

ORDINANCE NO 658

AN ORDINANCE AMENDING SECTION 7-3, AND ADDING SECTIONS 7-8, AND 7-9 TO THE ZONING CODE OF THE TOWN OF BERTHOUD.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, LARIMER COUNTY, COLORADO:

Section 7-3 of Chapter 7 is repealed and re-enacted to read as follows:

Town of Berthoud Requirements for Fences.

The following regulations shall govern all fences to be constructed or re-constructed within the Town:

(A) It is unlawful for any person in possession of any property in the Town as owner or tenant to:

(a. Construct or maintain within the Town any fence with the intent of charging it with electricity or to equip any fence in such manner as to make possible charging it with electricity;

(b. Construct or maintain a fence constructed of barbed wire, tin or sheet metal or partly of any of those materials; except, that in districts zoned for industrial or commercial usage, or with the approval of the building Official, barbed wire may be allowed as a topping for woven wire industrial type fences; provided, that the barbed wire shall be no closer than six feet from ground level.

(B) No fence shall be permitted until a plat plan has been presented and a permit has been issued in the manner now provided for the issuance of building permits.

(C) No fence, wall or other obstruction shall be constructed between the street line and the front setback line of any street, except it shall be permissible to construct a fence of such material or in such manner that visibility through said fence shall not be less than fifty percent (50%) , said fence not to exceed forty-two inches (42") in height from top elevation of curb.

(D) On any reverse corner lot, no fence shall be constructed between the street line and the front setback line of the adjacent residence whose side yard is the rear line of the corner lot, that shall exceed forty-two inches (42") in height from top elevation of the curb and that does not permit visibility through said fence of at least fifty percent (50%).

(E) On all corner lots within any zone, no fence, wall, shrubbery or sign shall be erected, placed or planted within the triangular yard space formed by the straight line intersection of the curb adjacent to each side of the property, being the first point, and by two points, each of which is thirty feet (30') from said first point, along each curb and away from said intersection.

EXCEPTIONS:

1. Shrubs that do not exceed two feet (2') in height;

2. Split rail fences that do not exceed forty-two inches (42") in height from top elevation of curb and have a minimum of twelve inches (12") between the horizontal members;

3. Chain link fences that do not exceed forty-two inches (42") in height from top elevation of curb and maintain fifty percent (50%) visibility through said fence.

(F) Except as herein set forth, fences shall be permitted that do not exceed seven feet (7') in height.

(G) The Town Building Official may require a gate or gates to be placed in any fence constructed in conformance with this ordinance for the purpose of providing access for fire protection, meter reading or for the use and maintenance of any existing easement, and is further authorized to promulgate rules as to the location of any such gates.

(H) Posts used for fences within the Town shall be wood of natural resistance to decay, treated wood or steel, a minimum of twenty inches (20") embedded in the ground and set in concrete.

(I) In the M-2 zone, fences may be constructed to comply with Chapter 4 Section 4-14 (B) 2 of this zoning ordinance.

Section 7-8 Swimming Pools - Fencing - Setbacks shall be added to Chapter 7 and shall read as follows:

Swimming Pools having a depth greater than eighteen inches (18") shall be enclosed by fencing which is not readily climbed by children and contains no opening larger than four inches (4"). Fencing shall not be less than four feet (4') in height and equipped with a gate. Such gate shall be self closing and shall have the release mechanism located at least fifty-four inches (54") above the bottom of the gate. The bottom gap between fence and grade shall not exceed two inches (2").



Any fence constructed pursuant to this section shall comply with Chapter 7, Section 7-3 of this zoning ordinance.

Exception: Pre-fab pools with walls at least four feet (4') above grade. These pre-fab pools shall have ladders or entrances to the pool area designed to prevent people gaining access to the pool without the owner's consent.

Swimming pools and related mechanical equipment shall have a minimum five foot (5') setback from all property lines. There shall be no swimming pools located in any required yard adjacent to a street where fencing as required above is not allowed.

Section 7-9 Spa's and Hot Tubs - Fencing - Setbacks shall be added to Chapter 7 and shall read as follows:

All spa's and hot tubs shall be enclosed by fencing which is not readily climbed by children and which contains vertical openings not larger than four inches (4"). Fencing shall not be less than four feet (4') in height and equipped with a gate. Such gate shall be self closing and shall have the release mechanism located at least fifty four inches (54") above the bottom of the gate. The bottom gap between fence and grade shall not exceed two inches (2"). Any fence constructed pursuant to this section shall comply with Chapter 7, Section 7-3 of this zoning ordinance.

In lieu of fencing, spas and hot tubs may have a lockable cover capable of supporting a minimum of one hundred fifty pounds (150#). Such cover shall be locked when such spa or hot tub is not in use.

Spa's and hot tubs shall be located five feet (5') from all property lines unless screened from view from adjoining property by at least a six foot (6') high privacy fence. There shall be no spa's or hot tubs located in any required yard adjacent to a street where fencing required above is not allowed.

Section 4. Effective Date:

The Board of Trustees of the Town of Berthoud herewith finds, determines and designates that this ordinance shall take effect and be in force thirty (30) days after publication.

This ordinance was introduced and read and a public hearing set for August 27, 1991, by the Board of Trustees of the Town of Berthoud at its meeting held this 13th day of August, 1991. After the public hearing, this ordinance was read, passed and ordered published by the Board of Trustees at its meeting this 27th day of August, 1991.

ATTEST:

Orahbelle Patterson  
(Orahbelle Patterson)

Orahbelle Patterson

Town Clerk

Published: \_\_\_\_\_

TOWN OF BERTHOUD, COLORADO

Richard D. Strachan  
(Richard D. Strachan)

Richard Strachan - Mayor