

ATTACHMENT 1

Title 10. Planning and Zoning

Chapter 2. ZONING AND LAND USE

Article 3. General Regulations

Division 3. All Zones

§ 10-2.1524. Fences, hedges, walls, and obstructions in all zones.

- (a) Purpose. This section is intended to provide for the regulation of the height and location of fences, walls, and similar obstructions, for the purpose of providing for light, air, and privacy and safeguarding the public welfare by preventing visual obstructions at street and highway intersections. The provisions of this section shall not be deemed to set aside or reduce the requirements established for security fencing, either by local, State, or federal laws, or by the safety requirements of the Board of Education.
- (b) Height. For the purposes of this section, "height" shall mean the vertical distance from existing grade to the top of the fence, hedge, or wall, except in a required front or exterior side setback where the finished grade is lower than the existing grade, height shall be measured from the finished grade. The following standards shall apply:
 - (1) All residential zones.
 - a. Front setbacks. No fence, hedge, or wall over 42 inches in height shall be permitted within any required front setback.
 - b. Rear and side setbacks. Except as permitted in subsections (c) and (e) of this section, no fence, hedge, or wall greater than six feet in height shall be permitted within any required rear setback or side setback.
 - c. Reverse corner lots in residential zones. Notwithstanding subsection (b)(1)(b) of this section, no fence, wall, or hedge over 42 inches in height shall be permitted within a triangular area at the corner of the lot abutting the front setback of the key lot, which triangle shall be formed by the rear and exterior side lot lines and a diagonal line drawn between two points located 15 feet along the rear and exterior side lot lines from their point of intersection (see illustration below).
 - (2) All nonresidential zones.
 - a. Front and exterior side setbacks. No fence, hedge, or wall over 42 inches in height shall be permitted within any required front or exterior side setback.
 - b. Rear and interior side setbacks. Except as permitted in subsections (c) and (e) of this section, no fence, hedge, or wall greater than six feet in height shall be permitted within any required rear setback or interior side setback.
- (c) Walls required.

(1) Multiple-family residential zones, wall required. A six foot high decorative masonry wall, or a six foot high decorative wall of mixed construction utilizing a masonry base and masonry pilasters, which shall compose at least 30% of such wall, and such other materials as the Planning Division may approve for not more than 70% of such wall, shall be provided along the side and rear lot boundaries for two or more dwelling units, except along the street side of corner lots. The requirement may be waived under the following circumstances:

- a. The wall would be between two adjacent lots which are being developed concurrently, and not requiring a wall will enhance the aesthetic character of the project;
- b. The wall would be duplicating the function of an existing wall on the adjacent property which conforms to the intent and requirements of this subsection;
- c. Where the multiple-family residential zone shares a common boundary with the Artesia and Aviation Corridors Area Plan area as adopted by resolution of the City Council, the wall may include access to the adjacent commercially zoned property.

(2) Boundaries between zones, wall required.

- a. Where a residential and a commercial zone share a common boundary along a property line, a wall shall be constructed with a minimum height of six feet and a maximum height of eight feet, except where such wall abuts the required residential zone front setback, such wall shall not exceed 42 inches in height, and except where the residential zone shares a common boundary with the Artesia and Aviation Corridors Area Plan area as adopted by resolution of the City Council, the wall may include access between the residentially and commercially zoned property.
- b. Where a residential and an industrial zone or a commercial and an industrial zone share a common boundary along a property line, a wall shall be constructed with a minimum height of six feet and a maximum height of eight feet, except where such wall abuts the required residential or commercial zone front setback, such wall shall not exceed 42 inches in height.

(d) Maintenance of visibility at street and alley corners in all zones.

(1) All corner lots shall maintain for safety vision purposes a triangular area at the street intersection corner of the lot, which triangle shall be formed by the front and side lot lines and a diagonal line drawn between two points located 15 feet along the front and side lot lines from their point of intersection or, in the case of a rounded lot corner, from the point of intersection of such lot lines if extended. Within such triangular area, no tree, fence, shrub, or other physical obstruction higher than 36 inches above the established sidewalk grade shall be permitted.

(2) Where a lot abuts both a street and an alley, a triangular area shall be maintained for safety vision purposes at the intersection of the street and alley, which triangle shall be formed by the lot lines abutting the street and alley and a diagonal line drawn between two points located 15 feet along each lot line from their point of intersection or, in the case of a rounded lot corner, from the point of intersection of such lot lines if extended. Within such triangular area, no tree, fence, shrub, or other physical obstruction higher than 36 inches above the established curb grade shall be permitted.

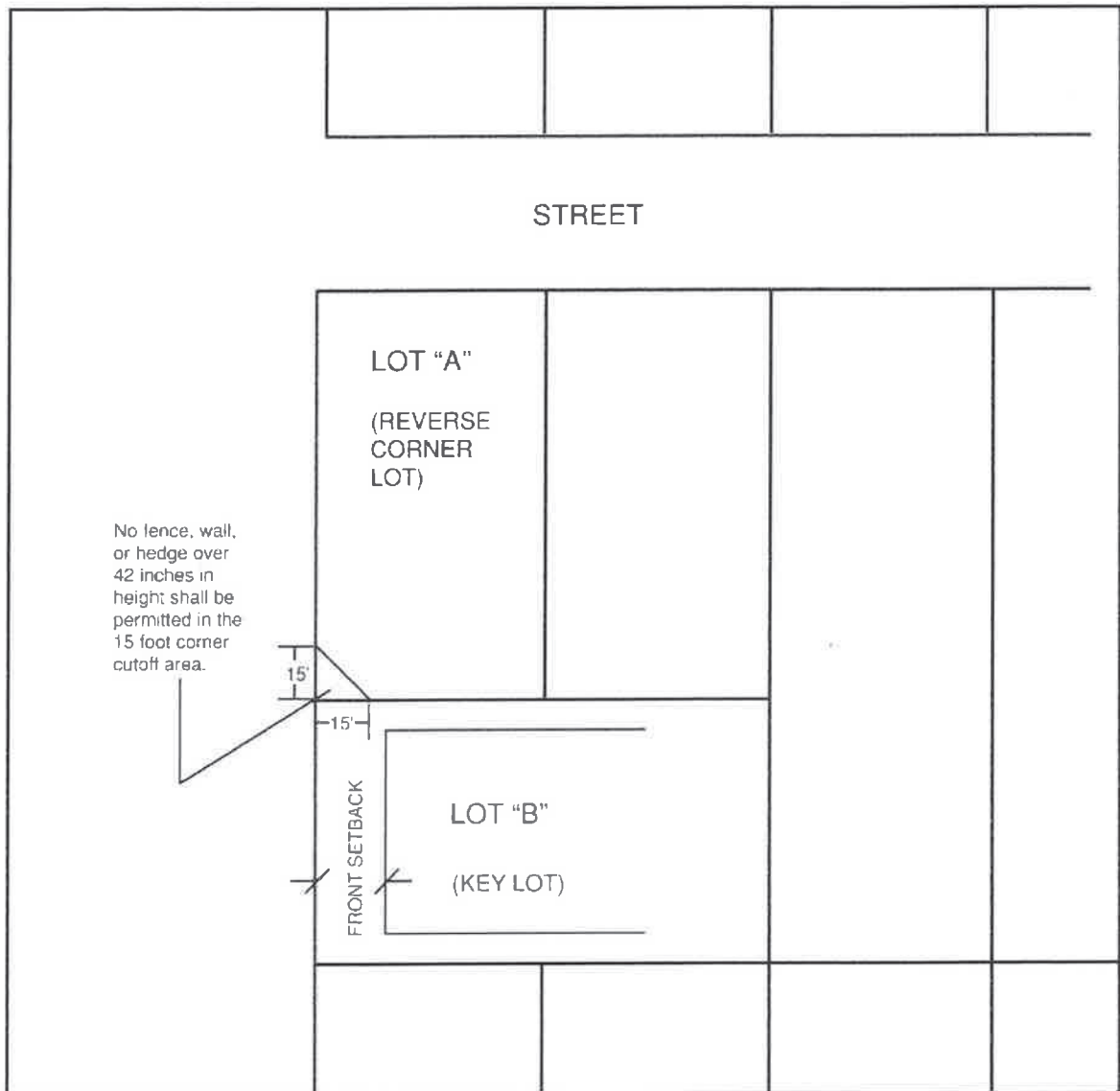
(e) Swimming pools and hot tubs in all zones. Swimming pools and hot tubs shall be entirely enclosed by buildings, fences, or walls not less than six feet nor more than eight feet in height. Such fences shall be equipped with selflatching gates with the latches not less than four feet above the ground. All fencing shall be in place and approved by the Building Division before water is run into the pool.

(f) Prohibited fences. The following fence types are prohibited in all residential zones:

(1) Barbed wire, razor wire, electric fences, and similar fences;

(2) Chain link and other industrial type fencing in the front yard setback or on portions of a lot visible from the public right-of-way.

ILLUSTRATION OF SECTION 10-2.1524(b)(1)(c)
RELATING TO FENCE HEIGHT FOR REVERSE CORNER LOTS



(Ord. 2756 c.s., eff. January 18, 1996, as amended by Ord. 2802 c.s., eff. July 3, 1997, and § 8, Ord. 3257 c.s., eff. August 17, 2023)

Title 4. Public Welfare, Morals, and Conduct

Chapter 10. NUISANCES

§ 4-10.02. Declared and prohibited nuisances.

The following are hereby expressly declared to be nuisances, and any person maintaining or permitting such nuisances, or any of them, to be maintained or to exist on his premises, whether as owner, lessee, or otherwise, shall be guilty of a misdemeanor, and each and every day such nuisances shall be permitted to be continued shall constitute a separate offense:

(a) Affecting peace and comfort or interfering with lawful businesses.

- (1) Unnecessary noises. The unnecessary making of, or knowingly and unnecessarily permitting to be made, any loud, boisterous, or unusual noise, disturbance, or commotion in any hotel, motel, apartment house, court, rooming house, auto court, trailer camp, dwelling, place of business, or other structure, or upon any public street, park, public place, or building, except the ordinary and usual sounds, noises, or commotion incident to the operation of such places when conducted in accordance with the usual and normal standards of practice applicable thereto and in a manner which will not disturb the peace and comfort of adjacent residents or which will not detrimentally affect the operators or customers of adjacent places of business;
- (2) Vulgar and obscene language through loudspeakers. The uttering through any loudspeaker, sound-making, or sound-amplifying device, or otherwise, of any obscene, vulgar, profane, or indecent language, or uttering language intending to, or which would reasonably be expected to, incite riot, destruction, or damage to property or injury to any person, or intended to, or which would reasonably be expected to, incite others to do any unlawful act, or which utterances would reasonably be expected to create a condition which would result in a clear and present danger of the commission of such unlawful acts; and
- (3) Noises generally. The tolerating, making, causing, or permitting to be made any unnecessary noises or sounds by persons, animals, or fowl, or by automobiles, motorcycles, engines, machines, or other mechanical devices, or by musical instruments, loud-speakers, or amplifiers, which noises are annoying to persons of ordinary sensitiveness or which are so loud, harsh, prolonged, unnatural, or unusual in their time and place as to occasion unnecessary discomfort to the inhabitants of the neighborhood from which such noises emanate or so as to interfere with the peace and comfort of the operators or customers in adjacent places of business or which may detrimentally or adversely affect such places of business.

(b) Affecting public peace and morals.

- (1) Fighting. Fighting, brawling, quarreling, or haranguing in a loud or boisterous manner;
- (2) Persons obstructing entrances to buildings. Unnecessarily obstructing the ingress or egress to or from any residence, hotel, apartment house, auto court, trailer court, motel, or business or industrial establishment other than in a moving, single-line formation of not to exceed six persons to each exit or entrance, whether such exit or entrance consists of one opening or a

group of adjacent openings, and, for the purposes of this chapter, adjacent openings shall be considered as a single entrance or exit;

- (3) Congregating of persons. The congregating of persons on the public streets, parkways, alleys, or sidewalks in such numbers as to impede or obstruct vehicular or pedestrian traffic;
 - (4) Obstructing public ways. The placing of any obstructing or instrument, object, or substance in, on, over, or across any public street, alley, parkway, or sidewalk, which object obstructs, or may reasonably be expected to obstruct, the free passage of vehicular or pedestrian traffic or which interferes with or obstructs, or may reasonably be expected to interfere with or obstruct, the entrance or exit to any residential or business structure by persons lawfully entitled to enter or depart therefrom;
 - (5) Placing merchandise on sidewalks. The placing, allowing, or permitting of any goods, wares, or merchandise to be placed, stored, or displayed in any yard or any sidewalk in front of or adjacent to any place of business in the commercial districts established by Chapter 2 of Title 10 of this Code or upon any place upon property used for sales or display, except in the building or storeroom owned or operated by the owners or operators of such businesses;
 - (6) Parades and processions. The carrying on of parades or processions composed of persons, vehicles, or animals without a permit being granted therefor by the Chief of Police. An application for such permit shall be filed with the Chief of Police, and a hearing shall be held after at least 48 hours' notice to the applicant of such hearing, unless notice shall be waived. If the application is denied, the applicant, within 15 days after the date of such order or denial, may appeal from the decision of the Chief of Police to the Council. The Council shall hold a hearing thereon upon notice to the applicant in the same manner as the hearing before the Chief of Police;
 - (7) Commercial exploitation of explicit sexual conduct. The commercial exploitation of explicit sexual conduct through the public exhibition of lewd films, the sale of lewd publications, and the use of so-called massage parlors and model studios for purposes of lewdness, assignation, or prostitution. The special procedures for the regulation of the nuisances described in this subsection (7) are set forth in Sections 4-10.10 through 4-10.18 of this chapter, and the procedures described in Sections 4-10.02 through 4-10.09 of this chapter shall not apply to the nuisances described in this subsection (7).
- (c) Affecting public safety.
- (1) Traffic sight restrictions. Tolerating, allowing, or permitting trees, hedges, vegetable growth, billboards, walls, fences, or other structures to be so located with respect to driveways or street intersections as to prevent a clear view of approaching vehicles in sufficient time to bring a vehicle driven at a reasonable speed to a full stop before such intersection or driveway approach is reached;
 - (2) Flammable materials near dwellings. Tolerating, allowing, or permitting hedges, trees, shrubs, or other vegetable matter or other material of inflammable character within twenty (20') feet of a dwelling used for human habitation;
 - (3) Damaged structures. Tolerating, allowing or permitting buildings, walls and other structures which have been damaged by fire, decay or otherwise to such an extent that they cannot be repaired to conform to the requirements of the Building Code of the City;
 - (4) Building Code violations. Tolerating, allowing or permitting buildings and alterations to buildings located within the fire districts established by the City in violation of the Building Code of the City;
 - (5) Abandoned buildings. Buildings which are abandoned, boarded up, partially destroyed, or left in a state of partial construction or uncompleted after building permits have been expired;
 - (6) Debris in public places. Tolerating, allowing or permitting waste matter, rubbish, garbage, debris, excavations, pipe lines, hose and other materials and facilities on, in, over or across

any public street, alley, sidewalk or other public grounds except under such conditions and in such manner as is specifically permitted by law;

- (7) Signs over streets and sidewalks. Tolerating, allowing or permitting hanging signs, awnings and other similar structures over streets or sidewalks;
 - (8) Fences, limbs and vegetation over streets and sidewalks. Tolerating, allowing or permitting barbed wire fences or limbs of trees, shrubs, hedges or vegetable growth so situated or located as to endanger persons traversing streets or sidewalks in the immediate area thereof;
 - (9) Unguarded machinery. Tolerating, allowing or permitting dangerous or unguarded machinery in any business place or so situated or operated on private property as to attract members of the public;
 - (10) Other dangerous conditions. Tolerating, allowing or permitting any other situation, condition or thing which creates, or may reasonably be expected to create, a clear and present danger of injury or damage to any person or property;
 - (11) Explosives. The storage or use of gun powder, dynamite, fireworks, explosive chemicals or other explosive materials without a permit being granted therefor by the Chief of the Fire Department. Such permit application shall be filed with the Chief of the Fire Department, and a hearing shall be held after at least 48 hours' notice to the applicant of such hearing unless notice shall be waived. If the application is denied, the applicant may, within 15 days from the date of such order of denial, appeal from the decision of the Chief of the Fire Department to the Council. The Council shall hold a hearing thereon upon notice to the applicant in the same manner as the hearing before the Chief of the Fire Department;
 - (12) Keeping reptiles and insects. Keeping or maintaining snakes and other reptiles or bees or other insects within the City unless a permit therefor has been obtained from the Council, upon application regularly filed, which permit shall set forth the location and manner in which such reptiles or insects shall be kept; and
 - (13) Barbed wire. The use of barbed wire for fences or enclosures except for anti-climb devices not exceeding six strands of barbed wire supported on arms attached to the top of a wall or fence six (6') feet or more in height.
- (d) Affecting public health.
- (1) Unwholesome food. The keeping or maintaining of decayed or unwholesome food sold or offered for sale to the public;
 - (2) Manure and debris. The keeping or maintaining of accumulations of manure, rubbish, debris, or animal or vegetable matter of any kind or character from which foul smells or odors emanate or which provide, or are likely to provide, a breeding place for vermin, insects, or rodents of any kind;
 - (3) Polluted wells and water. The pollution of any well, cistern, stream, creek, or other body of water by sewage, industrial wastes, or other substances which are, or may reasonably be expected to become, detrimental to the public health or the keeping or maintaining, or permitting to be kept or accumulated, on any private property of ponds or pools of stagnant or waste water, oil, or industrial wastes;
 - (4) Noxious weeds. Permitting or allowing noxious weeds and other rank growth or vegetation on private property;
 - (5) Production of smoke and fumes. The production of dense smoke, noxious fumes, gas, soot, cinders, or smog by any commercial manufacturing or industrial or other organization through furnaces or other facilities utilized by such industrial or manufacturing plant or other operation when such smoke, noxious fumes, gas, soot, cinders, or smog is in such quantities as are in excess of the amount necessary in the reasonable operation of such plants, or the production by any person through any means whatsoever of dense smoke, noxious fumes, gas, soot,

cinders, smog, or other obnoxious substances which are, or may reasonably be expected to become, detrimental to the public health or which unnecessarily interfere with the health, comfort, or safety of any person;

- (6) Dumping. Throwing, depositing, or placing in or upon, or permitting to be regularly placed or maintained at or upon, any lands in Zones R-1, R-2, and R-3 of the City any machinery, trucks, automobiles, building materials, rubbish, wrecked vehicles or parts of wrecked vehicles, empty bottles, refuse, paper, explosives, or materials having a noxious odor or unsightly appearance so that the noxious odors or the unsightly appearance thereof will annoy or harass the occupants of adjoining lands or prevent the enjoyment of the quiet occupancy of other lands thereof or materially depreciate the value of other lands in the vicinity thereof; and
- (7) Production of dust. The creation by any operation of farming of dust in such quantities as are excessive of the amount necessary in the reasonable operation of farming, or the farming industry, or the production by any such operation, or by any means of dust in such quantity as may reasonably be expected to be or to become detrimental to the public health or which unnecessarily interferes with the health, comfort, or safety of any person or any neighborhood.
- (§ 2, Ord. 1258 c.s., as amended by § 1, Ord. 1361 c.s., § 1, Ord. 1856 c.s., eff. October 28, 1964, § 1, Ord. 2043 c.s., eff. March 3, 1971, § 2, Ord. 2183 c.s., eff. August 11, 1976, § 1, Ord. 2250 c.s., eff. August 30, 1978, § 2, Ord. 2365 c.s., eff. July 27, 1983, § 1, Ord. 2606 c.s., eff. December 20, 1990, and § 3, Ord. 2755 c.s., eff. January 4, 1996)