ORDINANCE NO. 2026-02

AN ORDINANCE AMENDING THE VILLAGE OF GRESHAM ZONING ORDINANCE TO REVISE TERMINOLOGY RELATING TO FENCES; TO AMEND SECTION 9.03.02 REGARDING PERMITTED FENCE/FENCING MATERIALS, COLOR REQUIREMENTS, INSTALLATION STANDARDS, HEIGHT LIMITATIONS, AND FINISHED-SIDE REQUIREMENTS; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR PARTS THEREOF; AND TO PROVIDE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CHAIRPERSON AND BOARD OF TRUSTEES OF THE VILLAGE OF GRESHAM, NEBRASKA, as follows:

1. A global text amendment shall be implemented upon the entire Zoning Regulations of the Village of Gresham, for consistency and improved document search functionality, to replace the term "fence" with "fence/fencing" on the following pages: 4, 24, 32, 44, 69, 78, 79, 80, 87, 94, 98, 102, 105, 119, 122, 144, 158, 159, 170, 172, 174, 175, 176, 177, 179, 182, and 184.

2. Subsections 1 and 2 of Section 9.03.02 of the Zoning Regulations of the Village of Gresham are hereby amended, in their entirety, to read as follows:

9.03.02 Design Criteria/Location

1. Fence/fencing materials permitted in all zoning districts shall include chain-link, plastic or vinyl, pressure-treated wood, cedar, and steel vertical ribbed panel materials. All fence/fencing shall be painted and or stained in neutral colors, including white, gray, tan, or black. Fence materials, including but not limited to pickets, planks, and ribs, shall be installed in a vertical/horizonal orientation and shall have finished faces and edges. An exception to the vertical installation requirement shall apply to ranch-style rail fences. All metal paneled fences will have a finished top cap rail.

2. Fences/fencing located within the front yard of a residential or commercial lot shall not exceed forty-eight (48) inches in height and shall meet the definition of an open fence/fencing. If the fence is in the front yard, the finished sides shall face the street. If the fence is located along the side yard, the finished side shall face the neighbors. Notwithstanding the foregoing, solid fences may be constructed along a side lot line that runs parallel and adjacent to a lot line abutting a Commercial District or an Industrial District. All materials used shall comply with the provisions set forth in Section 9.03.02(1).

3. Any other ordinance or section passed and approved prior to passage, approval, and publication of this Ordinance and in conflict with its provisions is repealed.

4. This Ordinance shall become effective upon its passage, approval and publication as required by law.

PASSED AND APPROVED THIS 14th DAY OF APRIL, 2026.

_____
Tony Cain, Chairperson

ATTEST:

_____
Michelle Lowther, Village Clerk

(SEAL)

SUSPENSION OF RULES

Whereupon it was moved by Trustee **Justin Brahmsteadt**, and seconded by Trustee **Colton Luettel**, that the statutory rules in regard to the passage and adoption of ordinances be suspended so that said Ordinance might be introduced, read, approved and passed at the same meeting. The Chairperson instructed the Clerk to call the role for the vote thereon. The Clerk called the role and the following was the vote on this motion:

Yeas:5
Nays:0
Absent:0
Motion:Passed

MOVED FOR FINAL PASSAGE

Read Ordinance by title and Trustee **Tony Cain** moved for final passage of Ordinance No. **2026-02**. Seconded by Trustee **Justin Brahmsteadt**. Whereupon the Chairperson declared said Ordinance No. **2026-02** approved for final passage.

The Clerk was then instructed by the Chairperson to call the roll for the vote on final passage of Ordinance No. **2026-02**. The Clerk called the roll and the following was the vote on Ordinance No. 2026-02.

Yeas:5
Nays: 0
Absent:0
Motion: Passed

Trustees of the Village Board, having voted in the affirmative for the passage and approval of said Ordinance No. **2026-02**, the Chairperson declared said Ordinance No. **2026-02** duly passed and adopted as an ordinance of the Village of Gresham, Nebraska.

CERTIFICATE OF PASSAGE AND POSTING
OF ORDINANCE NO. 2026-02

STATE OF NEBRASKA)
)
County of York) ss.
)
Village of Gresham)

I, the undersigned, duly elected, qualified and acting Clerk of the Village of Gresham, in the County of York, State of Nebraska, do hereby certify:

That the annexed and foregoing is a full, true and correct copy of Ordinance No. **2026-02** of said Village; the same appears of record in the journal and ordinance book of said Village, and that said Ordinance was duly passed by the Board of Trustees of said Village on the **14th** day of **April, 2026**, and was signed and approved by the Chairperson of said Village Board on the **14th** day of **April, 2026**, and there being no newspaper published in said Village, three (3) copies of said Ordinance were posted by me on the **15th day** of **April, 2026**, one in each of three (3) public places in said Village as follows:

Gresham Village Office – 310 Elm Street
Gresham Post Office – 350 Elm Street
York State Bank Gresham Branch – 405 Elm Street

IN WITNESS WHEREOF, I have hereunto set my hand officially and affixed the seal of said Village this **15th** day of **April, 2026**.

_____
Michelle Lowther, Village Clerk

(SEAL)