

## ORDINANCE 3683

**AN ORDINANCE AMENDING CHAPTER 15.40 OF THE RAPID CITY MUNICIPAL CODE BY ADDING SECTION 15.40.05, AMENDING SECTION 15.40.20 BY ADDING SUBSECTIONS 15.40.20(b) AND 15.40.20(c), AMENDING SECTION 15.40.30 BY ADDING SUBSECTIONS 15.40.30(b) and 15.40.30(c) AND AMENDING SECTION 15.40.40 BY ADDING SUBSECTIONS 15.40.40(b) and 15.40.40(c) PERTAINING TO RETAINING WALLS AND FENCES**

BE IT ORDAINED by the City of Rapid City that Chapter 15.40 of the Rapid City Municipal Code be and is hereby amended by adding Section 15.40.05 to read as follows:

15.40.05 Retaining Wall Defined.

“Retaining wall” shall mean that portion of a structure necessary for sustaining earth, water, and other lateral pressure. For purposes of this Section, retaining walls are not the same as a “wall” which is a free-standing structure similar to a fence and which does not support lateral pressure.

BE IT FURTHER ORDAINED by the City of Rapid City that Chapter 15.40.010 of the Rapid City Municipal Code be and is hereby amended to read as follows:

15.40.010 Height Defined.

“Height” for fences and walls shall be defined as the vertical distance from the top rail, masonry unit, board or wire to the ground directly below.

When a fence or wall is located on top of a retaining wall as defined in §15.40.05, the height for fences or walls shall be defined as the vertical distance from the top rail, board or wire to the ground elevation on the uphill side of the retaining wall. When the ground elevation on the uphill side does not meet or exceed the top of the retaining wall, the height of the fence or wall may be increased up to six inches to account for standard fence material heights.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 15.40.020 of the Rapid City Municipal Code be and is hereby amended by adding Subsections 15.40.20 (b) and 15.40.20 (c) to read as follows:

15.40.020 Residential, general agriculture, park forest and public zoning districts.

a. Fences and walls may be erected or maintained; provided, that no fence or wall over four feet in height shall be erected or maintained in any front yard. The exception to this is sound barrier walls and screening fences less than six feet in height located along major streets, the design and materials of such fences shall require council approval, and the petitioner shall send by certified mail to the adjacent property owners written notice of the date of such council meeting. On corner lots, fences shall be permitted in one of the front yards provided the fence does not extend any closer to the public right-of-way than the building line of a principal building which has been permitted within the standard front yard setback. Fences and walls located along side or rear yards shall not exceed a height of six feet.

b. Fences or walls may be constructed on top of retaining walls provided that the maximum height requirements for fences and walls set forth in paragraph “a” above are met.

c. Guardrails Required on Retaining Walls: Unless a fence is already present, guardrails shall be constructed on top of retaining walls in accordance with, and if required by, the Uniform Building Code.

BE IT FURTHER ORDAINED by the City of Rapid City that Chapter 15.40.030 of the Rapid City Municipal Code be and is hereby amended by adding Subsections 15.40.30 (b) and 15.40.30 (c) to read as follows:

15.40.030 Commercial Zoning Districts.

a. Fences and walls may be erected or maintained; provided, that no fence or wall over four feet shall be erected or maintained in any front yard. Fences and walls located along side or rear yards shall not exceed a height of eight feet.

b. Fences or walls may be constructed on top of retaining walls provided that the maximum height requirements for fences and walls set forth in paragraph "a" above are met.

c. Guardrails Required on Retaining Walls: Unless a fence is already present, guardrails shall be constructed on top of retaining walls in accordance with, and if required by, the Uniform Building Code.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 15.40.040 of the Rapid City Municipal Code be and is hereby amended by adding Subsections 15.40.40 (b) and 15.40.40 (c) to read as follows:

15.40.040 Industrial and Mining and Earth Resources Extraction Zoning Districts.

a. Fences and walls may be erected in front, side and rear yards. Fences shall not exceed a height of eight feet.

b. Fences or walls may be constructed on top of retaining walls provided that the maximum height requirements for fences and walls set forth in paragraph "a" above are met.

c. Guardrails Required on Retaining Walls: Unless a fence is already present, guardrails shall be constructed on top of retaining walls in accordance with, and if required by, the Uniform Building Code.

CITY OF RAPID CITY

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Finance Officer

(SEAL)

First Reading:  
Second Reading:  
Published:  
Effective: