



City of Waverly

Building & Zoning Department
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Waverly, NE 68462
402.786.2312

Fencing

All construction must comply with the following codes:

- 2018 International Residential Code
- Waverly Zoning Regulations 11.707

Fence Materials:

- All fences shall be constructed of wood, chain-link, PVC/resign, stone or masonry materials only and shall be maintained in good repair.
- Fences in front yard shall contain openings constituting no less than 50% of the surface area and shall be situated or constructed in such a way as to not obstruct the vehicular traffic or otherwise create a traffic safety hazard.
- The fished surface of any fence shall face toward adjacent properties and street frontages. (Exception: shadow fences or any fence finished on both sides)

Corner Lots:

A fence no taller than 3' shall be built parallel to the street within an intersection sight obstruction zone. More information can be found in the Waverly Zoning Regulations 11.707.

Fence Heights:

Front yard maximum 42" fence placed on lot line, within required yard setback, 50% open.

Rear yard maximum 6 ft fence placed on lot line any type of acceptable fence.

Side yard maximum 6 ft. fence placed on lot line any type of acceptable fence.

A fence separating a residential lot from a commercial/industrial district may be a maximum height of 8'. The use of barbed wire in the construction of any fence is prohibited except perimeter security fencing of buildings constructed in an Industrial District and that the bottom wire is at least 6' off the ground.

It is the homeowner's responsibility to identify the location of property lines and covenant restrictions prior to construction. **Before digging post holes contact the Diggers Hotline 1-800-331-5666** for the location of buried utilities.

Submittal Documents Required:

- Site Plan – A site plan showing the location of your fence and its relationship to existing structures. All lot lines need to be marked and a dimension provided.
- Building plan – A building plan that identifies support post spacing, connection details, footing details, and the type of material to be used.

Inspections Required:

- Layout Inspection - Once the perimeter of the fence is marked on the site to ensure proper placement
- Final Inspection - After completion of the entire fence

Please allow a 24-hour notice when calling for an inspection. To obtain a building permit or schedule an inspection, contact the City of Waverly at (402) 786-2312

Zoning Regulations:

11.707 Fence Regulations

a. Location Restriction

1. Unless otherwise provided by this Ordinance or other sections of the Waverly Municipal Code, no fence shall be built on any lot or tract outside the surveyed lot lines or tract outside the surveyed lot lines.
2. No fence shall be built by a private party on public land without the specific prior approval of the City. Removal of any such fence shall be at the expense of its owner.

b. Applicability

The regulations contained in Sections 11.707(b) through 11.707(j) apply to all fences with a height above grade of 30 inches and over.

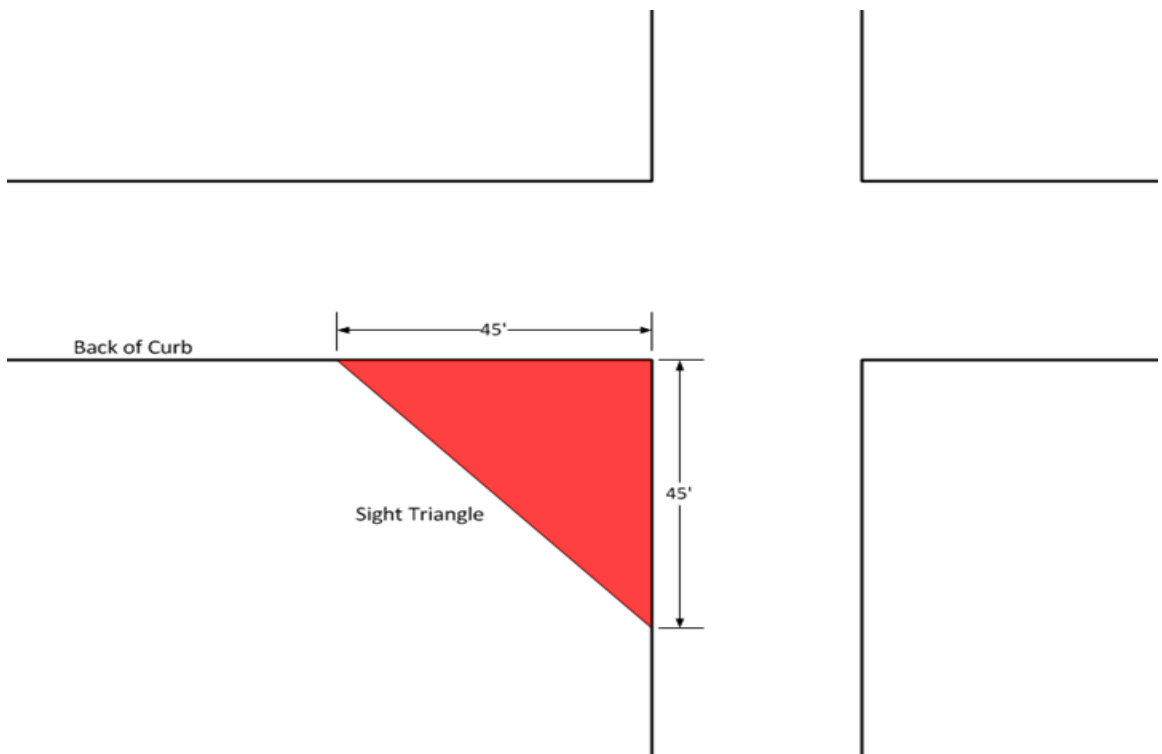
c. Required Openings

Unless otherwise provided by this Ordinance or other sections of the Waverly Municipal Code, any fence built on residential property within required front or street side yards shall contain openings constituting no less than 50 percent of the surface area of the fence.

d. Sight Obstruction at Street Intersections (*Amended by Ord. 15-11, 12-8-15*)

No fence or hedge permitted or required by this article or other sections of the Waverly Municipal Code shall be built to a height of more than thirty inches (30") above the established curb grade on the part of the lot within the defined intersection sight triangle. No landscaping shall be planted in such area which will materially obstruct the view of drivers approaching the street intersection. The intersection sight distance triangles are established as:

1. For major controlled intersections (e.g. stop, yield, signals etc.) and intersections with collector streets and arterial streets, the intersection sight distance triangles shall be defined as per the AASHTO Policy on Geometric Design of Highways and Streets, latest edition. For all other minor and uncontrolled intersections (residential streets) the intersection sight distance triangles on each leg of an intersection shall be defined as a triangle formed by the adjacent curb lines of intersecting streets and the line joining points 45 feet on each side line from their point of intersection (as shown below).



2. At intersections of a sidewalk and alley or non-residential driveway or parking lot access, the intersection sight triangle is defined as a triangle whose legs extend 10 feet back from the sidewalk along the alley or driveway, and 20 feet parallel to and along the back of the sidewalk back from the intersecting alley or driveway.

e. Facing

The finished surfaces of any fence shall face toward adjacent properties and street frontage.

f. Effect on Adjacent Properties and Drainage

1. No accessory building shall damage adjacent property by obstructing views, inhibiting solar access, or hindering ventilation.
2. Fences shall be erected and maintained so as to avoid limiting or obstructing the flow of water in natural drainage courses, or drainage ways created within easements.

g. Fence Construction on Utility Easements

Any fence erected on a tract of land subject to an easement for the construction, maintenance, operations, or replacement of any water, sanitary or storm sewer, gas line, electric power, telephone, or other utility poles,

or other cables or lines shall be designed and constructed to be readily removable to permit the use of the easement. Such fences shall be subject to removal by request of the owner of the easement whenever necessary to permit access. The cost of removal or replacement shall be the responsibility of the owner of the fence.

h. Protective Fences around Swimming Pools

A fence with a minimum height of four feet and compliant with the terms of this section shall be required around public or private swimming pools.

i. Residential Fences

Fences constructed within residential districts or on land used for residential purposes are subject to the following provisions.

1. Height: The maximum height of a fence within a required front yard or street side yard setback shall be 42 inches. The maximum height for any fence outside of a required front yard shall be six feet.
2. Exception for Street Side Yards: On corner lots, a fence built parallel to the street side yard line but set back in conformance with the required street yard setback may have a maximum height of six feet.
3. Exception to Openness Requirement: Fences built on residential property outside of required front or street side yards may exceed of 50 percent closed construction.
4. Exception for Front Yards of Double Frontage Lots: A fence built within the required front yard of a double frontage lot may be a maximum of six feet in height and may exceed 50 percent closed construction if such lot fronts an arterial street or expressway, as defined in the Comprehensive Development Plan of the City of Waverly; and if such frontage does not provide primary access to the property.
5. Materials: Fences shall be constructed of wood, chain-link, PVC/ resin, stone or masonry materials, or ornamental metals only. Wood fences shall utilize standard building lumber only. Barbed wire and/or electrified fences are not permitted, and are defined as any fence that includes in its material barbs, blades, razors, electric current or other features specifically designed to injure or abrade an individual or animal who attempts to negotiate the fence. Wire mesh fences may be permitted to enclose tennis courts and game and recreation areas on public land and residential lots. Other materials may be used if approved by the Building Inspector.

j. Civic, Office, Commercial, and Industrial Fences

Fences constructed in commercial and industrial districts are subject to the following special provisions:

1. The maximum height of a fence for any permitted use in any non-residential zoning district shall be eight feet.
2. Civic Uses in Residential Districts: The maximum height of fences installed as part of Primary and Secondary Educational Facilities, Day Care, and Park and Recreation Use Types, or any other use that provides secured outdoor space for the use of children within Residential Zoning Districts shall be eight feet.

3. The Board of Adjustment may approve greater fence heights on a case-by-case basis if it concludes that such permission furthers the health, safety, and welfare of the residents of the City of Waverly.

4. Barbed wire shall not be used in the construction of any fence outside of the GI General Industrial Zoning District. Barbed wire may be used in the construction of fencing in an industrial district provided that the bottom strand of the wire shall be at least six feet above ground level. Electrified fences are not permitted within the jurisdiction of the City of Waverly.

This informational sheet is a summary guideline and is not conclusive of all codes and requirements.