

11. **Fences.** Fences shall be permitted in all required yards subject to the following:

- a. Permit Required. It is unlawful for any person hereafter to construct or cause to be constructed or erected within the platted areas of the City, any fence without first making an application for and securing a fence permit.
- b. Certificate of Survey. An application for a fence permit shall be accompanied by a current certificate of survey providing exact lot dimensions, the location of existing buildings, structures, and easements on the lot, and the location of the proposed fence. At the discretion of the City, a final plat detail of the lot with the required information shown may suffice if no certificate of survey is available. Applicant shall be required to physically identify the property corners for City inspection.
- c. Location. All fences or walls shall be located entirely within the private property of the person, firm, or corporation constructing or causing the construction of such fence.
 - 1) No fence or wall shall be permitted on public rights-of-way.
 - 2) Traffic visibility requirements set forth in Section 51.03, Subd. B.5.a.3) of this Ordinance shall be satisfactorily met. (SEE ATTACHED)
 - 3) No fence or wall shall obstruct natural drainage or extend within a wetland, land, drainage ditch, or river.
 - 4) Fences may be constructed within public and private utility and drainage easements provided that:
 - a) No fence or wall shall be located within a drainage or utility easement without written permission of the Zoning Administrator and/or the private utility provider and the filing of an encroachment agreement.
 - b) Removal of a fence or wall or a portion thereof for the purpose of utilizing the easement shall be at the property owner's expense.
 - 5) Shoreland Height. No fence shall exceed three (3) feet in height which abuts any navigable lake, river, or stream within a shoreland impact area.

d. Construction and Maintenance.

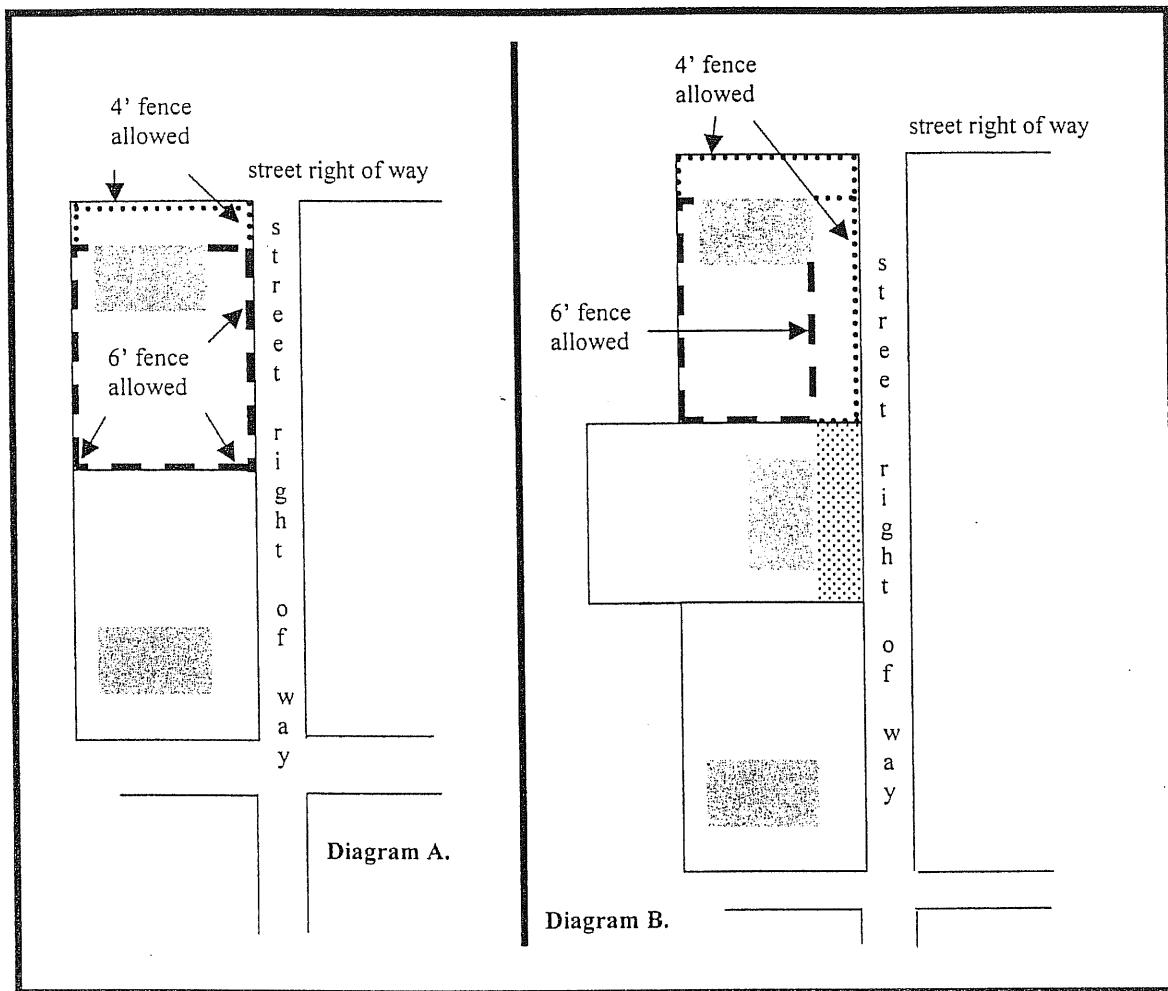
- 1) Every fence shall be constructed in a professional and substantial manner and of substantial material reasonably suitable for the purpose for which the fence is proposed to be used. The materials and design shall also be compatible with other structures in the area in which the fence is located and shall not cause blight or a negative impact. Fences shall be at least five (5) percent open to provide space for the passage of air. No used material shall be used in conjunction of fences.
- 2) Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance, public or private. Any such fence which is or has become dangerous to the public safety, health or welfare is a public nuisance, and the City shall commence proper proceedings for the abatement thereof.
- 3) All posts or similar supporting instruments used in the construction of fences shall be faced inward toward the property being fenced. That side of the fence considered to be the face shall be oriented toward abutting property or rights-of-way.
- 4) Fences which are ninety (90) percent open (barb wire, chain link, woven wire, and other similar type fences) which are for the sole purpose of containing non-domestic animals within a rural zoning district are not subject to the provisions of this Ordinance and do not require a building permit. Chain link fences shall have round steel parts and braces. Electric fences and barb wire are prohibited in all residential districts, except farming activities within the R-A Zoning District.
- 5) Solid walls and retaining walls (such as masonry construction) in excess of forty-eight (48) inches in height shall require a building permit. When utilized, tiered retaining walls shall be separated by a horizontal landing not less than three (3) feet in width.

e. Access. All fences shall be provided with a gate which affords reasonable and convenient access for public safety.

f. Residential District Fences.

- 1) All residential district fences shall be placed within the property being fenced.
- 2) Fences may be located in any yard up to a height of four (4) feet.

- 3) Except as prohibited by Section 51.03, Subd. D.11.f.5) below, a fence up to six (6) feet high may be erected from a line extended from the front facade of the principal building to the side lot lines, and then along the side lot lines and the rear lot line (see Diagram A).
- 4) Should the rear lot line of a lot be common with the side lot line of an abutting lot, that portion of the rear or side lot equal to the required front yard setback of the abutting lot shall not be fenced to a height of more than four (4) feet. For the purpose of this section, the front and side yards of the abutting lot shall be as defined in this Ordinance rather than as related to the orientation of the house (see Diagram B).
- 5) Fences in excess of four (4) feet in height shall be located a minimum of ten (10) feet from the right-of-way of any alley.
- 6) Residential Fences Height Exceptions.
 - a) Fences for sport courts may be up to twelve (12) feet in height with ten (10) foot setback.
 - b) Residential boundary line fences may be erected to a height of eight (8) feet along a property line abutting a commercial, industrial, or semi-public use or zoning district.
- 7) Wire fence other than chain link shall not be permitted as boundary line fences within five (5) feet of the property in residential zoning districts.



g. Commercial and Industrial District Fences.

- 1) Fences in all commercial and industrial districts shall not exceed eight (8) feet in height, except that:
 - a) Fences erected within the required front yard shall not be over eight (8) feet in height, shall conform to Section 51.03, Subd. B.5.a.3) of this Ordinance, and shall be of a chain link construction permitting maximum visibility.
 - b) Fences erected within side or rear yards which abut any navigable lake channel or stream shall not exceed four (4) feet in height.

- 2) Within commercial and industrial and public/semi-public zoning districts, barbed wire may be attached to the tops of fences with the following conditions:
 - a) Fences shall be a minimum of eight (8) feet in height exclusive of the security arm.
 - b) The security arm shall be angled in such a manner that it extends only over the property of the permit holder.
 - c) Wire security fencing shall not be permitted within the required front yard or along a property line abutting a residential use.
- 3) Setback from Alleys. Commercial and industrial fences shall be a minimum of ten (10) feet from any alley right-of-way.

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Section 51.03, Subd. B.5.a.3

Yards and Setbacks

- 3) **Traffic Visibility Setback.** On corner lots in all districts, no structure or planting in excess of thirty (30) inches above the street center line grade shall be permitted within a triangular area defined as follows: beginning at the intersection of the projected property lines of two (2) intersecting streets, thence twenty (20) feet along the property line, thence diagonally to a point twenty (20) feet from the point of beginning.