

**CITY OF FAIRWAY, KANSAS
ORDINANCE NO. 1805**

**AN ORDINANCE AMENDING THE FAIRWAY DEVELOPMENT
ORDINANCES PERTAINING TO BUILDING REGULATIONS TO ADD
REQUIREMENTS FOR CONSTRUCTION SITE FENCING AND
SCREENING; ADDING SECTION 15-822 TO THE FAIRWAY
DEVELOPMENT ORDINANCES.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF FAIRWAY,
KANSAS:**

SECTION 1. Existing Sections 15-822 through -850 of the Fairway Development Ordinances are currently reserved. Section 15-822 is hereby added to the Fairway Development Ordinances to read as follows:

Sec. 15-822. Construction site fencing and screening.

- (a) *Intent.* The purpose of this Article is to require construction sites to be fenced to protect adjacent properties from construction activities and debris, safeguard public safety by restricting access to the site, preserve neighborhood aesthetics, and minimize construction nuisances by screening the clutter of construction; thereby ensuring the comfort, safety, and welfare of residents.
- (b) *Applicability.* The provisions of this Article shall specifically apply to:
 - (1) Any new structure built on a vacant lot; and/or
 - (2) A demolition of an existing structure.
- (c) *Construction site fencing required.*
 - (1) Prior to the start of grading, excavation, or construction, the Community Development Director shall require the site to be temporarily fenced and screened on all sides for the duration of the construction project. The construction site fencing must appear on construction documents and shall be installed prior to any construction-related activity. The fencing shall remain in place at all times until all construction-related activity has been completed or final grade achieved. The fencing shall be secured at all times outside working hours in order to prevent any unauthorized entry to the construction site.
 - (2) The height of the construction site fencing shall be at least seventy-two inches (72") and no more than eighty-four inches (84"), and the fence material shall be chain link metal fence overlaid on the exterior with an opaque vinyl screen, or other equivalent fencing and screening material as approved by the Community Development Director. Signage is not allowed on the construction site fencing.
 - (3) Construction site fencing may be located within the right-of-way, provided that such fencing shall be located at least two feet (2') from the curb and shall not obstruct the roadway. The contractor shall consult with the Public Works Director (or authorized designee) to ensure the construction site fencing does not conflict with the placement of any tree protective/temporary fencing and any required erosion control. The construction

site fencing may serve as the street-side tree protective/temporary fencing required by Section 11-93, if approved by the Public Works Director or authorized designee.

- (4) Construction site fencing must be maintained in good condition, and shall be replaced if tattered or no longer in good condition. Vegetation growth must be maintained so that it does not grow into the fencing.
- (5) The Community Development Director or Public Works Director may grant exceptions to these construction site fencing requirements where fencing on one or more sides is not feasible due to physical constraints, or fencing is determined to be unnecessary due to the presence of equivalent barrier(s) or other extenuating circumstance. Corner lots will be reviewed prior to the placement of fencing to evaluate any obstruction of traffic views.

SECTION 2. The reservation of existing Section 15-822 of the Fairway Development Ordinances is hereby repealed.

SECTION 3. This Ordinance No. 1805 shall take effect and be in force from and after its publication, or the publication of a certified summary hereof, in the official City newspaper.

[Remainder of page intentionally left blank; signatures follow.]

PASSED by the City Council on May 13, 2024. **APPROVED** by the Mayor.



Melanie Hepperly, Mayor

ATTEST:



Abbie Aldridge, City Clerk

APPROVED AS TO FORM:



Anna M. Krstulic, City Attorney