

**CITY OF MAYER
ORDINANCE # 193**

**AN ORDINANCE AMENDING TITLE XV: LAND USAGE,
CHAPTER 152: ZONING, SECTION 152.003 PERTAINING TO DEFINITIONS AND
SECTIONS 152.093 FENCES OF THE CITY CODE
RELATING TO FENCE SETBACKS IN RESIDENTIAL DISTRICTS**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAYER THAT THE FOLLOWING SECTIONS OF THE ZONING ORDINANCE, RELATED TO FENCES BE AMENDED TO READ AS FOLLOWS:

SECTION 152.003 - DEFINITIONS

LOT, THROUGH. A lot having a pair of opposite lot lines along two more or less parallel public streets. On such a lot both street lines shall be deemed front lot lines. Also defined as a "double frontage lot".

YARD ABUTTING A STREET, SIDE. A yard adjacent to a street which extends along a side lot line between the front yard and rear property line. For the purposes of determining the required setbacks, a side yard abutting a street is identified as a front yard in the dimensional standards of the district in which the yard is located.

SECTION 152.093 - FENCES

(A) *Definition.* For purposes of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

FENCE. Any lineal structure, including walls, hedges, or similar barriers, used to prevent access by persons or animals or prevent visual or sound transference.

(B) *Building permit required.*

(1) No fence shall be constructed without a building permit. An application for a fence building permit shall be submitted to the city and shall be accompanied by the following:

(a) A fence elevation sketch showing/describing the type, dimensions, and color.

(b) Two copies of a certified survey (to scale) prepared by a registered land surveyor showing and including the following:

1. Property address;
2. Legal descriptions of adjoining properties and property lines;
3. Existing structures and hard surface areas;
4. North arrow;
5. Easements;
6. Setback dimensions;
7. Proposed fence location;
8. Dimensions from property line to fence.

(c) Method of anchoring the fence.

(2) Property lines shall be clearly marked with stakes and/or paint as a guide for proper placement and necessary inspections.

(C) *Exempt fences (building permit not required).*

- (1) Temporary fences not exceeding one year in duration.
- (2) Underground pet fencing located outside of an easement area.

(D) Fencing in all districts shall conform to the following:

- (1) Fences shall be located entirely upon the private property of the party constructing the fence unless the adjoining property owner(s) agree to a common boundary fence, by signing a City of Mayer common property line fence form.
- (2) Except for common property line fences, all other fences shall be set back a minimum distance of two (2) feet from the property line unless otherwise stated within this section.
- (3) The owner(s) of the property upon which the fence is constructed shall be responsible for maintaining that part of their property between the fence and the property line.
- (4) Fences in all districts shall be maintained so that the exposed outer surface shall be uniformly painted or stained in a neat and aesthetically pleasing condition.
- (5) No fence shall be permitted on a public right-of-way or boulevard area without special permission from the City Council.
- (6) No fence, greater than two and one-half (2.5) feet in height, shall be erected within a corner lot sight triangle so that clear visibility of approaching vehicular or pedestrian traffic can be maintained. Such sight triangle means that triangular area defined as follows: beginning at the point of intersection of the right of way of two intersecting streets, thence thirty (30) feet along one right of way line, thence diagonally to a point on the other right of way line thirty (30) feet from the point of beginning, thence to the point of beginning.
- (7) All snow-brake fencing may be used from November 1 to April 1. No permit shall be required for temporary winter snow-brake fencing.
- (8) Any fence which is unsightly or dangerous to the public safety or general welfare and health is a public nuisance and the city may commence proceedings for the abatement thereof.
- (9) Barbed wire and electrical fencing shall require special City Council approval. This requirement shall not be construed to prohibit the use of underground electric pet fencing or similar use.
- (10) The side of the fence considered to be the face (finished side as opposed to structural supports) shall face the outside/abutting property.

(E) *Fencing in residential districts.*

- (1) Side and rear yard fences shall not exceed a maximum height of six (6) feet. Front yard fences and fences located within the side yard abutting a street of a corner lot, shall not exceed a maximum height of four (4) feet.

- (2) *Double frontage lots & corner lots.* Fences greater than four (4) feet in height, located within side yards abutting a street on a corner lot, shall be setback thirty (30) feet from the property line. Fences running along arterial or collector roads in the rear yard of a double frontage lot shall not exceed a maximum height of eight (8) feet. Fences in the rear yard of a double frontage lot running along other streets shall not exceed a maximum height of six (6) feet and shall be setback thirty (30) feet from the property line.
- (3) Fences around dog kennels not exceeding fifty (50) square feet in size, fences around garbage cans, and garden fences will not require fence permits but shall adhere to the other regulations of this section.

(F) *Fencing in commercial and industrial districts.*

- (1) Fences may be located in any yard not to exceed a height of eight (8) feet. Fences over eight (8) feet in height shall require a variance.
- (2) District screening requirements shall be met.

(G) *Required fences – swimming pools.*

- (1) Outdoor swimming pools shall be adequately fenced to prevent uncontrolled access from the street or adjacent property.
- (2) Outdoor swimming pools with a capacity of one thousand five hundred (1,500) gallons or more, or with a depth of three (3) feet or more of water shall be fenced in compliance with the following: a fence at least four (4) feet in height measured from ground level shall completely enclose any permanent outdoor swimming pool, whether it is above ground, or below ground. Any fence over six (6) feet in height measured from ground level shall require a variance.

(H) *Existing fences.* No existing fence in violation of this section will be allowed to be replaced or rebuilt. Should an existing fence be replaced or rebuilt, it must comply with the requirements of this section.

(I) *Violation.* Violation of this section may be enforced by injunction and the city shall be entitled to the remedy of abatement in order that a fence erected in violation of this section may be removed.

EFFECTIVE DATE.

This Ordinance shall become effective following its publication in the official newspaper of the City.

ORDAINED by the City Council of the City of Mayer, Carver County, Minnesota this 11th day of August, 2014.


Mike Dodge
Mayor

ATTEST:


Lois A. Maetzold
City Clerk

Moved by:
Seconded by:

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