

**ORDINANCE NO. 16-12**

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF WAYCROSS, GEORGIA; TO AMEND CHAPTER 103 – BUILDING AND BUILDING REGULATIONS, ARTICLE VIII - FENCES, SECTION 103-178, SUBSECTION 2, PERTAINING TO LOCATION OF FENCES; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.**

**WHEREAS**, the Code of Ordinances for the City of Waycross, Georgia, currently provides for the regulation of fences constructed and located in the City of Waycross; and

**WHEREAS**, the regulations for the location and boundary line of a fence are found at Chapter 103 – Building and Building Regulations, Article VIII – Fences, Subsection 2 – Locations; boundary line fences; and

**WHEREAS**, the Commission of the City of Waycross desires to amend and modify the ordinance to allow an owner of property to locate a fence entirely upon the private property of said owner and thereby remove from the ordinance the requirement of a minimum 2 ½ foot set-back; and

**WHEREAS**, the Commission of the City of Waycross also desires to remove the requirement of recording any agreement between adjoining land owners, if the property line cannot be located, with the titles of the respective properties; and

**WHEREAS**, the issue has been duly considered by the Commission of the City of Waycross, Georgia.

**NOW THEREFORE, BE IT ORDAINED** by the Commission of the City of Waycross, Georgia, and it is hereby ordained by the authority of the same as follows:

**SECTION 1.** The City of Waycross Code of Ordinances, Chapter 103, Article VIII, Section 103-178, subsection 2 is hereby amended to read as follows:

2. Locations; boundary line fences:

- a. Fences, including footings, shall be located entirely upon the private property for which the administrative approval or building permit has been issued. The owner of the property on which a fence presently exists or is proposed to be constructed is responsible for verifying their property lines by:
  - i. Locating their property lines; if the property lines are verified, the owner of property upon which a fence presently exists on the owner's property shall also be allowed to repair the fence or to replace the fence in the same position as the fence presently exists; or
  - ii. If the property lines cannot be located:
    1. The zoning administrator or the building official may require the owner of property upon which a fence presently exists, or may require any property owner proposing to construct a fence to establish the boundary lines of the property by a survey thereof to be made by a registered land surveyor; or
    2. The owner of property upon which a fence presently exists, or the property owner on which the fence is to be constructed and the owner(s) of the adjoining properties enter into an agreement regarding the location of the fence, subject to approval of an administrative permit.

**SECTION 2.** This Ordinance shall take effect and be enforced from and after the date of its final approval after second reading by the Commission of the City of Waycross, Georgia.

**SECTION 3.** If any portion of this ordinance shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair the remaining portions unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional.

**SECTION 4.** All ordinances and parts of ordinances in conflict herewith are hereby repealed.

**SECTION 5.** It is the intention of the City Commission and it is hereby ordained that the provisions of this Ordinance shall become part of the Code of the City of Waycross, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

**SECTION 6.** The Commission of the City of Waycross, Georgia, hereby finds and declares an emergency exists pursuant to Section 1-7 of the Code of the City of Waycross, Georgia, so that this Ordinance may be read twice at one meeting and passed.

**SO ORDAINED**, this 7th day of June, 2016.

**CITY OF WAYCROSS, GEORGIA**

**BY:**   
**JOHN KNOX, Mayor**

**ATTEST:**

  
**JULIE DINKINS, Clerk**

**Read First Time: June 7, 2016**

**Read Second Time and approved: June 7, 2016**