

ORDINANCE NO. 1044

AN ORDINANCE OF THE CITY OF GOTHENBURG AMENDING THE PROVISIONS OF THE GOTHENBURG CODE OF ORDINANCES FOR ARTICLE 152 SECTION 152.057 RELATING TO FENCE, WALLS, AND HEDGES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GOTHENBURG, NEBRASKA AS FOLLOWS:

Section 1. Title XV, Chapter 152, is hereby amended by amending Section 152.057 of the Gothenburg Code of Ordinances to read as follows:

§ 152.057 FENCES, WALLS, AND HEDGES

(A) Notwithstanding other provisions of this chapter, fences, walls and hedges may be permitted in any required yard, provided that no fence, wall or hedge along the sides or front edge of any front yard shall be over three and one-half feet in height. Additionally, on a corner lot in a Residential District, a sight triangle shall be provided such that nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and one-half feet and ten feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines 90 feet from the point of the intersections. The following regulations shall apply to the construction of fences.

- (1) No solid fence shall be constructed closer to the street than the property line.
- (2) No fence erected in a required front yard shall materially obstruct public view. Permitted types of fences shall include split rail, chain link, PVC vinyl or other similar material. No component of a front yard fence shall exceed three and one-half feet in height, nor shall any structural member exceed 36 inches in cross-sectional area.
- (3) No fence shall be constructed which will constitute a traffic hazard as identified in the site triangle of a corner lot (see above).
- (4) No fence shall be constructed in such a manner or be of such design as to be hazardous or dangerous to persons or animals by intent of its construction or by inadequate maintenance.
- (5) No component of a fence along the perimeter of a property within Residential Districts, except fences erected upon public or parochial school grounds or in public parks and in public playgrounds, shall be constructed of a height greater than six feet, except for the provisions of division (A)(10) below.
- (6) All fences shall conform to the construction standards of the building code and other applicable ordinances and resolutions.

(7) In Industrial districts, maximum, all inclusive, height of fences shall be eight feet to include any security wire or other extension. This would be a maximum of 8 feet tall being a solid fence or a 6-foot-tall fence with a 2 foot extension of security wire on top to create the 8 foot tall fence.

(8) All fences shall be constructed in such a manner that the good or "finished side" of the fence faces neighboring property. The "finished side" shall be defined as the side of the fence without support posts, brackets, etc.

(9) All fences constructed in the city shall comply with the provision of this section and obtain a building permit.

(10) All permanent in ground outdoor swimming pools shall be enclosed by a fence or wall at least six feet, but not more than eight feet in height with a gate or gates which can be securely locked.

(11) In districts AG, C-1, C-2, C-3, R-3, and R-4, the three and one-half feet height restriction between the front set back line and the street right-of-way line may be waived if a special use permit for the use has been obtained in accordance with §§ 152.075 and 152.076. No special use permit may allow a fence height in the districts listed above to be more than six feet.

(12) No fence shall be constructed in any district which is in violation of § 92.25 of this code, as amended from time to time.

(13) A patio may have a privacy fence or railings that may raise a maximum of six feet from the floor of the patio, provided that the patio meets with the rear and side yard setbacks of the principal use.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. This ordinance shall become effective upon its passage, approval and publication according to law.

Adopted March 4, 2025

CITY OF GOTHENBURG, DAWSON
COUNTY, NEBRASKA



Verlin Janssen
Verlin Janssen, Mayor

ATTEST:

Misty Bussinger
Misty Bussinger, City Clerk

APPROVED AS TO FORM

Michael L. Bacon, City Attorney

Colten C. Vestelchen, Assistant City Attorney