

TOWN OF MONROE
STATE OF INDIANA

ORDINANCE NO.: 2025- 1

SHORT TITLE: AN ORDINANCE ESTABLISHING STANDARDS AND REQUIREMENTS FOR THE ERECTION OF FENCING AND OUT BUILDINGS WITHIN THE TOWN OF MONROE

WHEREAS, Indiana Code §36-1-3, *et seq.* confers upon units of government within the State of Indiana such powers as necessary or desirable to conduct the affairs of local government;

WHEREAS, the Town of Monroe is a municipality within the State of Indiana and Indiana Code §36-5-2-2 provides that the Town Council for the Town of Monroe (hereinafter referred to as the "Town Board") is the legislative body for the Town of Monroe;

WHEREAS, the Town Council is responsible for the public safety and general welfare for the residents within the Town of Monroe;

WHEREAS, the purpose of establishing fence and/or outdoor wall and out building standards and requirements is meant to provide adequate light, air circulation, and privacy; to protect the public welfare by preventing visual obstruction along public ways; and to protect the public welfare by preventing the obstruction of public utility right-of-ways and easements.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF MONROE, INDIANA, AS FOLLOWS:

Section 1. Fence and Wall Standards.

1.1 General Requirements.

Fences and walls shall be permitted within the corporate limits of the Town of Monroe subject to conformance with the following requirements:

1.1.1 *Structural Face.* All fences and walls shall present the nonstructural face outward.

1.1.2 *Drainage.* No fence or wall shall disrupt the flow of water in any drainage easement, or otherwise result in impediments for storm-water runoff. Any fence or wall located in an easement may be removed by the easement holder when accessing the easement.

1.1.3 *Setbacks.*

1.1.3.1 All fences and walls may be permitted up to a property line except as noted in this Ordinance.

1.1.3.2 All fences and walls shall be setback a minimum of one (1) foot (or 12 inches) from any known right-of-way (i.e. utility right-of-ways, etc.).

1.1.3.3 No fence or wall may be placed in any right-of-way (i.e. utility right-of-ways, etc.). Fences and walls within any right-of-way may be removed by the right-of-way holder at property owners expense.

1.1.4 *Materials.* Fences and walls shall be constructed of wood, decorative metal, masonry, or synthetic materials to simulate natural materials.

1.2 Pre-Installation and Installation Requirements

1.2.1 *Survey.* Prior to the installation of any fence or wall, the subject property owner shall obtain a survey or his or her property to ensure that the proposed fence or wall shall conform with all provisions of this Ordinance.

1.2.2 *Building Permit(s).* Prior to the installation of any fence or wall, a property owner will obtain a location permit from the Adams County's Building and Zoning authority, as well as any other permitting required under Indiana law.

1.2.3 *Post Hole Inspection.* Prior to the final installation of any fence or wall, the subject property owner shall cause an a post hole inspection to be undergone in order to establish that all post holes are below the frost line. Post hole inspections are to be conducted by the Adams County Building Inspector.

1.3 Prohibited Fences. All electrified, barbed wire, razor wire, and stockade fences are prohibited on all non-farm or non-commercial property. In no instance shall this provision be interpreted as prohibiting the use of invisible fences.

1.4 Fences or Walls Installed Prior to the Effective Date of This Ordinance.

Fences and walls installed prior to the effective date of this Ordinance are not required to conform with the requirements set forth in the above-referenced provisions. However, property owners shall be on notice that if any section of fence or wall was previously installed within any known right-of-way (i.e. utility right-of-way, etc.), and the removal of such fence is required as a result of needed work to be completed within the right-of-way, the subject property

owner shall re-install portion of the fence within with right-of-way, in its entirety, to conform with the provisions of this Ordinance.

1.5 Enforcement.

- 1.5.1 If a fence or wall is in violation of this Ordinance, the Town of Monroe shall notify the owner of such violation.
- 1.5.2 Upon receiving written notice of such violation, the property owner shall have no more than thirty (30) days to correct any such violation.
- 1.5.3 A property owner's failure to correct any such violation may result in a representative of the Town of Monroe correcting such violation, including, but not limited to, moving or removing fencing or walls. The subject property owner will be liable for any expenses stemming therefrom.
- 1.5.4 If the Town of Monroe is required to correct any violation a prescribed in this subsection and the subject property owner fails to issue payment for expenses for which he or she is liable, the subject property owner understands that the Town of Monroe will be entitled to all reasonable expenses incurred in collecting such payment, including, but not limited to, reasonable attorneys' fees and court costs.

Section 2. Out Building Standards

2.1 *Out Building Defined.* For the purposes of this Ordinance, out building shall mean any structure detached from the property owner's residence meant for the owner's private use, but not for permanent or seasonal human habitation. Out buildings include, but are not limited to, barns, detached garages, or sheds.

2.2 *Drainage.* No out building shall disrupt the flow of water in any drainage easement, or otherwise result in impediments for storm-water runoff. Any fence or wall located in an easement may be removed by the easement holder when accessing the easement.

2.3 *Setbacks.*

- 2.3.1 All out buildings may be permitted up to five feet (5 ft.) away from any property line except as noted in this Ordinance.
- 2.3.2 All out buildings shall be setback a minimum of one (1) foot (or 12 inches) from any known right-of-way (i.e. utility right-of-ways, etc.).

- 2.3.3 No out building may be placed in any right-of-way (i.e. utility right-of-ways, etc.). out buildings within any right-of-way may be removed by the right-of-way holder at property owners expense.
- 2.3.4 *Materials.* Out buildings shall be constructed of wood, decorative metal, masonry, or synthetic materials to simulate natural materials.

2.4 Pre-Installation and Installation Requirements

- 2.4.1 *Survey.* Prior to the installation and/or construction of any out building, the subject property owner shall obtain a survey or his or her property to ensure that the same will conform with all provisions of this Ordinance.
- 2.4.2 *Building Permit(s).* Pursuant to Adams County's Building and Zoning authority, the subject property owner shall obtain any and all building permits required by Adams County and/or required under Indiana law prior to the installation of any out building.

2.5 Out Buildings Installed Prior to the Effective Date of This Ordinance.

Out buildings installed prior to the effective date of this Ordinance are not required to conform with the requirements set forth in the above-referenced provisions. However, property owners shall be on notice that if any out building was previously installed within any known right-of-way (i.e. utility right-of-way, etc.), and the removal of such out building is required as a result of needed work to be completed within the right-of-way, the subject property owner shall re-install the out building in conformity with the provisions of this Ordinance.

2.6 Enforcement.

- 2.6.1 If an out building is in violation of this Ordinance, the Town of Monroe shall notify the owner of such violation.
- 2.6.2 Upon receiving written notice of such violation, the property owner shall have no more than thirty (30) days to correct any such violation.
- 2.6.3 A property owner's failure to correct any such violation may result in a representative of the Town of Monroe correcting such violation, including, but not limited to, moving or

removing any out building. The subject property owner will be liable for any expenses stemming therefrom.

- 2.6.4 If the Town of Monroe is required to correct any violation a prescribed in this subsection and the subject property owner fails to issue payment for expenses for which he or she is liable, the subject property owner understands that the Town of Monroe will be entitled to all reasonable expenses incurred in collecting such payment, including, but not limited to, reasonable attorneys' fees and court costs.

Section 3. Severability. If any section, provision, or part of this Ordinance is adjudged invalid or unconstitutional, such adjudication shall not affect the validity of this Ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

Section 4. Effective Date. This Ordinance shall be effective after its publication pursuant to Indiana Code § 5-3-1.

Duly adopted by the Town Board of the Town of Monroe, Adams County, Indiana at its regular meeting on this 12 day of March, 2025, with the following vote of 3 Yes and 0 Nays.

Town Board for the Town of Monroe,
County of Adams, State of Indiana

David Bard
David Bard, Town Board Member

Josh Geerken
Josh Geerken, Town Board Member

Mike Geels
Mike Geels, Town Board President

ATTEST:

Rachel Tague
Rachel Tague, Monroe Clerk-Treasurer