

ORDINANCE NO. 146

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

The City Council of Adams do ordain as follows:

Section 1. Purpose: The purpose of this Ordinance is to provide for the regulation of fences in the City of Adams 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 to ensure compatibility with existing uses and other zoning restrictions.

Section 2. Definitions: A "fence" shall be defined for purposes of this Ordinance as any partition, structure or gate erected as a dividing marker, barrier or enclosure.

Section 3. Requirements:

- A. Permit Required: It is unlawful for any person to construct, erect or cause to be constructed or erected in the City any fence without first obtaining a permit therefor from the City Council.
- B. Application and Fee: Every person desiring to erect or construct a fence shall make application for a permit to do so to the City Clerk on a form provided by the City Clerk, which form shall contain the name and address of the applicant and describe the location of the fence to be erected and shall also describe the type of fence to be constructed and the height thereof. Such application shall be accompanied by a five dollar (\$5.00) fee as established by the City Council.
- C. Investigation of Premises and Issuance: No permit for the erection of a fence shall be issued by the City until after an investigation of the premises has been conducted by the Street Superintendent. A report shall be submitted to the City Council for their consideration. The decision of the City Council on the issuance of such permit shall be conclusive.
- D. Conditional Use Permits: The City Council may, by resolution, grant conditional use permits for uses and purposes in cases where strict enforcement of this Ordinance may cause undue hardship and, further, the City Council may impose conditions, safeguards and time limitations pertaining to such conditional use permits.

Section 4. General Fence Provisions:

- See Ord. 162 →
A. Location: Any fence built near, but not on, the property line, will require that the owner leave a reasonable space (two [2] feet or more) between the fence and the property line to allow for the maintenance of the fence and the cutting of weeds on the adjoining property owner's side of the fence.

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

Fences and walls, as hereafter regulated, trees, shrubs or any other planting, except that any tree, shrub or planting which obstructs the view, shall not be located within ten (10) feet of the corner formed by any two (2) street right-of-way lines.

Fences four (4) feet in height or less may be placed within the required front or side yard provided that such fence is a "see-through" type chainlink fence or similar, and is constructed in a manner so as not to impair the visibility of users of the adjacent streets, and/or alleys. The question of impairment of visibility shall be determined by the Street Superintendent with the advice and approval of the City Police Chief.

- B. Hazardous Fences and Walls: Hazardous fences and walls such as barbed wire, electric fences with security arm, and walls with protruding sharpe edges, and other fences and walls designed for or likely to cause harm to persons are declared hazardous and prohibited in the City, except as follows:

- (i) Eight foot chain link fences with top barbs will be permitted in the City for security reasons on commercial property, but only upon issuance of a special permit to be issued by the City Council.
- (ii) Fencing on non-residential property required for screening exterior storage may exceed the limitations herein, but only upon issuance of a special permit to be issued by the City Council.

- C. Fence Materials: Any and all construction, erection, or repair and replacement of either a new or existing fence shall utilize new materials and products and every fence shall be constructed in a substantial, work-manlike manner of substantial material reasonably suited for the purpose for which the fence is proposed to be used.

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Section 5. Height of Fences: No fence shall be erected exceeding 6'6" in height above the sidewalk or finished grade of any lot in a residential district or on any lot occupied for residential purpose. Fences and all supporting structure shall be completely within the boundaries of such lot.

Fences and walls over six (6) feet in height must conform to all set-back and yard regulations in the same manner as building walls.

Fences and walls six (6) feet in height and less may be placed anywhere on a lot, except not in a required front or side yard.

Fences and walls four (4) feet in height and less may be placed anywhere on a lot provided they comply with traffic visibility requirements set forth herein.

Section 6. Electric Fences: It is unlawful for any person to construct, maintain, place or allow to be constructed, maintained or placed, any fence, as defined in this Section, of metal construction charged or connected with electrical current in such a manner as to transmit such current to persons, animals or things which intentionally or unintentionally might come into contact with it.

Section 7. Swimming Pool Regulation: A safety fence, so as to inhibit climbing, at least six (6) feet in height shall completely enclose any private swimming pool located within the City. A "swimming pool" is defined as any enclosure, designed or intended or used for the containment of water, whether constructed below ground level or above ground level, having a surface area exceeding one hundred (100) square feet and a depth exceeding eighteen (18) inches which is designed, intended, or used for swimming, wading or other recreational use by the owner or tenant of the property upon which the pool is constructed, or by their family or invited guests without payment of a fee.

All openings or points on entry into the swimming pool area shall be equipped with gates or doors. All gates and doors shall have a latch which shall be so constructed and so placed as to be inaccessible to small children. All gates and doors shall be latched when the pool is not in use. Any opening between the bottom of the fence and the ground level shall not exceed three (3) inches. The wall of any pool constructed above ground level, regardless of the height thereof, shall not qualify as a safety fence.

Section 8. Fence Maintenance, Declaration and Abatement of Nuisance: Fences shall be maintained so as not to endanger life or property, and any fence which through lack of repair, type of construction or otherwise imperils the health, life, property or well-being of a neighborhood shall be deemed a nuisance. The City Inspector shall notify the owner of the property on which

such a fence is located of the existence of such a nuisance and such nuisances must be abated within ten (10) days after the receiving of such notice from the City Inspector. All fence maintenance is the sole responsibility of the property owner who constructed same and his successors, heirs and assigns.

Section 9. Exemptions: Notwithstanding any other provisions of this Ordinance, each fence in existence in the City of Adams on the date of passage and publication of this Ordinance and which fails to comply with the provisions of this Ordinance as to location or height, may remain in place. No existing fence in violation of this Ordinance will be allowed to be replaced or rebuilt. Should an existing fence be replaced or rebuilt, it must come under the regulation and in compliance with this Ordinance.

Section 10. Penalties: Unless otherwise stated herein, ever person violating any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be penalized in accordance with Minnesota Statutes. Additionally, a person violating any provision of this Ordinance may be required to remove or bring into compliance, the subject fence. Each and every day a violation of this Ordinance is allowed to continue shall constitute a separate violation of this Ordinance.

Section 11. Effective Date: This Ordinance shall become effective and in full force from and after its passage and publication according to law.

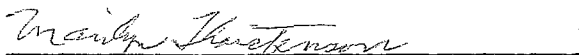
Passed by the Council this 21st day of November, 1994.

APPROVED:



Mayor

ATTEST:



City Clerk

ORDINANCE NO. 162

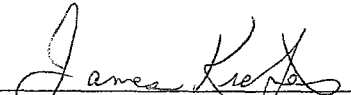
**AN ORDINANCE AMENDING ORDINANCE NO. 146 OF THE CITY OF ADAMS,
PERTAINING TO THE PLACEMENT OF FENCES.**

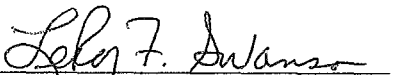
**THE CITY COUNCIL OF THE CITY OF ADAMS, MINNESOTA, DOES HEREBY
ORDAIN:**

Ordinance No. 146 of the City of Adams is hereby amended by adding thereto the following provision at the beginning of section 4. paragraph A.

"Fences may be placed up to property lines but may not encroach on the adjoining property. It is the responsibility of the property owner applying for the permit to verify the location of property lines. A copy of the survey by a surveyor, licensed in the State of Minnesota, must be attached to the fence permit application.

Passed by the City Council of Adams, Minnesota, this 2nd day of August, 2001.


James Kiefer, City Clerk


LeRoy Swanson, Mayor