

SECTION 25. - FENCE REGULATIONS

1. - Fence regulations.

All fences in any district shall conform to the following regulations:

- A. Boundary fences within the R-1, and R-2 districts require a fence permit.
- B. Pool fences in all zoning districts require a permit meeting all requirements set forth in MN Rule 4717.1550 Pool Access Restriction, Fencing as adopted by in City Code as part of the State Building Code.
- C. Barbed wire and electrical fences are prohibited, except on lots with an approved interim use permit for use in keeping and confining farm animals, livestock, or for crop protection.
- D. Alternative forms of fencing in commercial areas may be allowed upon approval by the city when safety or security is an issue.

2. - Fence height.

- A. *Measurement.* Fence height is measured from the fence owner's yard grade to the top of the fence.
- B. *Fences over six feet in height.* Fences over six feet in height require a building permit and must conform to all of the setback and yard regulations in the same manner as building walls, unless located in a commercial or industrial district and approved by a conditional use permit.
- C. *Fences six feet in height and less.* Fences six feet in height and less may be placed anywhere on a lot but not in a required front yard.
- D. *Fences four feet in height and less.* Fences four feet in height and less may be placed anywhere on a lot provided they comply with traffic visibility requirements set forth herein.

3. - Fences around swimming pools.

- A. A swimming pool shall be surrounded by a barrier which the top of the barrier shall be at least 48 inches above grade measured on the outside wall from the swimming pool.
- B. All fence openings or points of entry into the pool area enclosure shall be equipped with gates. The fence shall comply with all construction specifications pursuant to this section.
- C. The fence and gates shall be at least four feet in height and shall be constructed of material approved by the community development department.
- D. One gate shall be equipped with self-closing and self-latching devices placed at the top of the gate or otherwise inaccessible to small children. Any other gate in the fence will be presumed to be solely for maintenance purposes and shall remain locked at all times when not used for maintenance purposes. Each such maintenance gate shall be posted that the gate is to remain locked and is for maintenance purposes only.
- E. All fence posts shall be decay- or corrosion-resistant and shall be set in concrete bases or other suitable protection.
- F. The openings between the bottom of the fence and the ground or other surface shall not be more than four inches.
- G. Aboveground pools of four feet or more in wall height shall be exempt from complete enclosure by a type of fence resistant to being climbed. However, aboveground pools shall be equipped with a fence and gate system at all points of entry to the pool. Stairs must be removed when not in use. Such fence and gate system shall effectively control access to the pool and shall be constructed pursuant to the specifications listed in this section.
- H. Except where otherwise noted, the following are specifically exempted from this section:

1) Hot tubs or spas that accommodate no more than ten adults and has a locking cover.

4. - Placement of fences.

A. Where a property line is not clearly defined, a certificate of survey shall be required to establish the location of the property line.

B. Fences may be placed along a property line provided no physical damage of any kind results to abutting property.

C. Fences on or within three feet of the property line shall give consideration as to the maintenance of the fence and yard.

D. Fences shall not restrict drainage. Solid wall style fences shall be placed a minimum of four inches above finish grade to not impede site drainage. A solid wall style fence may exceed its allowable height by four inches to facilitate drainage.

E. The finished side of fences shall face abutting property and the public right-of-way.

F. No fence shall be constructed on public rights-of-way.

5. - Fences on riparian lots.

Fences constructed on riparian lots shall meet structure setbacks from the ordinary high water mark (OHW).

6. - Fence maintenance.

Every fence shall be constructed in a high quality manner and of substantial material reasonably suited for the purpose for which the fence is proposed to be used. Every fence shall be maintained in a condition of reasonable repair and shall not by reason of age, decay, accident, or otherwise be allowed to become and remain in a state of disrepair so as to be or tend to be a nuisance or cause injury to the public or any abutting property. Any fence that is dangerous by reason of its construction or state of disrepair or may become injurious to the public safety, health, or welfare is a nuisance; such fence shall be repaired or removed as necessary to correct the problem.

7. - Traffic visibility.

On a corner lot, no fence or landscaping shall be placed in such a manner so as to pose a danger to traffic by obscuring the view of approaching vehicular traffic or pedestrians from any driveway or street right-of-way as regulated in Section 15. Traffic Visibility.

8. - Hedges or plantings.

In all residential districts, hedges or plantings used as fences for screening or privacy shall be allowed without height restrictions if the hedges or plantings comply with traffic visibility requirements.

(Ord. No. 19, Second Series, 5-5-2010)

Section 1-9 DEFINITIONS

Boundary fence - A boundary fence is any fence running parallel to, and within five feet of a property line..