

ORDINANCE NO. 2945

AN ORDINANCE OF THE CITY OF SAPULPA, OKLAHOMA, AMENDING THE SAPULPA CITY CODE APPENDIX H, ZONING CODE, CHAPTER 2, SECTION 250; PROVIDING FOR SCREENING WALL AND FENCING SPECIFICATIONS; PROVIDING FOR AN EFFECTIVE DATE, REPEALER, SEVERABILITY, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL, CITY OF SAPULPA, OKLAHOMA:

Section 1. The Sapulpa City Code, Zoning Code, Appendix H, is hereby amended by repealing existing Section 250 and replacing same with new Section 250, which reads in its entirety as follows, to-wit:

"SECTION 250 - SCREENING WALL AND FENCING.

250.1 DEFINITIONS.

For the purpose of this Article, the following terms, phrases, words, and their derivation shall have the meaning given below:

A. Corner lot. A lot situated at the junction of two or more private or dedicated public streets.

B. Fence. Any wall or structure more than eighteen (18) inches in height constructed for the purpose of enclosing, screening, restricting access to or providing decoration to any lot, building or structure. Except where otherwise required in this code, regulations governing the height, location, and opacity of fences also apply to walls, hedges or landscaping used in lieu of a fence or in combination with a fence. A fence is any part of a fence, including the base, footings, supporting columns, post, braces, gates, structural members or any other of its appendages.

C. Front yard. An open, unoccupied space on a lot facing a street and extending from the front of the lot to the front of the principal building, between the side lot lines.

D. Rear yard. A space unoccupied by the principal structure extending for the full width of the lot between a principal structure and the rear lot line.

E. Repair. A repair to a fence shall be defined as maintenance to a fence where replacement of materials does not exceed twenty-four (24) linear feet of the length of the fence and does not change the scope, location, or dimensions of the fence. Repairs shall be made using the same material, or material with comparable composition, color, size, shape, and quality of the original fence to which the repair is being made.

F. Retaining wall. A wall designed and constructed to resist the lateral pressure of soil in an area where there is a desired change in ground elevation that exceeds the repose of the soil.

G. Reverse frontage corner lot. A corner lot where the rear lot line is adjacent to a side lot line of an adjoining lot or across an alley from such side lot line.

H. Side yard. An open unoccupied space on the same lot as the building, situated between the building and the side property line of the lot, and extending from the front yard to the rear yard.

I. Screening wall or fence. An opaque wall made of fieldstone, brick, stucco, wrought iron (or equivalent), or wood pickets, excluding round industrial railing, chain link, or fabric.

250.2 FENCE AND RETAINING WALL PERMIT.

A. All zoning districts: It shall be unlawful for any person to construct, or have constructed, any type of fence, or any part of a fence, or any type of retaining wall, without first having secured a permit from the City. Residential Zoned property permitting requirements: Fences under seven (7) foot tall are exempt from permitting, retaining walls under four (4) foot are exempt from permitting, retaining walls four (4) foot and over but less than six (6) feet require a permit, and retaining walls that are six (6) foot tall or greater require engineered plans in addition to a permit. No permit is required to repair a fence as that term is defined under this article. No fence shall protrude further than the front facing wall of the structure and any wall protruding in front of the facing wall of the structure required prior approval from Zoning.

B. Application. Any person must supply the following information (in addition to all requested information on the City-required fence or retaining wall permit forms) when applying for a permit to erect a fence or retaining wall:

1. Type of fence or retaining wall (i.e., style, material, and design);
2. Height of fence or retaining wall;
3. A survey or scalable plot plan of the entire property showing the location of the fence and/or retaining wall and any existing improvements on the property; and

C. The permit fee shall be as provided from time to time by resolution or ordinance of the City of Sapulpa City Council.

250.3 FENCES ON PUBLIC PROPERTY.

No fence or guy wires, braces, or posts of such fence shall be constructed upon or caused, allowed, or permitted to protrude over property that the City of Sapulpa or the general public has dominion and control over, owns, or has an easement over, under, around or through, except upon utility easements that allow fencing.

205.4 FENCE REQUIREMENTS IN OFFICE, COMMERCIAL, AND INDUSTRIAL ZONING DISTRICTS.

A. Rear Yard requirements. It shall be unlawful to erect a fence at a height exceeding eight (8) feet in any rear yard or along any rear yard lot-line, except that a fence erected around a tennis court may be constructed to a height of ten (10) feet.

B. Side yard requirements. It shall be unlawful to erect a fence at a height exceeding eight (8) feet in any side yard or along any side lot line.

C. Front yard requirements. Only a decorative fence (e.g., wrought iron, wood, masonry) may be erected in the front yard setback area, and if only all the following requirements are met:

1. No front yard fence shall be erected to a height greater than three (3) feet above the finished lot grade.
2. Front yard fence material shall not be wire, mesh, or chain link. Samples of all other materials to be used shall be approved by the City building official.
3. No front yard fence shall be constructed on a corner lot that does not afford proper visual clearance approved by the City building official for traffic approaching the intersection in either direction. Proper visual clearance shall be maintained for a distance of not less than thirty (30) feet on each street.
4. Reverse frontage corner lot requirements. On all reverse frontage corner lots, it shall be unlawful to construct a fence within the side yard area that is adjacent to a front yard area at a distance closer than fifteen (15) feet to the side property line at a height greater than six (6) feet.

5. Visibility clips. In all residential developments with rear or side entry access to a garage or carport, a visibility clip measures five (5) feet from the corner of the driveway and alley or street, in both directions, shall be provided on both sides of the drive.

6. Elevation measurement. In the event that the fence height has been elevated through the use of a permitted retaining wall, the fence height is measured from the top of the retaining wall to the highest point of the fence. If the fence height has not been elevated through the use of a permitted retaining wall, the fence height is measured from grade to the highest point on the fence. The creation of a berm or other method for the primary purpose of increasing the elevation of the fence is not allowed.

250.5 FENCE REQUIREMENTS IN RESIDENTIAL ZONING DISTRICTS.

A. Rear Yard requirements. It shall be unlawful to erect a fence at a height exceeding eight (8) feet in any rear yard or along any rear yard lot-line, except that a fence erected around a tennis court may be constructed to a height of ten (10) feet. Where driveways connect to alleys fences shall only be constructed along the rear yard lot line of any lot within five (5) feet of a point where the driveway would intersect the alley. Fences to be constructed along a driveway or perpendicular to alleys shall not be constructed within five (5) feet of the rear lot line or alley easement line.

B. Side yard requirements. It shall be unlawful to erect a fence at a height exceeding six (6) feet in any side yard or along any side lot line.

C. Front yard requirements. Fencing not allowed. No fence shall protrude further than the front facing wall of the structure.

250.6 FENCE AND RETAINING WALL DESIGN AND CONSTRUCTION STANDARDS.

A. It shall be unlawful for any fence that is electrically charged in any form or manner to be erected in an area zoned for residential use. This restriction does not apply to usage for restraining livestock where permitted or single strand wires constructed within three (3) feet from ground level to restrain small animals. When electrically charged fences are used, warning signs must be posted every seventy-five (75) feet. Electrical charging units must be low voltage, U.L. approved.

B. It shall be unlawful for any person to erect, construct, maintain a fence that:

1. Is constructed with a rope; string; except as otherwise provided in this chapter, wire products, including, but not limited to, chicken wire, hog wire, wire fabric and similar welded or woven wire fabrics; live bamboo; netting; cut or broken glass; paper; corrugated metal panels; galvanized sheet metal; plywood or fiberglass panels; or any other materials that are not manufactured specifically as fencing materials unless intended for agricultural usage or for restraining livestock.
 2. Is constructed of damaged, deteriorating, or unsafe materials.
 3. Is constructed with slats of any material (including but not limited to, metal, fiberglass, and bamboo) threaded through a chain link fence.
 4. Is constructed with used or recycled materials, unless it can be determined by the Building Official that the materials meet the requirements of the Building Code for new materials.
 5. Is temporary in nature except where required by code for construction, excavation, or life safety issues, provided however that temporary fences made of wire and not in excess of three (3) feet in height are permitted for residential gardens in the rear yard.
- C. Barbed wire shall be used only to restrain livestock or as part of a fence on industrial property where the lowest strand of barbed wire is not less than six and one-half (6.5) feet above ground level.
- D. Chain link fences less than five (5) feet tall in a residential zoned district shall have (for, among other reasons, safety concerns) the finished edge of the material on the top of the fence.

250.7 SWIMMING POOL, SPA, AND HOT TUB FENCE REGULATIONS.

A person constructing or maintaining a fence or wall enclosure around a swimming pool, spa, or hot tub shall comply with the minimum requirements of the City's building codes, including but not limited to, the City-adopted International Residential Code, as it exists or may be amended, and other applicable laws.

250.8 MAINTENANCE REQUIRED.

A. Any person, group of persons, firm or corporation owning or having control of any fence within the City shall be responsible to maintain the fence in a safe and presentable

condition and in compliance with the requirements of this article. This shall include, but not limited to, replacement of broken or defective boards, posts, wire, or other fence parts that may cause the fence to be unsafe or unsightly, and the correction of any visible and/or unsafe lean in the fence. Failure to properly maintain such fencing as required under this section shall be considered a violation.

B. All fences, including without limitation, fences existing on the effective date of this Ordinance, are subject to inspection and may be tagged as safety hazards or public nuisance if not adequately maintained.”

Section 2. All ordinances, or parts of ordinances, in conflict with this ordinance are repealed to the extent of conflict only.

Section 3. If any part or parts of this ordinance are held invalid or ineffective, the remaining portion shall not be affected but remain in full force and effect.

Section 4. EMERGENCY. Being immediately necessary that the provisions of this ordinance be put into full force and effect for the preservation of the public peace, health, and safety of the City of Sapulpa, Oklahoma, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect after its passage, approval, and publication as required by law.

PASSED AND APPROVED in regular session this 1st day of July 2024, with emergency clause separately voted upon.

Craig P. Henderson
Craig Henderson, Mayor

ATTEST:

APPROVED AS TO FORM:

Shirley Burzio
Shirley Burzio, City Clerk

David R. Widdoes
David R. Widdoes, City Attorney

