

ORDINANCE NUMBER 151

AN ORDINANCE REGULATING THE CONSTRUCTION, PLACEMENT, HEIGHT, NATURE AND EXTENT OF FENCES.

The City Council of the City of Carlton does hereby Ordain :

Section 1. Purpose

The purpose of this Ordinance is to provide for the regulation of fences in the City of Carlton to prevent fences being erected or plantings made that would be a hazard to the public, or an unreasonable interference with the use and enjoyment of neighboring property, and which are compatible with existing uses and other zoning restrictions.

Section 2. Definitions

Subd. 1. - "Fence" means any structure, lumber, building blocks, wire or similar materials placed in a fashion which is intended to impede free passage from the fenced area to the outside area or from the outside area into the fenced area.

"Hedge Fence" means any bush-like, growing vegetation placed in a fashion which is intended to impede free passage from the fenced area to the outside area or from the outside area to the fenced area.

Subd. 2 - Where a lot is located at the intersection of two or more streets, there shall be a front yard on each side that abuts a street and a side yard on each side of that lot that does not. The front yard is that portion of the property that extends between the dwelling and the front property line.

Section 3. Requirements

Subdivision 1. - Permit: No person shall construct or cause to be constructed any fence in the City of Carlton without first obtaining a building permit from the Bldg. Inspector. All those fences which are existing on July 9th, 1991, are permitted even though they may not comply with this ordinance. However, no existing fence in violation of the ordinance will be allowed to be replaced, rebuilt or increased in size or length. Should an existing fence be replaced or rebuilt, it must come under the regulation of this ordinance, including the requirement of a permit.

Section 4. Fencing Regulations

Subd. 1. - Height : No person owning or controlling any hedge fence bordering on a street or sidewalk in the City shall permit the same to grow to a height of more than 4 feet, or permit any branches or any part thereof to hang over any sidewalk or sidewalk line. Fences, hedges or walls located in front yards along side lot lines and within ten feet of the front lot lines as defined herein, shall not exceed a height of four feet, and they shall not create a sight hazard to traffic safety. All other fences shall not exceed 6'6" in height.

Subd. 2. - Chain Link

All those fences which are constructed of chain link wire design or very similar design will be allowed throughout the property in a developed area.

Subd. 3 - Type Of Fence

All fences, except hedge fences, in front yards shall be constructed of chain link or wood fencing. Such materials as wire mesh, hog wire, welded wire and straight wire will not be allowed in front yards. Fencing for the remainder of the yard may be constructed of chain link, wood, hog wire or welded wire. No barbed wire, electric fences or other fences likely to cause harm to persons will be permitted.

Subd. 4 - Commercial Fencing

Hazardous fences and walls such as barbed wire, electric fences, Fences with security arms and walls with protruding sharp edges, and other fences designed for or likely to cause harm to persons are declared hazardous and are prohibited in the City except as follows: Up to eight foot (8') high chain link fences with top barbs will be permitted in the City for security reasons on commercial property, but only if a special permit is issued by the Bldg. Inspector. Fencing on non-residential property required for screening exterior storage may exceed the limitations herein, but only by a Special permit issued by the Planning Commission.

Section 5. General Provisions

Subdivision 1. - Construction and Maintenance

Every Fence will be constructed straight, true and plumb and in a substantial workmanlike manner and of substantial material reasonably suited for the purpose for which the fence is proposed to be used. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and 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 public safety, health or welfare is a public nuisance and

the Building Inspector may commence proper proceedings for the abatement thereof. all fence maintenance is the sole responsibility of the property owner who constructed same and his successors, heirs and assigns.

Subdivision 2. - Nice Side Out.

The side of the fence considered to be the face (finished side as opposed to structural support side) shall face the abutting property.

Subdivision 3. No fences shall be permitted on public rights of way.

Subdivision 4. - Ingress.

In those instances where a fence exists as an enclosure which restricts access from the front to the rear yard, a gate, or other such means of recognizable ingress shall be provided. The location of such ingress shall be positioned at any point paralleling the front lot line, between the side lot property line and the principal structure.

Section 6 - Variance

Subd. 1. If a variance from the above requirements is requested, the variance shall be considered in accordance with the zoning variance procedures and fees as contained in the City Zoning Ordinance # 102.

Section 7 - Repealer

Subd. 1 - All prior inconsistent ordinances or provisions of ordinances are hereby amended or repealed.

Section 8 - Penalties

Any person violating any provisions of this ordinance shall upon conviction be guilty of a misdemeanor and shall be punished as provided by law.

Section 9 - Effective Date

This Ordinance becomes effective upon its passage and publication, according to law.

Passed by the City Council July 9th, 1991
Published - Pine Knot - July 25th, 1991

CITY OF CARLTON

By: Stephen Habegger
Mayor

ATTEST :

Lanyer Beckstrom
City Clerk/Treas.