

(Published in the Topeka Metro News April 18, 2011)

ORDINANCE NO. 19547

AN ORDINANCE introduced by Councilmember Jeff Preisner concerning fence height, amending City of Topeka Code § 18.210.040 and specifically repealing said original section.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA:

Section 1. That section 18.210.040, 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) Except as provided in subsection (c), 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~~and M districts, fences beyond the front face of the principal structure shall not exceed four feet in height. On corner lots, but not including reversed corner lots, fences beyond the front face of the principal structure where the fence is located along an arterial street that runs perpendicular to the corner lots' established rear yard shall not exceed six feet in height. On reversed corner lots, fence heights shall be limited to four feet within all required front yards. On double frontage lots, fence heights shall be limited to four feet where such lots abut the established minimum front yard of any adjoining lot.

(b) Hazards. Notwithstanding subsection (a), no fence shall be constructed:

(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 upon determination by the city or county engineer ~~has certified~~ that the proposed fence ~~will not constitute~~ a traffic hazard;~~

(2) the location of the fence creates a site obstruction, such as within a site distance triangle, as prohibited by Chapter 12.20 Public Traffic Hazards; or

(23) ~~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) ~~of this section~~:

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

(2) Fences located in or upon public use facilities or public utility facilities, such as electrical substations or pumping stations, shall be limited to eight feet in height unless the Planning Director determines that additional height, not to exceed nine feet, is necessary for public health and safety.

Section 2. That original § 18.210.040 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.

Section 4. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 5. Should any section, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

PASSED AND APPROVED by the Governing Body April 12, 2011.

CITY OF TOPEKA, KANSAS

William W. Buntin, Mayor

ATTEST:

Brenda Younger, City Clerk