

**ORDINANCE NO. 23-05**  
**TOWN OF BRUCETON, TENNESSEE**

**AN ORDINANCE AMENDING TITLE 12, CHAPTER 1**  
**OF THE TOWN OF BRUCETON, TENNESSEE MUNICIPAL CODE**  
**RELATIVE TO FENCES ON PRIVATE PROPERTY**

**WHEREAS**, the Board of Mayor and Alderman of the Town of Bruceton, Tennessee have determined that adjustments are necessary to the Town of Bruceton, Tennessee Municipal Code relative to Fences on Private Property; and,

**WHEREAS**, the Board of Mayor and Alderman have determined that the revisions of existing code provisions relative to the construction of fences on private property are necessary to address current concerns affecting the Town.

**NOW, THEREFORE, BE IT ENACTED BY THE BOARD OF MAYOR AND ALDERMAN OF THE TOWN OF BRUCETON, TENNESSEE:**

- 1) That Title 12, Chapter 1 of the Town of Bruceton, Tennessee Municipal Code shall be amended by adding a new section designated as 12-112 that shall be titled "Erection, Construction, and Maintenance of Fences on Private Property" and set forth as follows:
  - a) In addition to all other provisions contained in this Title and Chapter concerning Building Permits, this section shall be specific as to the requirements for the Construction, Erection, and Maintenance of Fences on Private Property within the corporate limits of the Town of Bruceton;
  - b) General Fence and Wall Requirements:
    - i) Fences and walls are permitted exceptions into the zoning lot setback requirements of the zoning ordinance, except as otherwise prohibited in the zoning ordinance, under the following regulations:
      - (1) Fence Material: a fence may be constructed of wood, masonry, stone, wrought-iron, black aluminum, synthetic material or chain-link. Fencing shall be installed with the finished surface facing out to a public street or an adjacent property;

(2) Fence Placement: a fence shall be installed a minimum of three (3) inches inside the property line and corner of the property on which the fence is being installed, except where property owners on either side of the property line consent to placement of the fence on and along the property line through a written instrument filed with the Town of Bruceton at the time the building permit is applied for by the person installing the fence;

(3) Placement Adjacent to Street, Alley and Easement: where a fence is proposed adjacent to an alley that is part of a lot, regulated by other applicable ordinances or controlling state law, such fence shall be placed a minimum of eight (8) feet from the rear property line and no less than three (3) feet off the edge of a street or road, measured in a straight line perpendicular to the road or street.

(a) In no case shall a fence be located within a dedicated easement for any purpose, where service lines designated by TN 811 are present, the fence shall be at least 3 feet inside property from meter box in a straight line to property lines, except as otherwise permitted herein.

(4) Clearance from Finished Grade: a minimum two (2) inch clearance from the bottom of a fence to the finished grade shall be provided, where applicable, to allow for unobstructed passage of water runoff.

(a) this requirement is not applicable to masonry, hedges, chain-link fence, split rail fence or the like.

c) Height Requirements for Fences in Residential Zoning Districts:

i) Front Height: the maximum height of a fence in the zoning lot front yard shall not exceed four (4) feet, paralleling the front property line or right-of-way line and along the side property lines to the front plane of the principal building. Opaque fences shall be prohibited in the front yard of all residential parcels of real property;

- ii) Side and Rear Height: the maximum height of a fence in the zoning lot side or rear yard, paralleling along the side or rear property line or right-of-way line from the front plane of the principal building to the rear property line shall be six (6) feet.

d) Fence And Wall Requirements in Nonresidential Zoning Districts:

- i) Fencing is permitted in accordance with the following standards within nonresidential zoning districts:

(1) Commercial And Zoning Districts:

- (a) Front Yard: all fencing located between a front lot line and the front of the principal building shall be ornamental fencing that is in accordance with the guidelines for height and setback as for residential fencing, above;

- (b) Chain link fencing is prohibited within the front yard.

(2) Industrial Zoning Districts:

- (a) Fencing in industrial zoning districts shall comply with the same minimum requirements for residential fences and walls, except that solid walls and fences may be utilized in the front of the locations if the property owners demonstrates that the same is necessary and required for the type of business engaged in by the property owners in writing at the time the permit for such fence or wall is issued by the Town to where access to the property must be controlled at all times (e.g. Tow operators, salvage yards, hazardous activities).

e) Prohibited Fences:

- i) The use of electric fences (not including invisible fences for pets), hog wire, concertina wire, stand-alone barbed wire fences (not including barbed wire at the top of chain-link fencing where the fence is a minimum of eight (8) feet in height in industrial districts) or other similar materials shall be prohibited within the corporate limits of the Town.

f) Walls:

- i) All retaining walls that are load bearing shall require a building permit with footings and inspections by all applicable regulatory agencies, including but not limited to the Town of Bruceton and all applicable state agencies having regulatory oversight of the same.

g) Maintenance of Fences and Walls:

- i) All fences and walls built in accordance with the parameters of this section, or any subsection hereto, shall be maintained in a manner that is consistent with the Town of Bruceton's ordinances pertaining to property maintenance under title 13 of the Bruceton, TN Municipal Code and shall be kept free of tall grasses, weeds, vegetation, trash, and debris.

- 2) It is the legislative intent for this Section to allow the Board of Mayor and Alderman to regulate the building of fences and walls on private property located within the corporate limits of the Town in order to insure that fences and walls are in concert with all applicable ordinances for building construction and property maintenance enforced by the Town.
- 3) Any such violation of this shall be punished by a set fine of \$50.00 plus court costs, with this fine being mandatory for violations of this section and notwithstanding any other provision of the Bruceton Municipal Code;
- 4) In addition to the foregoing, nothing in this section shall limit the Town's ability to see injunctive relief through a court of competent jurisdiction to remedy fences and walls that are built in violation of this section, or any subsection hereto, of the Bruceton, TN Municipal Code, in the form of a restraining order or injunction to stop and/or enjoin construction of a fence or wall by a property owner, whether temporarily or permanently;

5) In addition to the foregoing, nothing in this section shall limit the Town's ability to see declaratory judgment relief through a court of competent jurisdiction to remedy fences and walls that are built in violation of this section, or any subsection hereto, of the Bruceton, TN Municipal Code, to allow the Town to remove and/or demolish a fence or wall on private property that may be in violation of this section, or any subsection thereto, at the property owner's expense.

**BE IT FURTHER ENACTED** that this ordinance shall become effective immediately upon its passage after its final reading, the public welfare requiring it.

Approved by the Board of Mayor and Alderman by a vote of \_\_\_\_\_ ayes, \_\_\_\_\_ nays, \_\_\_\_\_ abstentions on first reading \_\_\_\_\_, date of first reading.

Approved by the Board of Mayor and Alderman by a vote of \_\_\_\_\_ ayes, \_\_\_\_\_ nays, \_\_\_\_\_ abstentions on second reading \_\_\_\_\_, date of second reading.

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Robert T. Keeton, III  
Mayor  
Town of Bruceton, Tennessee

ATTEST:

\_\_\_\_\_  
Annie Hand  
Town Recorder  
Town of Bruceton, Tennessee

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Beau E. Pemberton  
Town Attorney (*approved as to form*)  
Town of Bruceton, Tennessee