

CITY OF LOOKOUT MOUNTAIN, GEORGIA

ORDINANCE NO. 44

AN ORDINANCE

Amending Ordinance No. 25 to exclude fences from certain definitions in said Ordinance, to promulgate regulations and restrictions with regard to the erection and building of fences, and for other purposes.

BE IT ORDAINED by the City Council of the City of Lookout Mountain, Georgia and it is hereby ordained:

Section 1. Section 10-1(30) of Article II, Ordinance 25 is amended to read as follows:

"Structure. Anything constructed or erected, the use of which requires permanent location on the land, or attachment to something having a permanent location on the land, but excluding fences of less than six feet in height from ground level as and to the extent permitted by this Ordinance."

Section 2. Section 10-1(33) of Article II, Ordinance 25 is amended to read as follows:

"Yard. An open space on the same lot with a building, unoccupied and unobstructed by any building or structure from the ground upward except by trees, shrubbery, driveways, walkways, or fences less than six feet in height from ground level as and to the extent permitted by this Ordinance, and except as otherwise provided herein".

Section 3. Section 10-1 of Article II, Ordinance 25 is amended to add a new definition thereto as Section 10-1(37) as follows:

"The term "Fence" as used herein shall include any structure, railing, barrier, enclosure of materials or other obstruction erected or placed on any property within the City which encloses or obstructs all or part of such property, and which is not also a "building"

or 'structure' within the definitions of this Ordinance."

Section 4. Article IV of Ordinance No. 25 is amended by adding thereto a new Section 10-10.3 as follows:

"Section 10-10.3. Fences.

"A. General Fence Prohibitions:

"(1) No fences constructed or consisting of or containing barbed wire or barbs shall be erected or placed on any property within the City.

"(2) No fences containing or facilitating the use of electrical current shall be erected or placed on any property within the City.

"B. Front Yard Fences Permitted. Fences shall be permitted in any front yard; provided that the following conditions shall apply to any fence in any area between the line of the street and that point of any building which is nearest the street, which point shall not include overhangs, front stoops and the like):

"(1) No such fence shall be erected or placed at a greater height than three (3) feet from ground level at all points without the prior approval of the Municipal Planning Commission obtained as herein-after provided, and in no event at a greater height than six (6) feet; and

"(2) No such fence shall be made or constructed of plastic, wire, chain link, metal or concrete block nor shall any solid fencing be permitted except for mountain stone or brick (excluding concrete brick).

"C. Side and Rear Yard Fences Permitted: Fences shall be permitted in any side yard and rear yard provided that the following conditions shall apply to any fence in any area less than fifteen (15) feet from a side lot line on any side yard and less than twenty-five (25) feet from a rear lot line in any rear yard:

"(1) No such fence shall be erected or placed at a greater height than six (6) feet from ground level at all points; and

"(2) No such fence shall be made or constructed of plastic wire, chain link, metal (except ornamental iron) or concrete block unless the outside of such fence is substantially covered and screened with shrubbery, bushes, hedges, plants, trees or other natural foliage which will grow to a sufficient height and density to provide adequate screening and cover within three to five years.

"D. Encroachments: Nothing contained in this ordinance shall be interpreted to permit encroachment into adjacent lots or rights of way for the purpose of providing any screening and foliage cover required by this ordinance; any such required screening and foliage cover shall be placed and located solely within the property where the fence is erected or placed.

"E. Existing Fences: The lawful use, size or location of a fence existing as of the effective date of this ordinance shall not be affected by this Ordinance although such existing fence may not conform to or comply with the provisions hereof; provided however, no such fence shall be extended, enlarged or replaced except in full conformity and compliance with the terms hereof.


"F. Municipal Planning Commission Approval for Front Yard Fences in Excess of Three (3) Feet in Height. Applications for permits to erect or place front yard fences in excess of three (3) feet in height must be made in writing to the Municipal Planning Commission. Such commission may require as a condition to considering such application such building plans, maps and other data it may deem material and may conduct such investigations and inquiries it may deem necessary or expedient. The applicant shall have the burden of showing to the satisfaction of the Commission that there

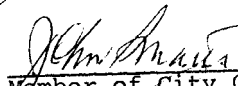
is a sufficient necessity for such fence and that it will not adversely affect the accessibility to buildings on the property in the event of fire or other emergency, police protection, accessibility for garbage and leaf service, the natural beauty of the neighborhood, and scenic views. The Commission may also consider such factors as objections of other persons in the neighborhood, the extent that adjacent and neighboring yards are open, and such other practical and esthetic factors deemed material by the Commission. In the event any applicant or other interested party is aggrieved by any decision of the Commission either granting or denying the application, he may within but no later than ten (10) days after such decision, petition the City Council in writing for a hearing and the action of the City Council by resolution of a majority of the Council at a meeting at which a quorum is present shall be final and binding upon the applicant."

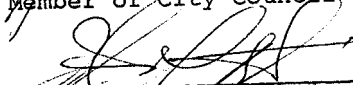
Section 5. Part of Code of Ordinances: It is the intention of the governing body and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Lookout Mountain, Georgia, and the sections of this Ordinance may be renumbered to accomplish such intention.

Section 6. Effective Date: This Ordinance shall be effective ten (10) days after its adoption by at least three (3) members of the Council of this City after two (2) readings at least one (1) week apart.

Approved on first reading on October 5, 1972.

  
Member of City Council of Lookout Mountain, Ga.

  
Member of City Council of Lookout Mountain, Ga.

  
Member of City Council of Lookout Mountain, Ga.

Member of City Council of Lookout Mountain, Ga.

Member of City Council of Lookout Mountain, Ga.

Herwood D. Dudley  
Mayor of Lookout Mountain, Georgia

Approved and adopted on second reading on October 19, 1972.

For B. J. Ginn  
Member of City Council of Lookout Mountain, Ga.

John Martin  
Member of City Council of Lookout Mountain, Ga.

[Signature]  
Member of City Council of Lookout Mountain, Ga.

Member of City Council of Lookout Mountain, Ga.

Member of City Council of Lookout Mountain, Ga.

Herwood D. Dudley  
Mayor of Lookout Mountain, Georgia

ATTEST:

[Signature]  
City Clerk of Lookout Mountain, Ga.

(SEAL)