

**SECTION 1025 – FENCES**

SECTION

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**1025.01: PURPOSE:** The purpose of this Section shall be to provide for the regulation of fences in the City, to prevent fences from being erected that would be a hazard to the public or an unreasonable interference with the use and enjoyment of neighboring property, and are compatible with existing uses and other zoning restrictions.

**1025.02: GENERAL FENCE REGULATIONS:**

**Subd. 1.** Fence Permit. Fences, retaining walls, and sound barriers as defined in Section 1001 (Rules and Definitions) of this Ordinance, shall not be constructed without a building or administrative permit.

**Subd. 2.** Permit fees. A fee as set forth by City Council Resolution shall be charged for a permit issued under this Section for new fences, as well as the replacement of fences in the same location.

**Subd. 3.** Application Requirements.

1. The application shall be accompanied by a certificate of survey clearly describing the type, location and method of anchoring the fence, retaining wall, or sound barrier. Verification of lot lines shall be required.

**Subd. 4.** General Provisions.

1. In all Zoning Districts, a fence six (6) feet high or shorter may be erected in the rear yard and side yard areas up to the nearest front corner of the principal building, provided the fence is erected entirely upon private property. (Ord. 2003-05)
  - a. In the event that a deck or porch is located on the front of the structure, the six (6) foot tall fence section located along the side lot line(s) shall terminate at the front corner of the principal building as opposed to the front of the porch/deck addition.

2. In residential districts, a fence not exceeding four (4) feet in height and having at least seventy-five (75) percent open area for passage of air and light, may be erected on the front lot line and the side lot lines forward of a line drawn across the front line of the principal building.
3. On lakeshore lots, a fence not exceeding four (4) feet in height and having at least seventy-five (75) percent open area for passage of air and light, may be erected on the side lot lines behind the line drawn across the rear line of the principal building.
4. Fences shall not be permitted within any right-of-way, clear view triangle area, within the site visibility area adjacent to railroads, or below the 100-year floodplain of any lake, river or wetland.
5. Fences shall not be permitted within ten (10) feet of the curb, and/or surface of any street, road or alley that is regularly snowplowed by the City and is less than forty (40) feet in width.
6. If the fence is located along a boundary between two (2) properties, both sides shall be well maintained by the owner of the fence.
7. All posts and supporting structures of a fence shall face inward towards the property on which the fence is constructed. All posts and supporting structures shall be located entirely upon the fence owner's property.
8. Barbed wire fences shall be prohibited in all zoning districts with the exception of essential service structures, provided a conditional use permit is obtained, and rail car storage areas. Barbed wire shall be limited to 3' high and may extend above the maximum permitted fence height.
9. Fences shall be residential in nature, such as chain link, wrought iron, vinyl, or board and picket.
10. Wood, plastic, vinyl or other type of slats when used in combination with chain link fencing shall not be permitted within business or industrial districts.
11. Corn cribbing (snow) fences shall be prohibited in the residential areas of the City for any purpose other than marking areas for tree preservation as part of an approved plan, during the months of April through October.
12. Retaining walls shall be constructed when required by the City to prevent damage to any public area such as a sidewalk or street. Other retaining walls may be constructed under the same restrictions as placed on fences.
  - a. Retaining walls shall be installed with strict adherence to all manufacturers recommended standards.

- b. No treated wood (railroad tie) retaining walls shall be allowed within the City limits.
  - c. Plans for retaining walls shall be reviewed by the Building Official and/or City Engineer if over three (3) feet tall and/or proposed to be located within a drainage and utility easement.
- 13. Sound barriers shall only be constructed when authorized by the City.
  - 14. Fences up to sixteen (16) feet in height may be permitted to enclose public tennis courts or as back stops for public athletic fields provided all other requirements of this Section are met and that the backstop is setback a minimum of two hundred (200) feet from residential structures. A conditional use permit shall be required for fences taller than sixteen (16) feet for private tennis courts.
  - 15. Fences which include a security gate at a point where access is provided to the property and principal building may be approved if necessary and appropriate as part of a site plan review.
  - 16. No fence shall obstruct natural drainage. No fence shall be placed within an easement that obstructs or impedes the free flow of surface water from, or in any drainage easements. If a fence is constructed within the easement and it is required to be removed, the City shall not be required to pay compensation for any such fence.

**Subd. 5. Special Provisions.**

- 1. Ornamental fences may be permitted in a front yard if not designed or serving as an enclosure. Ornamental fences includes such things as split rail, picket, and brick fences, but not such things as chain link fences. The maximum allowed height for a brick wall is three (3) feet, for a split rail, picket or wrought iron fence four (4) feet with at least 25% open area for passage of air and light.
- 2. When two corner lots are juxtaposed, a six (6) foot opaque fence may be constructed at a distance of fifteen (15) feet from the shared property line.
- 3. On double frontage lots, the front yard that has no access may have a six (6) foot opaque fence at a distance of seven (7) feet from the property line. Said fence must have a gate to access the seven (7) foot area between the fence and the property line for maintenance. The area must be landscaped with approved shrub plantings found in Section 1027 Landscape, Screening & Tree Preservation. Shrubs shall be planted in two staggered rows. Deciduous shrubs shall not be planted more than four (4) feet on center, and/or coniferous shrubs shall not be planted more than three (3) feet on center.

**1025.03: SWIMMING POOL PROTECTION:**

**Subd. 1.** Barriers for swimming pools, spas and hot tubs shall be constructed consistent with the Uniform Building Code Appendix Chapter 4, Division 1 as amended.

**Subd. 2.** In all residential districts, swimming pools shall be setback ten (10) feet from all adjoining lots and, except for fences and pump enclosures, shall be located at least ten (10) feet away from any other building or structure on the same lot and shall not be located within a drainage or utility easement. Swimming pools shall not be permitted in a front yard or in the area between the street right of way and the minimum required building side yard setback line or within the required front yard if the lot is a corner lot.

**1025.04: NON-CONFORMING FENCES:** It is the intent of this Section to allow the continuation of such non-conforming fences until they are discontinued as provided herein. However, it is not the intent of this Section to encourage the survival of non-conforming fences and such fences that are declared to be incompatible with permitted fences within the City. Such fences shall be regulated by the following provisions:

**Subd. 1.** An existing fence not allowed by this Section in the district within which it is located, except when required by law or ordinance, shall not be enlarged, extended, reconstructed, or structurally altered unless such fence is changed to comply with the requirements of this Section. Maintenance of a non-conforming fence will be allowed when this includes necessary repair and incidental alterations which do not expand or intensify the non-conforming fence.