

SECTION 1600. FENCE AND WALL REGULATIONS *(Ord No 6-5-2008-2)*

1601. Definitions

- .01 As used in paragraphs 1603 through 1606 of this section, the terms “fences” and “walls” refer to structures erected for the purpose of enclosing a lot, yard, or a portion thereof; fences and walls do not include:
 - (1) Retaining walls
 - (2) Decorative or landscaping walls that are two feet or less in height
- .02 As used in paragraphs 1602 and 1607 of this section, the terms “fences” and “walls” refer to structures erected for the purpose of enclosing a lot, a yard, or a portion thereof, retaining walls, and decorative or landscaping walls
- .03 These regulations, with the exception of Section 1607, do not apply to underground fencing installed within property lines. *(Ord No 12-10-2015-2)*

1602. Fences and Walls

Fences and walls are permitted in all use districts, subject to the provisions of these regulations.

1603. Permit Required

No fence or wall shall be constructed without a permit from the Zoning Officer.

1604. Fence and Wall Height *(Ord No 12-10-2015-2)*

- .01 Fences extending across front yards shall not exceed three and one-half feet (3 ½') in height and shall be at least 50% open space for passage of air and light
- .02 Fences and walls located within the side (beginning at the front corner of the house) or rear yard of a lot in a residential district shall not exceed a height of six feet six inches (6'6") above existing grade at the time of fence installation
- .03 Fences and walls located in all other use districts shall not exceed a height of eight feet six inches (8'6") above existing grade at the time of fence installation, unless a higher fence is approved as part of a conditional use permit allowing the use
- .04 If two different districts abut, the higher fence or wall requirements shall apply
- .05 In all districts, the distance between the existing grade at the time of fence installation and the bottom of the fence shall not be greater than six inches.

1605. Fence Materials

- .01 Fences shall be constructed of new (*Ord No 12-10-2015-2*) wood, metal, plastic, or other durable material. All wooden fences, other than those constructed out of redwood or cedar, shall be stained or painted on both sides within 30 days of installation (*Ord No 12-10-2015-2*). If treated wood is used, it must be stained or painted within one (1) year (*Ord No 12-10-2015-2*). Metal fences shall be made of non-rusting material or treated to prevent rust
- .02 The use of creosote lumber as fencing or wall material is prohibited
- .03 The use of chicken wire, cattle panels, wire mesh, or other non-durable, plastic or metal products as fencing or wall material is prohibited
- .04 Barbed wire and electrical fences are prohibited, except as follows:
 - (1) properties actively used for agricultural operations may install barbed wire or electrical fences;
 - (2) security fences and walls in commercial and industrial districts may be topped with a barbed wire fence not exceeding two feet in height.

1606. General Fence and Wall Standards

- .01 Fences and walls shall be constructed at least three feet inside the property line
- .02 That side of any fence or wall considered to be its finished side (i.e., the side having no structural supports) shall front abutting property
- .03 No fence or wall shall be constructed that is approximately parallel to an existing fence and creates an area between the fences or walls that has limited accessibility for purposes of maintenance
- .04 All fences and walls shall be maintained in a safe condition. The landowner of the property on which the fence or wall is located shall be responsible for the maintenance and repair of the structure
- .05 No fence or wall may be constructed or maintained in a location that obstructs the ability of a driver of a motor vehicle to see another motor vehicle or pedestrian on any street or alley
- .06 Fences and walls are prohibited, and shall not be permitted, within the floodplain district

1607. Fences and Walls within Easements

- .01 Fences and walls are prohibited, and shall not be maintained, on or in an easement, except by written permit granted pursuant to the following procedures:
 - (1) The landowner, together with the landowner's permit application, shall submit a written request describing the easement to be effected

- (2) The Zoning Officer shall refer the permit application and request to the City Administrator/Treasurer or designee (*Ord No 12-10-2015-2*) for review and recommendations
 - (3) Based upon the recommendations of the City Administrator/Treasurer or designee (*Ord No 12-10-2015-2*), the Zoning Officer shall approve or deny the request
 - (4) Any approval must be accompanied by specific conditions or modifications to the original request as deemed appropriate to protect the City's easement interests; the permit must contain the specific conditions stated in the approval.
- .02 If the request for the fence or wall is approved:
- (1) The City retains the right to require the landowner to remove or abate the fence or wall where the fence or wall interferes in any manner with the City's use of the easement
 - (2) If there is an emergency necessitating immediate access to the easement, the City reserves the right to remove the fence or wall to obtain access to the easement
 - (3) The landowner shall bear all costs for removal of the fence or wall in the event the landowner is required to remove the fence or wall for access to the easement, or in the event the City removes the fence or wall in the case of an emergency
 - (4) The landowner shall be responsible for, and bear all the costs of, restoration of the fence or wall in the event the landowner is required to remove the fence or wall for access to the easement, or in the event the City removes the fence or wall in the case of an emergency.
- .03 If the request for the fence or wall is approved, the City specifically reserves all rights of an easement holder afforded under the common law of the State of Minnesota.