

Section 42: Fences and Retaining Walls

SECTION 42:

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42.01 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 to ensure that Fences are compatible with existing uses and other zoning restrictions. Temporary garden type border fencing (not to exceed 1 foot in height) shall not be considered a Fence for purposes of this Ordinance.

42.02 General Fence Regulations:

- Subd. 1.** Fence Permit. Fences and Retaining Walls as defined in Section 2 (Rules and Definitions) of this Ordinance shall not be constructed without a building 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. The application shall include the type, location, and method of anchoring the Fence or Retaining Wall. Verification of lot lines shall be required by survey monuments or a survey by any registered land surveyor.
- Subd. 4.** Location. All Fences shall be located entirely upon the private property of the person constructing, or causing the construction, of such Fence and shall be set back at least 2 feet from all lot lines unless the owner of the property adjoining agrees, in writing, that such Fence may be erected on the division line of the respective properties. The City may require that such writing be recorded in the Office of the Wright County Recorder at the expense of the Fence owner.
- Subd. 5.** Height - Residential Districts.
 - A. Front Yard. In Residential Districts, a fence not exceeding 4 feet in height and having at least 75% open area for passage

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of air and light, may be erected on the front lot line and along side lot lines forward of a line drawn across the front line of the principal building.

B. Rear yard. In all Residential Districts, a fence 6 feet high or shorter may be erected on the rear lot line, along the side lot lines, and return to the nearest front corner of the principal building except as provided below:

1. In the event that a deck or porch is located on the front of the structure, the 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. On lakeshore lots, a Fence not exceeding 4 feet in height and at least 50% open area for passage of air and light may be erected on the lot lines between the lakeshore and the principal building.

Subd. 6. Height - Non-Residential Districts. Fences shall not exceed 8 feet in height in non-residential districts unless a Conditional Use Permit is obtained.

Subd. 7. Exception: Height - Athletic Facilities. Fences up to 16 feet in height may be permitted to enclose public tennis courts or as back stops for public athletic fields provided that all other requirements of this Section are met and that the backstop is set back a minimum of 200 feet from residential structures. A conditional use permit shall be required for Fences taller than 16 feet for private tennis courts or public athletic fields.

Subd. 8. High Density Residential and Non-Residential Districts - Enclosed Storage Required. In all High Density Residential Districts (R-4) and Non-residential Districts, all materials, supplies, merchandise, or other similar materials not on display for direct sale, rental, or lease to the ultimate consumer or user thereof shall be stored within a completely enclosed main building, authorized Accessory Building, or within the confines of an opaque wall or fence not less than 6 feet high. The storage of such materials in box cars, vans, trucks, trailers, or other similar enclosures is prohibited. Such materials shall be

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stored in a manner which prevents them from being deposited on adjacent properties in any manner whatever.

Subd. 9. Prohibited Locations.

- A. 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.
- B. Fences shall not be permitted within 15 feet of the curb, and/or surface of any street or road that is regularly snowplowed by the City, except that Fences may be built up to the sidewalk or sidewalk pad provided that the Fence does not encroach on the visibility area as provided in Section 42.02, Subd. 9 A above.
- C. Fences shall be permitted within 5 feet of the alley provided that the property owner enters into an Encroachment Agreement with the City which shall provide that the property owner shall be responsible for the cost of removal and/or restoration of the fence if it is damaged by the City during snowplowing or other maintenance of the alley. No Encroachment Permit shall be required if the fence is at least 15 feet from the alley.

Subd. 10. Type. Except as otherwise specifically provided, Fences shall be chain link, wrought iron, vinyl, or board and picket. ____

Subd. 11. Chain Link Slats Prohibited. Wood, plastic, vinyl, or other type of slats when used in combination with chain link fencing shall not be permitted within the City except that they may be permitted in the I-1 district provided that they are well-maintained at all times.

Subd. 12. Wire Fences and Electric Fences. Wire Fences and electric Fences shall be prohibited in all zoning districts except as follows:

- A. Barbed wire Fences shall be permitted for essential service structures, provided a Conditional Use Permit is obtained.
- B. Business and Industrial Fences with barbed wire security arms a minimum of 6 feet in height (as measured without the security arm) may be allowed by Conditional Use Permit.

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The security arm shall be angled in such a manner that it extends only over the property of the permit holder and does not endanger the public. Increased landscaping to screen the fence as much as possible will be considered one of the conditions appropriate for the permit.

- C. Wire Fences (including barbed wire) and electric Fences may be permitted within the AG district when related to farming and hobby farms provided that they are not used as boundary line Fences.

Subd. 13. Snow Fences. Corn cribbing (snow) Fences are only allowed as follows:

- A. In the AG district of the City.
- B. For the marking of areas for tree preservation as part of an approved plan during the months of April through October.
- C. On corner lots, during the months of November through March, as a barricade for snowmobiles provided that:
 - 1. The snow fencing does not block or obstruct a road right of way where snowmobilers are permitted by law; and
 - 2. The snow fencing does not obstruct traffic visibility.

Subd. 14. Construction. Every Fence shall be constructed in a workmanlike manner and of substantial material suited for its intended purpose. 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.

Subd. 15. Posts. 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.

Subd. 16. Public Side. The most aesthetic or appealing side of the Fence must face the adjacent properties in all districts.

Subd. 17. Maintenance. If the Fence is located along a boundary between 2

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properties, both sides shall be maintained by the owner of the Fence. In all cases Fences must be maintained in a condition of good repair and shall not be allowed to become or 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 health, safety, and general welfare of the public is a public nuisance, and the City may commence proper proceedings for the abatement thereof.

Subd. 18. Drainage. 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. 19. Easements. The placement of Fences upon utility easements is strongly discouraged and such items are subject to removal if required for maintenance or improvement of the utility. In such cases, costs for removal and restoration shall be the responsibility of the property owner.

42.03 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 continuation 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 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.

42.04 Retaining Walls:

Subd. 1. Retaining Walls. 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.

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- 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 4 feet tall.

Amended October 20, 2009, (R2009-56). Effective Date: November 11, 2009. Amended section 42.02, Subdivision 9 - removed "alley" from B and added section C.