

## ORDINANCE 23-5837

### AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING Section 27-1209 FENCE MATERIALS IN COMMERCIAL AND RESIDENTIAL ZONES, BE AMENDED

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS THAT:

**Section 1. RECITALS.** *Title 76, Chapter 2, Part 3, MCA, and Section 27-1628, BMCC,* provide for amendment to the text of the City Zoning Regulations from time to time. The City Zoning Commission and staff have reviewed the proposed zoning text amendment hereinafter described. The Zoning Commission and staff have considered the ten (10) criteria required by Title 76, Chapter 2, Part 3, MCA. The recommendations of the Zoning Commission and staff have been submitted to the City Council, and the City Council, in due deliberation, has considered the ten (10) criteria required by state law.

**Section 2. DESCRIPTION.** The text of Section 27-1209 be amended to add allowed fence materials and clarify how such materials may be used in commercial and residential zones.

**Section 3. ZONE TEXT AMENDMENT.** The text of Section 27-1209 is amended as follows:

Sec. 27-1209. - Fences, walls and hedges.

E. Materials.

1. Residential and commercial zones.

(a) Generally. All fences in residential, and commercial zoning districts shall be constructed from materials which are commonly used for fencing.

(1) Commonly used fence materials include wood **including wood composites**, brick, stone, split railing, chain-link, wire, vinyl, ornamental iron work, **and corrugated or uncorrugated metal panels framed in wood, vinyl, composite, brick or stone.** **Metal panels shall be coated with a non-reflective material.**

(2) Prohibited materials: Railroad ties, intact wood pallets, tires, or rubble **or reflective metal panels.**

(3) Salvaged material that do not meet one of the commonly used fence materials identified above are generally prohibited except as provided in this section. Salvaged material may be used for fencing where:

(i) The appearance of the completed fence is substantially similar to and consistent with the design of a fence constructed of commonly-used materials,

(ii) The salvaged material fence is constructed according to generally applicable fence construction standards, and

(iii) The salvaged material is in good repair and capable of long-term maintenance by the property owner.

(4) Materials not listed **may be submitted for Administrative Relief.** are subject to special review.

(b) Bufferyard fencing. Required bufferyard fencing may be constructed of any of the materials identified in subsection E.1(a) along with powder-coated or vinyl coated chain link fence.

(1) Where an opaque screening fence is required between uses—such as residential next to heavy commercial or industrial—solid vinyl, wood **including wood composites** or similar solid fencing, or powder-coated or vinyl-coated chain link fence with opaque (solid) inserts shall be installed.

(2) An existing fence of the proper height and materials that is located on the property line where a bufferyard fence is required may be retained. Where an existing fence is not compliant with this section, the property owner who is required to install the bufferyard fence shall replace the existing fence with a compliant fence.

2. Industrial zones. All fences in industrial zoning districts shall be constructed from materials commonly used for fencing and shall not be constructed from railroad ties, intact wood pallets, rubble, or salvaged material.

(a) Commonly used fence materials include wood, brick, stone, split railing, chain-link, wire, vinyl, ornamental iron work, finished or coated steel or aluminum building panels.

(b) Barbed wire is only permitted where an eight-foot tall fence is permitted. The barbed wire must be placed on top of the fence and must be located a minimum of eight (8) feet from the ground. Electric fencing is not permitted.

(c) Materials not listed **may be submitted for Administrative Relief.** are subject to special review.

**Section 4. EFFECTIVE DATE.** This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

**Section 5. REPEALER.** All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

**Section 6. SEVERABILITY.** If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading this 22<sup>nd</sup> day of May 2023.

PASSED, ADOPTED and APPROVED on second reading this 12<sup>th</sup> day of June 2023.



CITY OF BILLINGS

BY: William A. Cole  
William A. Cole, Mayor

Attest:

BY: Denise R. Bohlman  
Denise R. Bohlman, City Clerk

Zone Change 1029, Text Amendment for Fence Materials