



CITY OF INDEPENDENCE KANSAS FENCING APPLICATION

Application Date: _____

Applicant Name: _____

Project Site Address: _____

- Is this site in the floodplain: ___ Yes ___ No
 - If yes, please contact building inspector at 620.332.2528

Project Owner:

Name: _____

Address: _____

City: _____ State: _____

Telephone: _____ Mobile: _____

Construction Information: ___ New Fence ___ Replacement of existing

___ Other ___ Swimming Pool Fencing

Type of Fence being constructed:

___ Masonry ___ Ornamental Iron ___ Woven Wire ___ Wood Picket, more than 50% open

___ Solid fences – wood or metal < 50% open

___ Hedges

___ Other: _____

Fence Height: Front Yard: _____ Side Yard: _____ Back Yard: _____

Sketch of Property and area that is being fenced:



Signature of applicant: _____ Date: _____

Please submit to Building Dept. 811 W. Laurel Street – Independence, Ks. 67301
Email: davidc@independenceks.gov 620.332.2528 phone

Sec. 18-381. Determination of fences.

For the purposes of this article, the following shall be deemed fences:

- (1) Masonry walls;
- (2) Ornamental iron;
- (3) Woven wire;
- (4) Wood picket, more than 50 percent open;
- (5) Solid fences, wood or metal less than 50 percent open;
- (6) Hedges.

Sec. 18-382. Prohibited structures.

- (a) No person shall erect or maintain any fence, hedge or structure for the definite purpose of annoying any other person, or for the purpose of injuring another by obstructing the view, shutting out the sunshine, hindering ventilation or causing inconvenience in any other manner.
- (b) No electrically charged fence shall be erected or maintained in the city

Sec. 18-383. Privately owned fences on public property.

No privately owned fence, hedge or structure shall be erected or maintained on any public property.

Sec. 18-384. Fence requirements.

In any location, fences enclosing plots used for dwelling purposes shall conform to the following requirements:

- (1) *Front yard fences.* Front yard fences erected in front of the front building line shall be of any class, and shall not exceed a height of four feet.
- (2) *Side yard fences.* Side yard fences erected back of the front building line and within the required side yard of the plot may be of any class not over four feet in height to the rear of the neighboring dwelling, or to the rear of the dwelling located on the same site as the fence, whichever is the greater distance from the front property line. Back of this point such side yard fences may be built to a height of six feet.
- (3) *Rear yard fences.* Rear yard fences erected along the rear property line may be of any class not over six feet in height. The height of any rear yard fence may be increased 18 inches by placing plain or woven wire on the top thereof.



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- (4) *Barbed wire, etc., electric fences.* No barbed wire or other similar fence and no electrically charged fence shall be erected or maintained, unless specifically permitted by other provisions of this Code or other ordinances.
- (5) *Fences on retaining walls.* The height of a fence erected on top of a retaining wall shall be measured from the grade of the low side.

Sec. 18-385. Variances.

When in the judgment of the building inspector, the public health, safety and welfare will be substantially served and the neighboring property will not be materially damaged, or in case of an agreement between neighboring property owners, a certified copy of which shall be filed with the building inspector, he may, at his discretion, vary the requirements of section 18-384.

Sec. 18-386. Noncomplying structures.

Any fence, hedge or structure erected or maintained in violation of the provisions of this article is hereby declared to be a nuisance and shall be removed by the owner thereof within five days after receipt of notice from the building inspector to remove same.

(Code 1977, § 18-806)

Secs. 18-387 Fence Permit Required

A building permit shall be required whenever erecting a new fence or retaining wall, extending an existing fence or wall, or replacing more than 50% of an existing fence within the City. A building permit application must be completed, submitted to the Building Department, and approved prior to the commencement of erecting a fence. There shall be a \$25.00 fee to obtain a fence permit. A permit will be issued if the proposed fence meets all applicable zoning regulations, requirements of applicable building code and requirements of the Independence City Code.

Secs. 18-388 Penalty

It shall be unlawful to erect a fence without a permit. A person or entity violating this section shall be guilty of a Class C misdemeanor and subject to a fine of \$50.00 and not more than 10 days in jail if the fence constructed without a permit meets all applicable zoning regulations, requirements of the applicable building code and requirements of the City of Independence Code. In the event the constructed fence does not meet the applicable zoning regulations, requirements of the applicable building code or requirements of the City of Independence, the applicable fine shall not be less than \$500 unless the fence becomes compliant by said deadline, the fine shall be reduced to \$100. The City reserves the right to also pursue any and all civil remedies, including injunctive relief, in addition to the penalties and provisions contained herein.