and/or recreational facilities; ~~excepting those provided,~~ however this exception shall not apply to recreational facilities which are accessory to a single-family dwelling.

Section 2. That original § 48-29.03 of The Code of the City of Topeka, Kansas, is hereby specifically repealed.

Section 3. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

PASSED AND APPROVED by the City Council November 24, 2009.

CITY OF TOPEKA, KANSAS

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William W. Bunten, Mayor

ATTEST:

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Brenda Younger, City Clerk