

Spring Valley – Land Usage

§154.241 FENCING REGULATIONS.

(A) *Definitions.* For purposes of this chapter, a **FENCE** is defined as any partition, structure, wall, hedge, or similar barrier placed upon property to:

- (1) Form a line of division of such property from other property;
- (2) Provide privacy;
- (3) Prohibit or regulate entry to or exit from the property; or
- (4) Otherwise enclose all or any portion of a parcel of real property. Fences, walls and similar structures (all of which are hereinafter referred to as **FENCES**) may be permitted on the properties of the various districts, subject to the provisions of this section.

(B) *General requirements.*

(1) *Locations.* All fences shall be located entirely upon the property of the persons, firms, governments or corporations constructing, or causing the construction of such fence unless the owner of the property adjoining agrees, in writing, that such fence may be erected on the dividing line of the respective properties. If the adjoining property is owned by a governmental agency, the proper governing body would make the decision. It shall be the responsibility of the property owner to locate the legal property lines using a licensed surveyor, when constructing a fence within the established setback area. No fence, hedge or wall shall be maintained closer than two feet to any public sidewalk or within five feet of any alley right of way.

(2) *Zoning permit.* All newly constructed, altered, repaired or replaced fences within ten feet of the property line require a zoning permit.

(3) *Building permit.* All newly constructed, altered, repaired or replaced fences require a building permit when any portion of the fence will exceed six feet in height when measured from grade level.

(4) *Construction and maintenance.* Every fence shall be constructed in a substantial, workmanlike manner and of material reasonably suited for the purpose for which the fence is proposed to be used. Every fence shall be constructed such that the posts are located on the side of the fence facing the property of the owner constructing the fence. 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.

(5) *Unsafe or dangerous fences/abatement.* Any fence, which, in the opinion of the Building Inspector or Zoning Administrator, becomes structurally unsafe or endangers the safety of a building or premises or endangers the public safety, or has been erected without the necessary permits or is maintained in violation of this section, said fence shall be repaired and brought into compliance or removed by the owner, agent or person having the beneficial use of the building, structure or property upon which the fence is located within 14 calendar days after written notification has been sent by the

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Zoning Administrator. If within 14 calendar days after the date of said notice, such person responsible fails to remove the fence or alter it to comply with city code and the provisions of M.S. 463 .16 et seq., the cost of such an abatement, including administrative expenses and reasonable attorneys' fees may be levied as a special assessment against the property upon which the fence is located.

(6) *Corner properties.* Whenever a property is located adjacent to two or more roads or highways there shall be a front yard setback on each road or highway side of the property. All Fences with front yard setbacks will be considered front fences.

(B) *Residential districts.*

(1) Front fences in residential districts shall not be erected, altered, replaced or repaired more than four feet in height except that a solid fence cannot exceed three feet. For purposes of this chapter the front yard is the area from the front line of the house that is parallel with the street.

(2) Side and rear fences in residential districts shall not be erected or maintained more than six feet in height without first obtaining a building permit. No fence or any portion of the fence that is higher than eight feet, when measured from grade, will be allowed in the residential district. Side and rear yard fences shall be set back five feet from the property line unless legal property lines are established using a licensed surveyor and doesn't interfere with clear vision areas.

(3) Front property setback for fences shall be a minimum of two feet from the property line, except side fences in the front yard may be less if legal property lines are established using a licensed surveyor. A fence of purely decorative nature, not designed or intended to enclose or conceal, shall be exempt from this setback requirement as long as it is located entirely upon the private property of the person, firm, government, or corporation erecting the fence except a fence must not be located less than two feet from a public sidewalk.

(C) *Commercial, agricultural and industrial districts.*

(1) All fences in Commercial, Agricultural and Industrial Districts shall not be erected, repaired or replaced more than six feet in height without first obtaining a building permit.

(2) Side and rear fences in commercial, agricultural and industrial districts shall not be higher than ten feet, when measured from grade. Side and rear fences shall be set back five feet from the property line unless legal property lines are established using a licensed surveyor.

(3) Front setback for fences shall be a minimum of five feet from the property line. A fence of purely decorative nature, not designed or intended to enclose or conceal, shall be exempt from the setback requirement as long as it is located entirely upon the private property of the person, firm, government, or corporation erecting the fence except a fence must not be located less than two feet from a public sidewalk.

(D) *Chain link fences for recreational areas.* Chain link fences used for the enclosure of tennis courts, playgrounds, swimming pools or other such recreational purposes shall not exceed 19 feet in

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height and shall be located only in rear or side yards in residential districts, and around school playgrounds and other public recreational facilities. Link fences, wherever permitted, shall be constructed in such a manner that no barbed ends or barbed wire shall be at the top of fences where the height is eight feet or less.

(E) *Electric, barbed wire, razor wire, and concertina fences.* Barbed wire, razor wire, and concertina fences are prohibited except that barbed wire fences will be permitted only in agricultural districts for the exclusive purpose of containing livestock. Barbed wire is allowed at the top of special purpose fences greater than eight feet high.

(F) *Special purpose fences.* Fences for special purposes and fences differing in construction height, length or material will need to apply for a variance (see § 154.025).

(G) *Clear vision areas.* A clear vision area shall be maintained on the corners of any property at the intersection of two streets. A clear vision area shall be a triangular shape with two sides following lot lines that are parallel with the street to a point 25 feet from the corner of the property, and a third side being a line connecting the two end points. The clear vision area shall contain no planting, fence, wall, structure or temporary or permanent obstruction to sight exceeding 36 inches above the adjacent street grade, except that any trees with branches and foliage shall be removed to a height of eight feet above the ground.

(H) *Non-conforming fences.* Fences existing on the effective date of this ordinance may be continued although the use, height or location does not conform to the provisions of this chapter. These fences shall be deemed a legal non-conforming fence and governed per § 154.005 of the city code. (Ord. passed 9-23-2002)