

ORDINANCE NO.

AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF RAWLINS, CARBON COUNTY, WYOMING, AMENDING RAWLINS MUNICIPAL CODE TITLE 19-40-050 FENCES, PERMITTING THE USE OF LIVESTOCK FENCING FOR LANDSCAPE PROTECTION OUTSIDE OF R-A ZONES WITHIN THE CITY OF RAWLINS.

WHEREAS, Wyoming State Statute §15-1-103 (v) provides statutory authority for the City of Rawlins, Carbon County, Wyoming, “**to perform all acts in relation to the property and concerns of the city necessary to the exercise of its corporate powers**”; and

WHEREAS, Wyoming State Statute §15-1-103 (xi) provides statutory authority for the City of Rawlins, Carbon County, Wyoming, to “take all necessary action to plan, construct, or otherwise improve, modify, repair, maintain and regulate the use of streets, **including the regulation of any structures** thereunder, alleys, any bridges, **parks, public grounds, cemeteries** and sidewalks”; and

WHEREAS, Wyoming State Statute §15-1-103 (xli) provides statutory authority for the City of Rawlins, Carbon County, Wyoming, “to adopt ordinances, resolutions and regulations, including regulations not in conflict with this act and necessary for the health, safety, and welfare of the city or town, necessary to give effect to the powers conferred by this act and, except as provided by paragraph (xlvi) of this subsection, enforce all ordinances by imposing fines not exceeding seven hundred fifty dollars (\$750.00), or imprisonment not exceeding six (6) months, or both.”

WHEREAS, trees serve an important part of our ecosystem, they provide oxygen, store carbons, stabilize and improve soils, improve water conservation, provide habitats for numerous species of fauna and flora, regulate temperature extremes and improve the land’s capacity to adapt to climate change; and

WHEREAS, trees provide our community with countless social, ecological, economic and environmental values which help contribute to a positive quality of life within our community; and

WHEREAS, our community has a desire to continue its efforts to remain a Tree City USA and that the presence of wildlife within our community can at times jeopardize the health of newly planted trees, shrubs, bushes and plants; and

WHEREAS, the Governing Body of the City of Rawlins must find a balance between the community aesthetics, the benefits of landscape protective fencing and finding reasonable cost alternative construction materials that are aesthetically pleasing while being an effective deterrent for wildlife; and

WHEREAS, the current regulation prohibiting the use of chicken wire, hog fence and other types of livestock fencing as permitted materials for landscape protection fencing around

trees, shrubs, bushes, gardens and flower beds places an undue cost burden on homeowners trying to find an economical approach to landscape protections while ensuring those protections are aesthetically pleasing as well as cost effective.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF RAWLINS, CARBON COUNTY, WYOMING in accordance with Wyoming State Statute §19.40.050 hereby is and shall be amended as follows upon proper passage and publication:

Section 19.40.050 Fences.

A. Fences, walls, and hedges are permitted accessory uses except that no fence, wall, or hedge shall be permitted which obstructs vision to an intersecting street, or right-of-way, or which is a potential hazard to vehicular or pedestrian traffic. Notwithstanding other provisions of this title, fences, walls, and hedges may be permitted in any yard, or along the edge of any yard.

B. Height Limitations.

Zoning District	All Residential Zones	Commercial-1 (C-1)	Commercial-2 (C-2), Industrial (I), Intensive Agricultural (I-A), Public & Civic Use
Sides and front edges of front yard	Four (4) feet	Four (4) feet	Eight (8) feet
Rear yards	Seven (7) feet	Eight (8) feet	Eight (8) feet

Fencing on corner lots shall not encroach into the sight triangle pursuant to appropriate zone setback requirements. Exceptions to height limitations for detention facilities or jail. (Ord. 10A-2020 amended 11/3/2020)

C. Wall and Fence Materials. Integrally colored, split-face or ground-face concrete masonry units (CMU), concrete masonry units that have been painted, stuccoed, or faced with another permitted material, other masonry material, natural or simulated stone, brick, block, vinyl, wrought-iron or other decorative metal, painted or stained wood, and chain link shall be acceptable wall or fence materials with said materials being aesthetically pleasing. Fences shall not be constructed from chicken wire, hog fence or other types of livestock fencing be permitted as fencing material, unless located in the R-A Zone. Outside of R-A Zones, *chicken wire, hog fence and other types of livestock fencing shall only be permitted as "landscape protection fencing" around trees, shrubs, bushes, gardens and flower beds.* Additionally, welded wire, and metal sheeting metal shall not be permitted fencing materials. In no case shall barbed wire be used for fencing materials and the tops of walls or fences shall not be adorned with pointed or sharp protrusions of any kind except in industrial zones where fences, not less than five feet high, may be provided with three strands of barbed wire at the top.

Notwithstanding other ordinances and sections of the ordinance codified in this title where not prohibited by subdivision covenants or deed restrictions, walls or fences may be permitted to

encroach on a public right-of-way to the extent allowed by the following standards:

1. On streets in which curb and sidewalks are present, no fence or wall shall be placed any closer than the outside edge of any existing sidewalk;
2. On streets which have no sidewalks but have curb, no fence or wall shall be placed closer than seventy-two inches to the back of any existing curb;
3. On streets which have neither curb nor sidewalk, the director of planning shall specify a placement of the fence or wall corresponding to the position stated in Subsection A of this section if a sidewalk were ever built according to city specifications;
4. No encroachment shall be allowed on alley rights-of-way.

D. The city assumes no future responsibility or liability of the modification, removal or destruction of such improvements necessitated by future public need for use of privately improved rights-of-way. All costs for such will be borne by the private property owner responsible for the improvements, his heirs or successors. All such construction within the city rights-of-way as specified shall also be subject to the provisions of Chapter 12.20 and shall require a permit. (Ord. 9-89 (part)) (Ord. 11-2007, Amended, 11/06/2007) (Ord. 04-2020, Amended 4/7/2020)

PASSED, APPROVED AND ADOPTED this 6th day of July, 2021.

**City of Rawlins, a Wyoming
Municipal Corporation.**

Terry L. Weickum, Mayor

ATTEST

Lynn Shearer, City Clerk

First Reading: June 8, 2021

Second Reading: June 15, 2021

Public Hearing: June 15, 2021

Third Reading: July 6, 2021

Rawlins Times Publication date: _____