

## ORDINANCE NO. 47

### AN ORDINANCE REGULATING FENCES IN THE CITY OF ROYALTON.

#### THE CITY COUNCIL OF ROYALTON HEREBY ORDAINS:

##### SECTION 1. DEFINITIONS

A fence is a permanent vertical and linear structure affixed to the earth and constructed for the purpose(s) of:

- Dividing and / or identifying properties.
- Marking a property line.
- Blocking sight lines or views undesirable to the property owner or deemed undesirable by the city.
- Blocking or prohibiting traffic from one area to another.
- Securing personal property.
- Providing privacy.
- Directing traffic.
- Aesthetic or decorative reasons and;

Shall be constructed of materials deemed acceptable by the City of Royalton and be constructed and located according to the planning and zoning regulations of the City of Royalton.

##### SECTION 2. SETBACKS

- Fences in all zoning districts must meet the following setbacks from the property line:
- Fences may be placed on the property line provided they are not placed on any utility or drainage easement **unless the City grants you a waiver. See section 7 (a).**
- If the property line abuts an alley the fence must be setback at least three feet from the property line, Fences closer than three feet can be damaged by heavy snow being pushed to the sides by snow plows.
- On corner lots, fences shall not be placed within a triangular area bounded by the lot lines and a line connecting points on each lot line twenty (20) feet from the intersection of such lot lines. An object within this area not exceeding thirty (30) inches in height as measured from the centerline elevation of the street shall not be considered as an obstruction to vision.

##### SECTION 3. Height

Fences shall not be higher than 4 feet from the front of the dwelling to the front property line and not higher than 8 feet from the front of the dwelling to the rear yard property line.

SECTION 4. Other requirements

Utility companies need to be contacted before you begin digging holes for your fence. To have underground utilities located call Gopher State One-Call at 1-800-252-1166.

Always discuss the location of your fence with adjoining neighbors. Aside from being a common courtesy it often avoids disputes over assumed property lines, trimming of bushes and trees, which side of the fence will be facing inward, etc.,. If there is a dispute over the location of the property line do not call the City for a determination. The City does not employ a registered surveyor and therefore does not have the authority to establish property lines. Having the property lines established by a State Registered Surveyor is the only legal and sure way of having this done.

SECTION 5. Property Line

A property line is the legally established boundary of a plot of land resulting from a survey. The property line is not the curb line or the edge of the roadway or alley although it is possible for a property line to be at that location.

As an approximate guide only, property lines in general are located thirty-three feet from the centerline of avenues and thirty-three feet from centerline of streets.

SECTION 6. Requirements for Fences

(a) Height

Fences in residential districts (R-1, R-1-A, R-2, R-3 & R4) shall conform to the following height setbacks:

1. Front Yard Height - Four feet (4') in height (with an additional 6" to compensate for changes in grade).
2. Side and Rear Yard Height - The fence shall not exceed Eight feet (8'); However, the height of the post structure (which includes the distance from grade) shall not exceed nine feet (9').
3. Chain link fences may not exceed 4 feet in height in residential zones. Fences for tennis courts will be allowed a maximum of 12 feet (12').

(b) Fence materials.

Fences in residential, commercial or industrial areas must be constructed of wood, iron, maintenance free type material, or chain link.

(c) Construction Types:

Maintenance free fences and wood fences shall have a maximum panel width of 6 inches. The minimum width between the panels is 3/4 inch. These measurements hold true for all fences except typical basket weave type fence styles. Those measurements include minimum width between the bottom panels and 1 1/2" spacing between the upper weave.

Exceptions to the construction type and height measurements may be approved through a special fence permit process. Special fence permits are reviewed on a case-by-case basis and require a review by the Planning Commission and Council; however, no public hearing shall be necessary. Those applicants requesting special fence permits may be subject to landscaping requirements as determined by the Planning Commission and City Council and will be required to submit a landscaping and maintenance plan for plantings.

SECTION 7. Placement:

- (a) Fences shall be placed within the property line unless a common fence is erected between two property owners, in which case the fence may be erected on the property line, upon written agreement by both property owners and filed at City Hall. This type of fence must be finished on both sides. **If a fence is placed in an easement you must sign a waiver stating that if the City needs to remove your fence to repair or maintain utilities you will have to fix said fence at your cost.**

On corner lots, fences may not be placed within twenty (20) feet of the edge of the property line where it will interfere with traffic or pedestrian visibility across the driveway or street. No fence shall be placed on or extend into public right-of-way. No fence shall be allowed below the ordinary high water mark.

- (b) Permit:

No person shall construct, erect, or cause to be constructed or erected, any fence within the City limits, without first making application for and securing a permit for the construction and erection of a fence from the City Building Inspector.

- (c) Application:

Every application to construct or erect a fence within the City limits shall include a site plan drawn to scale showing the location of house(s), garage(s), and other improvements on the lot and the location of the fencing and its proximity to the applicant's lot lines as well as the type of fence to be constructed, materials to be used in the construction of the fence, and the height of the fence.

- (d) Application Fees:

Each applicant shall pay the fees as set forth by the City Building Inspector.

SECTION 8. Fences that do not require a building permit

Fences around flower and / or vegetable gardens that are temporary and do not exceed 4 feet in height do not require a building permit.

SECTION 9. Commercial and Industrial Districts

The Planning and Zoning Commission shall review all requests for fences in commercial and industrial districts and make recommendations for approval or denial to the City Council.

In all commercial and industrial districts adjacent to residential districts, and not divided by a public roadway, there shall be provided along the property line a thirty (30) foot wide planting strip composed of grass, trees or shrubs. A screening fence, thereby reducing the screening strip to ten (10) feet, may be utilized when approved by the Planning Commission.

Screening fences are fences built to screen material from the public. Material stored behind such a fence shall not exceed the height of the fence.

SECTION 10. Time limit

All fences must be completed within six (6) months of permit issuance.

SECTION 11. Violation

Any person who violates any of the provisions of this ordinance shall, upon conviction thereof, be fined and/or incarcerated for not more than the maximum penalty for a misdemeanor prescribed under state law. Each day that a violation is permitted to exist shall constitute a separate offense.

THIS ORDINANCE SHALL SUPERSEDE AND REPEAL ALL PRIOR AND CONSISTENT ORDINANCES. THIS ORDINANCE SHALL BE EFFECTIVE UPON PASSAGE AND PUBLICATION REQUIRED BY LAW.

October 5, 2010

Andrea Lauer, Mayor

Carol Madsen, City Clerk/Treasurer

**FENCE WAIVER**

I \_\_\_\_\_ have read Ordinance #47 and understand that by placing a fence on any utility or drainage easement if the City of Royalton needs to remove my fence to repair or maintain utilities i will have to fix said fence at my own cost.

Signature \_\_\_\_\_