

Part 6 Fence Ordinance

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

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

906.01. **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.

906.02 **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 locate 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.

906.03. **Requirements.** 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 Building Inspector. All those fences which are existing on July 9, 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.

906.04. **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 or 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 alongside lot lines and within ten feet of the front lot lines as defined herein, shall not exceed a height of 4 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, wood fencing or resin 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 Building 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.

906.05. General Provisions.

Subd. 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.

Subd. 2 Placement. Fences may be placed on the property line

Subd. 3. 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.

Subd. 4 No fences shall be permitted on public right of ways.

Subd 5. Ingress. In those instances where a fence exists in 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 on any point paralleling the front lot line, between the side lot property line and the principal structure.

906.06. Variance. 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, Chapter 9, Part 3.

906.07. 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.