

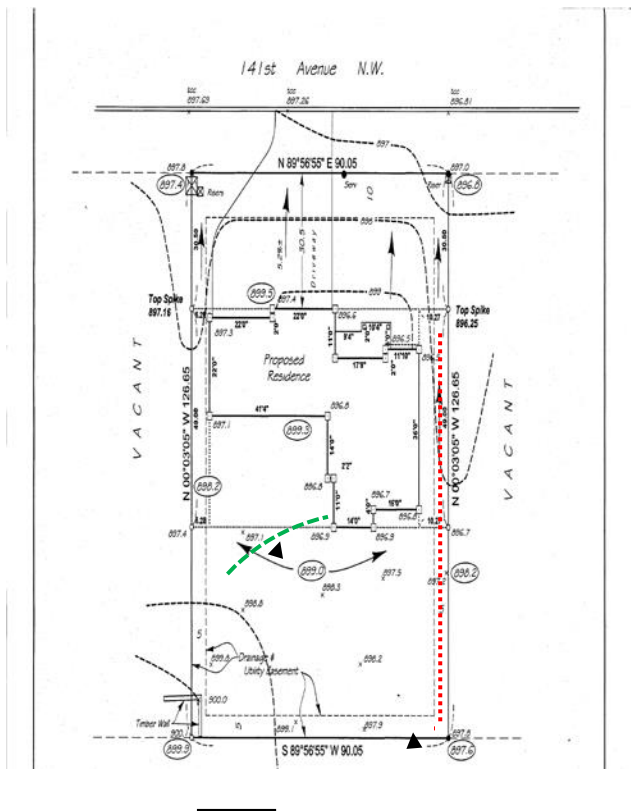
# FENCE & RETAINING WALL RULES AND SPECIFICATIONS

## FENCE AND RETAINING WALL PERMITS

- A zoning permit is required for construction of fences and retaining walls that are located on, in, or near any property line, drainage and utility easements, waterways or wetlands.
- A building permit is required for retaining walls exceeding 4' - 0" in height. Professional engineering may be required.



## FENCE AND RETAINING WALL LOCATIONS



Proposed 4' High Retaining Wall Highlighted in Green

Proposed 6' tall fence Highlighted in Red

*It is the responsibility of the property owner to determine the location of property lines.* Fences and retaining walls may be located in any private yard or along a side or rear property line, except fences and retaining walls must not be located:

- In public right-of-way, drainage areas, ponds, or wetlands, and vehicle access easements to such areas; however, on 2.5 acre lots and larger, the City may permit fencing in such areas so long as it does not restrict surface water flow.
- Across property lines, but in some cases may be placed on property lines, and must be located entirely on the private property of the individual constructing the fence.
- In drainage and utility easements where underground public utilities are installed or those needed for access; however, fences and retaining walls may be constructed in other easements if they do not interfere with existing utilities. *(The existence and location of private utilities must be determined by contacting Gopher State One Call – dial 811.)*
- In the Sight Triangle within 15' of intersecting property lines at street corners.
- Utility access areas to boxes, fire hydrants or other above ground utilities.

Any fence placed in violation of this section shall be the liability of the property owner who constructed it. The City, or any other agency having authority to work in a right-of-way or easement area, shall not be liable for removal, repair or replacement of such fences in the event they are moved, damaged, or destroyed by virtue of the lawful use of that area. Any damage caused by the illegal placement of a fence shall be the responsibility of the property owner who constructed it.

## FENCE HEIGHTS

### **URBAN LOTS** *(In the R-4 Residential Zoning Districts):*

- Six feet (6') maximum height in the rear and side yards up to the front façade of the principal structure.
- Four feet (4') maximum height closer to the front property line than the principal structure.

### **RURAL LOTS** *(In the R-1 Single-Family Rural Residential and R-2 Single-Family Estate Zoning Districts):*

- Ornamental Fences may be up to six feet (6') maximum height in all yards. Fences must not encroach into the Sight Triangle.

## CONSTRUCTION & MAINTENANCE

- Every fence or retaining wall must be constructed and maintained structurally sound and maintained in good aesthetic condition.
- Fence posts, supports, and framework shall be installed on the inside of the fence.
- No plywood boards, canvas, plastic sheeting or metal sheeting may be used for fence construction. No fence may have boards, planks, or panels larger than twelve (12) inches in width.
- Chain-link fences shall be constructed with the barbed end at the bottom of the fence.
- Silt fences are only allowed on construction sites.
- Snow fences are only allowed between November 1<sup>st</sup> and April 15<sup>th</sup>.
- All fences must be maintained in good repair. Wood fences must be naturally decay resistive or must be protected by paint or wood preservative treatment. If twenty-five percent (25%) of the surface deteriorated, the exterior surface must be refinished.

BARBED WIRE AND ELECTRIC FENCES - A security arm for barbed wire to a maximum of eight feet (8') may be permitted by Conditional Use Permit in industrial or business districts, or in any district when used exclusively for enclosing utility and substation sites. Barbed wire and electrical fences may be permitted on residential lots of two and one half (2.5) acres or greater and shall be exclusively for the use of containing farm animals, or pleasure/recreational animals, as defined in City Code. Agricultural fences for the sole purpose of containing farm animals may not be subject to all requirements.

## FREQUENTLY ASKED QUESTIONS AND ANSWERS:

**Q:** What is the turnaround time for getting the permit after submitting the application online or at city hall?

**A:** One or two days.

**Q:** Where can I get a copy of the Certificate of Survey for my property?

**A:** Many property files at City Hall include certificates of land survey. Call the Building Inspections Department at (763) 755-8700 and request a copy or stop by City Hall and request a copy of your certificate of survey.

**Q:** When will the permit applicant pay the permit fee?

**A:** If the permit is applied for and paid for online, then payment is complete; however, if the permit is applied for at City Hall, then the fee may be paid at that time or when the permit is picked up.

**Q:** Who should I contact if I have additional fence or retaining wall permit questions?

**A:** The City Natural Resources Technician from the City Engineering Department at (763) 767-5137.

**Q:** What might happen if a property owner doesn't install a fence or retaining wall per the approved permit?

**A:** If the fence or retaining wall is constructed in a public right-of-way or off-limits easement, the property owner and/or contractor may be required to remove it at their own expense. Where a fence or retaining wall encroaches onto a neighbor's property, the neighbor may have to commence a trespass or other civil law enforcement action independent of the City.

**Q:** Will an applicant have to pay two application fees if the plan is to install both a fence and retaining wall?

**A:** No, just one application fee will be required if built under the same permit.

**Q:** When can the applicant begin installing the fence or retaining wall?

**A:** Permit applications may be submitted online or at City Hall, but in either case construction may only begin after the permit has been approved and issued by city staff.

**Q:** Will a permit be required for repair of an existing fence or retaining wall?

**A:** Property owners are encouraged to maintain their fences and retaining walls. No permit is required to repair or replace fence components, but a permit is required to entirely replace a fence or retaining wall.