

**ORDINANCE NUMBER 36**  
**AN ORDINANCE AMENDING SECTION 60-060 FENCES**  
**CITY OF NEVIS,**  
**COUNTY OF HUBBARD**  
**STATE OF MINNESOTA**

**THE CITY OF NEVIS COUNCIL HEREBY ORDAINS AS FOLLOWS:**

**Purpose and Intent:** The purpose of this ordinance amendment is to amend Section 60-060 of the Nevis City Code relating to fences.

**Amendment:** Section 60-060 shall be amended as follows

**Article I. Section 60-060** of the City of Nevis Zoning Ordinance is hereby amended to add the following:

**Section: 60-060 FENCES**

- 1) Permit Required. A fence permit is required for any fence, partition, structure, wall or gate constructed within the required yard.
- 2) Exemptions. Fences which are ninety (90) percent open (barb wire, chain link, woven wire, and other similar type fences) which are used for containing non-domestic animals within the AT (Agricultural Transition) District are not subject to the provisions of this Section and do not require a fence permit.
- 3) Site Plan. An application for a fence permit shall be accompanied by a scaled site plan providing lot dimensions, the location of existing buildings, structures, and easements on the lot, and the location of the proposed fence. Burden of proof for property line and pin locations shall be the responsibility of the property owner.
- 4) Location. All fences or walls shall be located entirely within the property of the person or firm constructing the fence unless the owner of the adjoining property agrees, in writing, that such fence may be erected on the common property line of the respective properties.

A. No fence or wall shall be permitted on public rights-of-way.

B. Fencing shall meet traffic visibility requirements within an area formed by the intersection of two property lines at the street corner, and a third line intersection these two lines 20 feet from the corner intersection on corner lots in all districts.

C. No fence or wall shall obstruct natural drainage or extend within a wetland, drainage ditch, stream, or river.

D. Fences may be constructed within utility and drainage easements with the written permission of City staff.

E. Wire fences other than chain link are not permitted within five (5) feet of the property line.

F. All fences shall be located at least four (4) feet from an alley right-of-way.

- 5) Construction and Maintenance.

A. Every fence shall be constructed in a professional manner and of substantial materials reasonably suitable for the purpose for which it is intended. The materials and design shall be

compatible with other structures in the area in which the fence is located and shall not cause blight or a negative impact.

B. Every fence shall be regularly maintained and shall not become or remain in a condition of disrepair, or constitute a nuisance.

C. All posts or similar supporting devices used in the construction of fences shall face inward toward the property being fenced. That side of the fence considered to be the face shall be oriented toward abutting property or rights-of-way.

D. Electric and barb wire fences are prohibited in residential districts.

E. Within non-residential districts, barbed wire may be attached to the tops of fences with the following conditions:

1. Fences shall be a minimum of eight (8) feet in height exclusive of the security arm.
2. The security arm shall be angled in such a manner that it extends only over the property of the permit holder.
3. Wire security fencing shall not be permitted within the required front yard or along a property line abutting a residential use.

F. Solid walls, including retaining walls in excess of forty-eight (48) inches in height require a building permit.

G. The good or finished side shall face the neighboring property.

6) Access. All fences that completely enclose an area shall contain a gate to provide public safety access.

7) Height.

A. Fences may be located in any yard up to a height of four (4) feet.

B. Except as prohibited by Section 60-061-7.E a fence up to six and one half (6½) feet high may be erected from a line extended from the front façade of the principal building to the side lot lines, and then along the side lot lines and the rear lot line (see Diagram A).

C. Should the rear lot line of a lot be common with the side lot line of an abutting lot, that portion of the rear or side lot equal to the required front yard of the abutting lot shall not contain a fence greater than four (4) feet. For the purpose of this section, the front and side yards of the abutting lot shall be as defined in this Ordinance rather than the house as built (see Diagram B).

D. Fence height shall be measured from the adjacent ground level to the top of the fence section on the side facing the neighboring property. Fence posts above the fence section and ornamental post features are exempt from the height limits.

E. Height Exceptions.

1. Fences for sport courts may be up to twelve (12) feet in height with ten (10) foot setback.

2. Residential fences up to eight and one half (8½) feet in height are permitted along a property line abutting a commercial, industrial, or semi-public use or zoning district.

3. Non-residential fences up to eight and one half (8 ½) feet in height are permitted. Such fences in a front yard must be ninety (90) percent open.

4. Fences taller than eight and one half (8½) feet in non-residential districts require a Conditional Use Permit.

Adopted this 8<sup>th</sup> day of May, 2017.

**Effective Date.** This ordinance shall become effective immediately upon its passage and publication.

**Repeal:** This ordinance shall repeal all ordinances inconsistent herewith.

Ayes: Mayor Jarod Senger, Council Member Sue Gray, Council Member Jeanne Thompson

Nays:

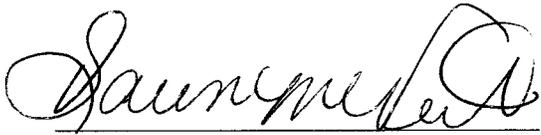
Absent: Council Member Kelly Poole, Council Member Rich Johnson

Planning Commission Recommendation and Public Hearing: Conducted Public Hearing and recommended approval on April 26, 2017.

City Council Meeting: May 8<sup>th</sup>, 2017

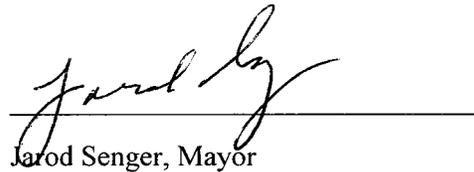
Attest:

Approved



Dawn M. Veit, City Clerk

Date: 5/8/2017



Jarod Senger, Mayor

Date: 5/8/17