

ORDINANCE NO. 635

AN ORDINANCE TO AMEND THE ZONING REGULATIONS OF THE VILLAGE OF PENDER, NEBRASKA, CONCERNING FENCE REGULATIONS TO DEFINE SWIMMING POOL AS A PERMANENT STRUCTURE; REPEALING PARTS OF ORDINANCES IN CONFLICT; AUTHORIZING PUBLICATION OF SAID ORDINANCE IN PAMPHLET FORM; AND SETTING AN EFFECTIVE DATE.

BE IT ORDAINED BY AUTHORIZING PUBLICATION IN PAMPHLET FORM; THE CHAIRMAN AND BOARD OF TRUSTEES OF THE VILLAGE OF PENDER, NEBRASKA:

SECTION 1. That the Planning Commission for the Village of Pender has conducted a public hearing as required by law, and

SECTION 2. That the Planning Commission members met to discuss the issue and have voted to recommend the following change to the fence regulations of the zoning code.

SECTION 3. The Village Board has received requests to amend the current zoning code as it relates to swimming pool fence regulations.

SECTION 4. The Village of Pender has given public notice of the public hearing to consider said zoning change as required by law and held said hearing.

SECTION 5. The Village finds that said change is reasonable and consistent with the planned growth pattern of said Village.

SECTION 6. Article 8, Section 8.8 fence regulations of the Village of Pender zoning regulations shall be amended to read as follows:

**8.8 FENCE REGULATIONS:** Fences, Walls and Hedges: Notwithstanding other provisions of this Ordinance, fences, walls and hedges may be permitted in any required yard, provided that no fence, wall or hedge along the sides or front edge of any front yard shall be over three and one half (3 ½) feet in height. Additionally, on a corner lot in a Residential District, a sight triangle shall be provided such that nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and one half (2 ½) feet and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street

lines of such corner lots and a line joining points along said street lines fifty (50) feet from the point of their intersection. The following regulations shall apply to the construction of fences.

1. No solid fence shall be constructed closer to the street than the property line. No fence shall be closer than two (2) feet to the sidewalk.
2. No fence erected in a required front yard shall materially obstruct public view. Permitted types of fences shall include split rail, chain link, or other similar material. No component of a front yard fence shall exceed three and one half (3 ½) feet in height, nor shall any structural member exceed thirty-six (36) inches in cross-sectional area.
3. No fence shall be constructed which will constitute a traffic hazard as identified in the sight triangle of a corner lot (See paragraph above at Section 8.8).
4. No fence shall be constructed in such a manner or be of such design as to be hazardous or dangerous to persons or animals by intent of its construction or by inadequate maintenance.
5. No fence within Residential Districts, except fences erected upon public or parochial school grounds or in public parks and in public playgrounds, shall be constructed of a height greater than six (6) feet, except for the provisions of item number "10" below.
6. All fences shall conform to the construction standards of the building code and other applicable Ordinances and resolutions.
7. In commercial and industrial Districts, maximum height of fences shall be eight (8) feet. When industry standards for certain types of businesses require fences of greater heights, the Zoning Administrator at his direction, may allow greater heights.
8. All fences constructed in the Village of Pender shall comply with the provisions of this section and obtain a building permit.
9. Good side of fence shall face to the outside of the property.
10. (a) All outdoor swimming pools shall be enclosed by a fence or wall at least six (6) feet, but not more than eight (8) feet in height with a gate or gates which can be securely locked.  
(b) The term "swimming pool" shall be defined as any permanent depression in the ground or any permanent above or below ground container in which water more than eighteen inches deep is contained and which is used primarily for the purpose of bathing or swimming. For purposes of this section, the term permanent shall mean a device which remains in place Memorial Day through Halloween and is not dismantled, stored, moved or removed on a seasonal basis. This definition does not include hot tubs nor does it include such temporary devices as children's wading pools, inflatable pools, or similar devices, regardless of water depth.

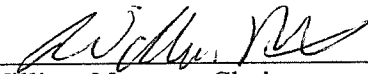
SECTION 7. All parts of ordinances passed and approved prior to the passage and approval of this ordinance, and in conflict herewith are hereby repealed.

SECTION 8. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

SECTION 9. The clerk is authorized to publish this ordinance in pamphlet form.

PASSED AND APPROVED this 18 day of September, 2018.

VILLAGE OF PENDER

By:   
William Newton, Chairman  
Village Board of Trustees

ATTEST:

  
Connie Miller, Village Clerk