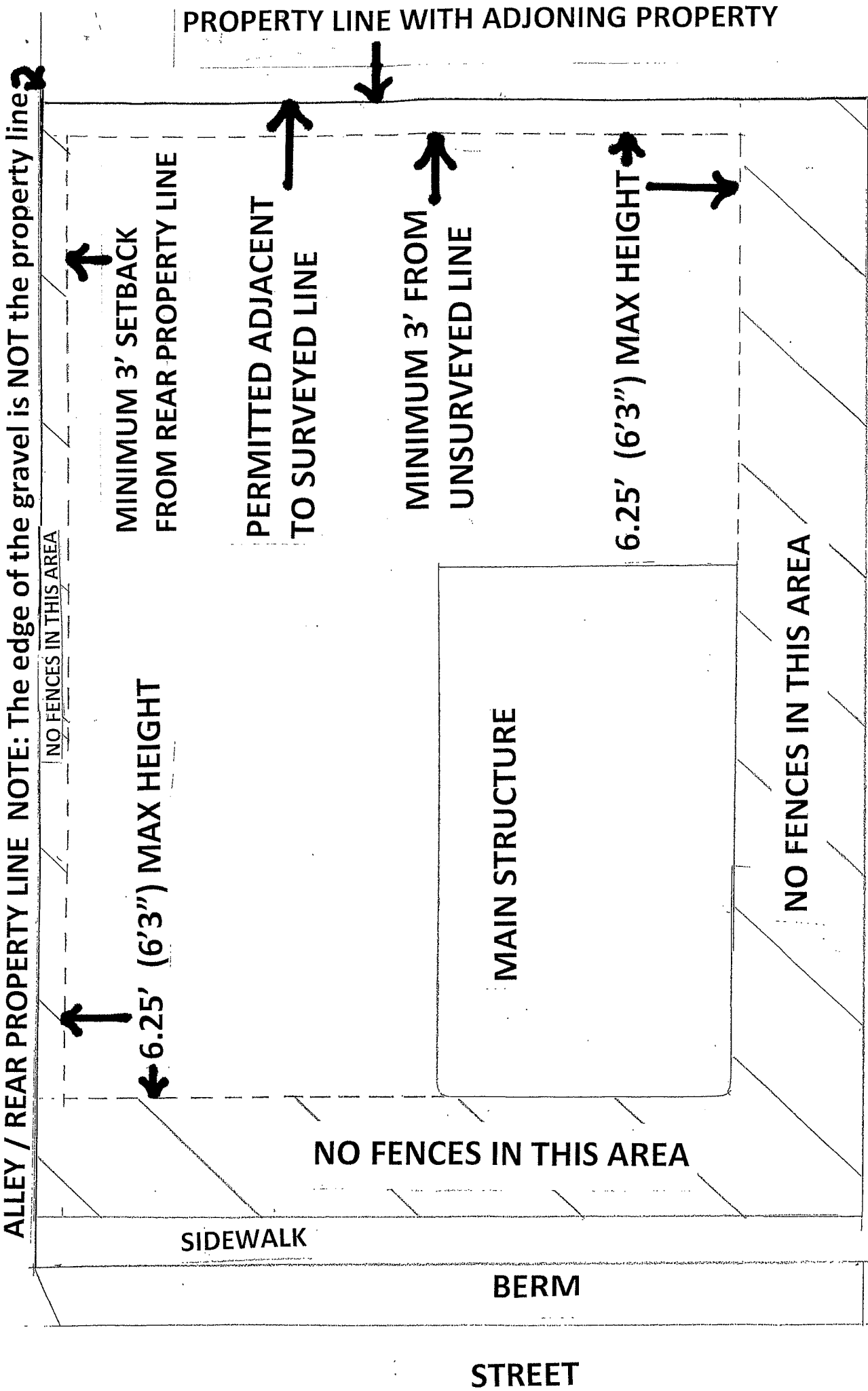


ALLEY / REAR PROPERTY LINE NOTE: The edge of the gravel is NOT the property line



NO FENCES IN THIS AREA

MINIMUM 3' SETBACK FROM REAR PROPERTY LINE

PERMITTED ADJACENT TO SURVEYED LINE

MINIMUM 3' FROM UNSURVEYED LINE

6.25' (6'3") MAX HEIGHT

6.25' (6'3") MAX HEIGHT

MAIN STRUCTURE

NO FENCES IN THIS AREA

NO FENCES IN THIS AREA

SIDEWALK

BERM

STREET

SIDEWALK

BERM

STREET

PROPERTY LINE WITH ADJONING PROPERTY

ORDINANCE NO. 350

AN ORDINANCE OF THE CITY OF GRAFTON, NORTH DAKOTA PROVIDING FOR THE REVISION OF SECTIONS 4 DEFINITIONS AND 12 R-1 ONE AND TWO FAMILY DISTRICTS OF APPENDIX A ZONING ORDINANCE RELATING TO THE CONSTRUCTION OF FENCES, HEDGES AND WALLS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAFTON, NORTH DAKOTA:

SECTION 1: That Section 4 Definitions of the zoning ordinance, as set forth in Appendix A of the Code of Ordinances, City of Grafton be amended by revising items 51, 52, 53, and 54 to read as follows:

Section 4. Definitions

1-50 Remain unchanged

51. "Yard" is an open space other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this chapter.

52. "Yard, Front" is an open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and the front line of the building project to the side lines of the lot. On a corner lot which faces two streets, each side of the property facing the street shall be considered a yard, front, for all zoning purposes under this chapter.

53. "Yard, Rear" is an open unoccupied space on the same lot with the building between the rear line of the building and the rear line of the lot and extending the full width of the lot.

54. "Yard, Side" is an open unoccupied space on the same lot with the building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a lot line. On a corner lot which faces two streets, each side of the property facing the street shall be considered a yard, front as defined in section 18 in this article.

SECTION 2: That Section 12 R-2 one-family and two-family districts of the zoning ordinance, as set forth in Appendix A of the Code of Ordinances, City of Grafton be amended by revising subsection 2 accessory uses in residence districts (a) permitted accessory uses (5) Walls, fences, hedges, Items a, b, c, d, e, and f to read as follows:

5. A fence, hedge, or wall not exceeding 6.25 feet in height measured from flat, natural ground height on both sides of the fence, may only occupy the required side or rear yard. No fence, hedge, or wall shall be constructed in the front yard, beyond the front line of the structure, or within the applicable twenty (20) foot setback from the front

property line, whichever is farther. Fences, hedges, and walls in the side or rear yard are allowed in all residential zones provided that:

- a. The fence, hedge, or wall may be placed on the side property line if the line is a surveyed line. The fence, hedge, or wall must be placed at least three (3) feet or more away from an assumed property line that has not been surveyed.
- b. The fence, hedge, or wall may be placed upon the rear property line if the rear property line does not abut an alleyway, or does not abut a city easement for water, power, or other utilities. A fence, hedge, or wall may be placed no closer than three (3) feet from the rear property line which abuts an alleyway, and no fence, hedge, or wall may be placed upon property covered by a city easement.
- c. Where fences shall enclose an area containing an electric, water or gas meter, a gate, with a bottom clearance of not less than three (3) inches, and latching hardware accessible from both sides, shall be provided for access. Construction of a fence, hedge, or wall which encloses an area containing an electric, water, or gas meter constitutes permission by the landowner for City of Grafton municipal employees or other utility providers to enter the enclosed area for city purposes, such as reading meters, etc.
- d. Fences must be constructed of weather resistant material consisting of new wood, metal, or vinyl. Barbed wire fences are prohibited in any residential zone and may only be utilized in a commercial or industrial zone as part of a chain link enclosure and must be at least 6 feet from ground level. A fence constructed of chain link must contain a top rail and the chain link must be securely attached to the rail to prevent sagging.
- e. Any fence in which proposed partial replacement or repair would replace 51% or more of the original fence must comply with current regulations.
- f. Any fence or wall which is in a weakened or structurally deficient condition shall constitute a public nuisance and may be abated as set forth in this code.

Items g through n remain unchanged.

SECTION 3. PENALTY PROVISIONS.

Any person, firm, or corporation, violating any provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine, or imprisonment, or both, in accordance with the general penalty provision of this Code (§1-14). Each day such violation is committed, or permitted to continue, shall constitute a separate offense, and shall be punished as such hereunder.

SECTION 4. SEVERABILITY PROVISIONS.

Should any section, paragraph, sentence, clause, phrase, or word of this Code be declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs, or sections of this Code, since the same would have been

enacted by the City Council without the incorporation in this Code of any such invalid or unconstitutional word, phrase, clause, sentence, paragraph or section.

SECTION 5. REPEALER PROVISIONS.


It is further declared that should there be an ordinance or portions of ordinances heretofore effective that conflict with this ordinance, that this ordinance does hereby take precedence and any prior ordinance or sections in conflict herewith are repealed.

SECTION 6. EFFECTIVE DATES.

This ordinance shall be in force and effect from and after its passage, approval, and publication.

FIRST READING: September 11, 2023

SECOND READING AND FINAL PASSAGE: October 9, 2023

APPROVED:  Date: October 9, 2023
CHRIS WEST, Mayor

FILED:  Date: October 9, 2023
CONNIE A. JOHNSON, City Auditor-Treasurer

(Title and Penalty Clause Published October 18, 2023)