# FENCES


**BUILDING DEPARTMENT**

**160 LAKE STREET NORTH**
**BIG LAKE MN 55309**

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***www.biglakemn.org***

This handout is intended only as a guide and is based in part on the 2015 Minnesota Residential Code, Big Lake City ordinances, and good building practice. While every attempt has been made to insure the correctness of this handout, no guarantees are made to its accuracy or completeness. Responsibility for compliance with applicable codes and ordinances falls on the owner or contractor. For specific questions regarding code requirements, refer to the applicable codes or contact your local Building Department.


## SCOPE

The purpose of this regulation of fences in the City is to prevent fences from being erected which would be a hazard to the public or an unreasonable interference with the use and enjoyment of neighboring property.

### GENERAL FENCE REGULATIONS:

**Fence Permit**: Fences, retaining walls, and sound barriers must not be constructed without a building permit or administrative permit. The fence permit application must be accompanied by a certificate of survey and clearly describing the type, structure, and location of the fence, retaining wall, or sound barrier.

**General Provisions**:

1. In all zoning districts, a fence which is 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 that the fence is erected entirely upon private property.

2. 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.

3. In residential districts, a fence not exceeding four (4) feet in height and having at least seventy-five percent (75%) 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.

4. On lakeshore lots, a fence not exceeding four (4) feet in height and having at least seventy-five percent (75%) open area for passage of air and light may be erected on the side lot lines behind a line drawn across the rear line of the principal building.

5. 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.

6. 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.

7. If the fence is located along a boundary between two (2) properties, both sides shall be well maintained by the owner of the fence.

8. 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.

9. Barbed wire fences shall be prohibited in all zoning districts with the exception of essential service structures, providing a conditional use permit is obtained.

10. Fences shall be residential in nature, such as chain link, wrought iron, vinyl, or board and picket.

11. 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.

    - Retaining walls shall be installed with strict adherence to all manufacturers recommended standards.
    - No treated wood (railroad tie) retaining walls shall be allowed within the City limits.
    - 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.

12. Wood, plastic, vinyl, or other type of slats, when used in combination with chain link fencing, shall not be permitted within the City.

13. 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.

14. Sound barriers shall only be constructed when authorized by the City.

15. Fences up to sixteen (16) feet in height may be permitted to enclose public tennis courts or as backstops for public athletic fields, provided all other requirements of this Section are met and that the backstop is set back 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.

16. 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.

17. 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.

**SWIMMING POOL PROTECTION:**

Barriers for swimming pools, spas, and hot tubs shall be constructed consistent with the Minnesota State Building Code:

***All swimming pools, hot tubs, spas and other water tanks exceeding 24 inches in depth must be completely fenced in:***

- ***Swimming pool fences must be at least 48" in height.***
- ***The fence must not permit the passage of a 4" sphere through opening in the fence.***
- ***Fences must be constructed of durable, corrosion and decay resistive materials.***
- ***Openings below the fence to grade must not exceed 4".***

***Where an above ground pool structure has walls that are at least 4 feet in height, the pool wall may serve to meet the fencing requirements; however, the access to the pool must provide equivalent protection to prevent unauthorized entry. Fences for swimming pools must include a self-closing, self-latching device on all gates. Latches must be installed at least 3'-6' above grade. Gates must not exceed 4' in width and must meet the same construction requirements on fences. Provide temporary fencing during installation if the yard is not fenced. Building permits are required for fences exceeding 6 feet 6 inches in height.***

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 or way and the minimum required building side yard setback line or within the required front yard if the lot is a corner lot.

**NON-CONFORMING FENCES:**

It is the intent of this Section to allow the continuation of such non-conforming fences until they are discontinued. However, City Ordinances do not 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:

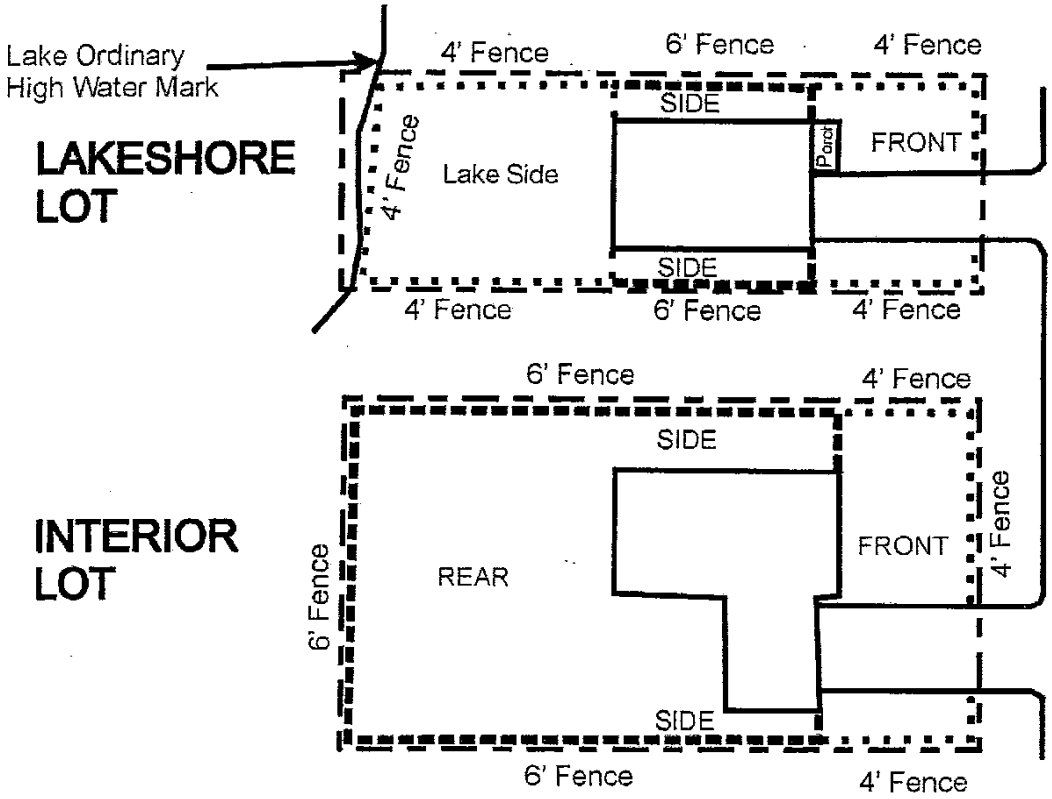
***An existing fence that is otherwise prohibited shall not be enlarged, extended, reconstructed, or structurally altered unless such fence is changed to comply with the requirements of city ordinances, except when required by other laws or ordinances. Maintenance of a non-conforming fence will be allowed when this includes necessary repair and incidental alterations which do not expand or intensify the non-conforming fence.***

# CITY OF BIG LAKE - FENCES

- - - - - - - FENCE NOT EXCEEDING 4 FEET IN HEIGHT AND HAVING AT LEAST 75 PERCENT OPEN AREA FOR PASSAGE OF AIR AND LIGHT

- - - - - - - - - FENCE NOT EXCEEDING 6 FEET IN HEIGHT

— — — — PROPERTY LINE




**Information Required for Fence Permit**

1. **Certificate of Survey showing proposed fence location.**
2. **Proposed Fence Height**
3. **Proposed Fence Materials**
4. **Completed Development Application Form**

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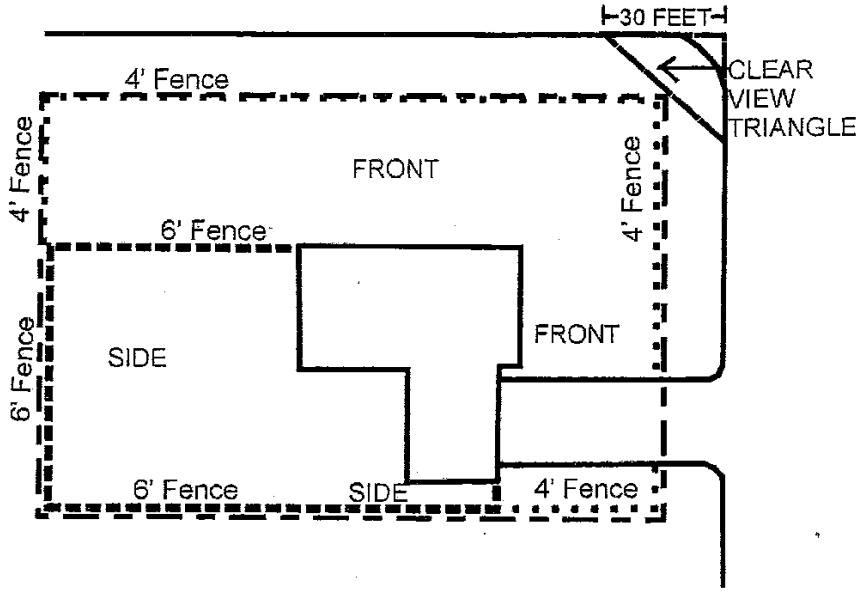
## CORNER LOT

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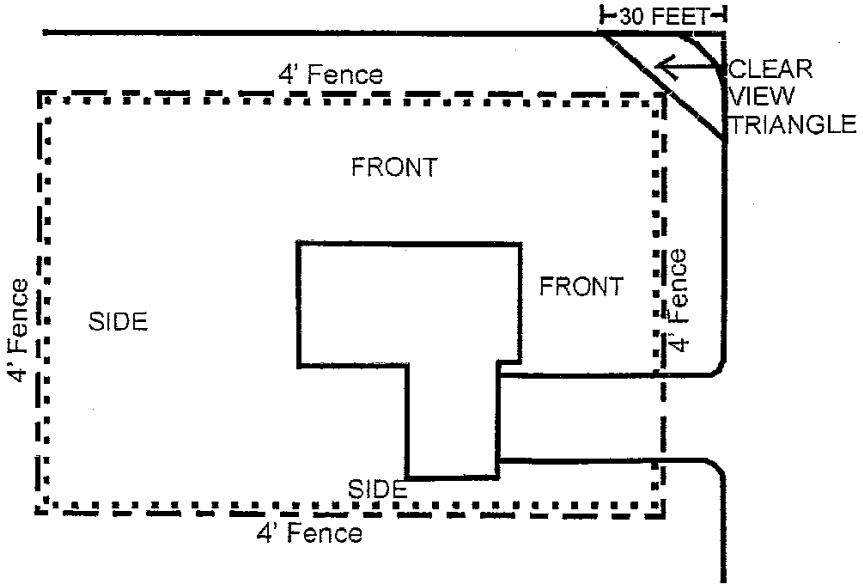




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