

ORDINANCE 2014-04
CITY OF DUNDAS
COUNTY OF RICE, MINNESOTA

An Ordinance Amending Title 15, Section 4, Subsection 14 Regarding Fences

WHEREAS, the Dundas Planning Commission held a public hearing on January 19, 2014, after providing notice as required by state statute and City Code, with respect to amending the Zoning Ordinance to amend the Fence Ordinance;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF DUNDAS DOES HEREBY ORDAIN:

Section 1. Title 15, Section 4, Subsection 14 is hereby amended to read as follows:

Subsection 14. Fences

(A) Permit Required:

- (1) Zoning Permit: A permit shall be required for all fences, three feet (3') to six feet (6') in height and located within ten feet (10') from a property/boundary line.
- (2) Building Permit: A building permit shall be required for all fences over six feet (6') in height or as otherwise may be stated in the Building Code.
- (3) Exceptions: Subject to the other provisions stated within this section, the following shall not require a permit:
 - (a) Any fence less than three feet (3') in height.
 - (b) Any maintenance, upkeep, and/or repair of fences.
 - (c) Any underground electric pet fencing.
 - (d) Permitted animal enclosures meeting required setbacks.
 - (e) Any patio, trash container, or utility screen located at least five feet (5') from a property line and with a length of less than thirty two feet (32').
 - (f) Any permanent garden or landscape fencing located at least five feet (5') from the property line. However, such garden and landscape fencing must be less than three feet (3') in height and located within the parameters of the distinct garden and/or landscaping area.
 - (g) Any temporary/portable snow fencing.
 - (h) Any temporary/portable construction/safety fencing related to a permitted project.
 - (i) Any temporary/portable soil erosion fencing. However, all erosion fencing associated with a construction project shall be completely removed upon issuance of a final certificate of occupancy.
 - (j) Any temporary/portable special event fencing located within nonresidential districts. Special event fencing located within residential districts may require an interim use permit as determined by the City.

(C) Application Requirements and Site Inspections:

- (1) All fence permit applications shall include a certificate of survey and/or site map, drawn to scale, showing/labeling the following:
 - (a) Property address and/or legal description (if platted).
 - (b) Fronting street(s) and street names.
 - (c) Property lines and property line dimensions.
 - (d) Proposed fence type.
 - (e) Proposed location of the fence and distance from property lines.
 - (f) Existing objects and/or structures located near the proposed fence.
- (2) Before a site inspection is conducted by the designated city official, the following items shall be located on site and clearly marked with paint, flags, stakes, and/or laths:
 - (a) Property corners. The zoning administrator may require the owner of the property upon which a fence exists, or any applicant wishing to construct a fence, to establish the boundary lines of the property by a survey thereof to be made by any licensed land surveyor
 - (b) Boundary lines.
 - (c) Proposed fence location.

(D) Location:

(1) Placing of Fences in Easements:

- (a) Private fences shall not extend into any public easement except by means of an encroachment agreement approved by the city. The approval or denial of such an agreement shall be solely within the discretion of the Zoning Administrator and City Engineer. Said encroachment agreement shall also be recorded with the county recorder's office.
- (b) The city or any utility company having authority to use the easement shall not be liable for repair or replacement of fences in the event that they are moved, damaged, or destroyed by virtue of the lawful use of the easement.
- (c) Any fence placed in a drainage easement shall not adversely affect drainage or create debris buildup.
- (d) All fence applicants and/or property owners are responsible for verifying that no conflict exists with utilities prior to installation.

(2) Fence Setbacks:

- (a) Fences shall be placed on the boundary line between properties or maintain a five foot setback.
- (b) When placing a fence on the property line, the property owner wishing to build the fence shall provide an agreement, in writing, that adjoining property adjoining agrees that such fence may be erected on the division line of the respective properties.
- (c) Private fences adjacent to wetlands shall be set back in accordance with all applicable wetland buffer regulations.

(E) Height:

- (1) Measurement: Height shall be measured from ground level elevation to the top of the fence.
- (2) Residential Fences:
 - (a) Side and Rear Yards: Fences located within a side or rear yard shall not exceed six feet (6') in height.
 - (b) Yards Adjacent to Streets: Fences exceeding four feet in height shall not be erected within a required front yard setback or side yard setback adjacent to a street.
 - (c) Through Lots: On through lots fences six feet in height may be permitted 5 feet from the right-of-way that the lot does not derive access from provided no other lot on the block is permitted to access from said right-of-way. Otherwise, the standards for front yards shall be met.
 - (d) Irregular Lot: In the case of an irregular shaped lot/parcel, the Zoning Administrator shall determine the most appropriate fence height and type based on the requirements stated in this section.
- (3) Nonresidential Fences: In business and industrial zones, fences may not exceed seven (7) feet in height above the ground level.

(F) Fence Types:

- (1) Residential Fences: Residential fences constructed along a property boundary line shall be sturdy fencing constructed of low maintenance materials that are residential in nature, such as vinyl coated chainlink, steel, aluminum, wrought iron, vinyl, composite, wood, or other similar materials determined acceptable by the Zoning Administrator.
- (2) Fencing Materials: All fences must be constructed in a substantial, workmanlike manner and of materials reasonably suited for the purpose for which the fence is proposed to be used.
- (3) Barbed Wire Fences: No barbed wire fences shall be allowed in the residential zoning districts, unless the City council has approved a site plan which includes barbed wire fencing for security purposes. In the commercial and industrial districts, the use of barbed wire is prohibited, except that the top one (1) foot of any fence along side or rear lot lines in these zones may be constructed of barbed wire. Barbed wire is also permitted for the top one (1) foot of fences in industrial zones when fronting a public street and placed no closer than the parking setback. Barbed wire shall not be permitted adjacent to any residential district.
- (4) Razor Wire and Electric Fences: All razor wire and electric fences are prohibited.
- (5) Swimming Pool Fences and Barriers: Swimming pools or spas secured with a code compliant safety cover as determined by the building official are exempt from the following requirements:

- (a) All permanent swimming pools, including inground pools and aboveground pools with rigid walls, shall be completely surrounded by a fence or wall not less than four feet (4') in height, and with openings, holes, or gaps no greater than four inches (4") in either vertical or horizontal direction. The fence shall be of a type not readily climbed by children. A building or accessory building may be used as part of such enclosure. An aboveground pool with a wall greater than four feet (4') in height does not require a fence if the wall cannot be readily climbed by children and the pool can be secured while not in actual use.
- (b) All gates or doors to such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use and shall be provided with hardware for permanent locking devices, except that the door of any dwelling which forms a part of the enclosure need not be so equipped. Pool gates shall be locked when the pool is not in use.

(G) General Regulations:

- (1) No fence shall be installed so as to obstruct a required clear view at street intersections.
- (2) Fences shall be installed with the finished side facing neighboring properties.
- (3) All boundary fences shall be constructed so as to leave adequate clearance between the ground level and the bottom of the fence in order that the yard/landscaping lying directly under the fence can be easily trimmed and maintained.
- (4) Temporary/portable fencing shall be allowed without a permit as follows:
 - (a) Snow fences for the purpose of controlling drifting snow provided the fence is four feet in height or less, not within 5 feet of any side or rear property line, or placed within the public right-of-way. Such fencing shall not be placed prior to November 1 and shall be removed by April 1.
 - (b) Erosion control fences are allowed without a permit in all districts in conjunction with a permitted activity necessitating such fencing.
 - (c) Fencing of a temporary nature for the protection of excavation and construction sites and/or for the protection of plants or trees during excavation and construction may be allowed without a permit when associated with permitted activities.
- (5) The City is not liable for any damage caused to private fencing while maintaining or clearing nearby public roads, trails, sidewalks, or other public infrastructure.
- (6) It is the responsibility of all fence owners to keep both sides of their fence(s) in good repair and appearance and not in a condition of disrepair, danger, or that constitutes a public or private nuisance. Any fence shall be considered a public nuisance if it does not comply with the following:

- (a) All fences shall comply with associated regulations relating to nuisances and blight stated in this code.
- (b) All fences shall be firmly fastened and anchored in order that the fence is not leaning or otherwise in a stage of collapse.
- (c) All fences shall be maintained in sound and good repair and free from deterioration, loose or rotting pieces, or holes, breaks, or gaps not otherwise intended in the original design of the fence. All fences shall be free from any defects or condition which makes the fence hazardous.
- (d) All exterior wood surfaces of any fence, other than decay resistant woods, shall be protected from the elements by paint or other protective surface covering or treatment, which shall be maintained in good repair to provide the intended protection from the elements.
- (e) No fence section shall have peeling, cracked, chipped or otherwise deteriorated surface finish.

(H) Special Purpose Fences: Fences for special purpose and fences differing in construction, height, or location, may be permitted in any district, only by issuance of a conditional use permit and upon evidence that the special purpose fence is necessary to protect, buffer, or improve the premises for which the fence is intended.

Section 6. This Ordinance shall become effective immediately upon its passage and publication.

BE IT FURTHER ORDAINED BY THE CITY COUNCIL FOR THE CITY OF DUNDAS:

- 1. The attached Summary of Ordinance 2014-04 is hereby approved for publication

ADOPTED by the Dundas City Council of Dundas, Minnesota, on this 23rd day of June 2014.

CITY OF DUNDAS BY:

ATTEST BY:

Glenn Switzer, Mayor

John McCarthy, Administrator/Clerk

Ordinance 2014-04

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Published in *Northfield News*: June 28, 2014

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CITY OF DUNDAS
STATE OF MINNESOTA

An Ordinance Amending Title 15, Section 4, Subsection 14 Regarding Fences

The following is the official summary of Ordinance 2014-04, which was approved and adopted by the Dundas City Council on June 28, 2014:

The City amended the Fence Ordinance to require permits prior to installation, allow for six foot tall fences in side and rear yards, and to modify general performance standards.

A copy of the entire Ordinance 2014-04 is available for inspection by any person during regular office hours at the Dundas City Hall, 216 Railway Street North, Dundas, MN 55019; and is posted at the Dundas city website: www.cityofdundas.org .

ADOPTED BY THE DUNDAS CITY COUNCIL on the 23rd day of June 2014.

Published by order:
John McCarthy, City Administrator/Clerk
in the *Northfield News* on June 28, 2014