



CITY OF FREEPORT

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ORDINANCE 2014-001

AN ORDINANCE REPEALING AND REPLACING SECTION 500.45 OF CHAPTER V OF THE CITY CODE RELATING TO FENCING, SCREENING, AND LANDSCAPING

- I. THE CITY COUNCIL OF THE CITY OF FREEPORT, MINNESOTA TO PROMOTE THE PUBLIC SAFETY, HEALTH AND WELFARE, HEREBY ORDAINS SECTION 500.45 OF CHAPTER V OF THE CITY CODE IS HEREBY REPEALED IN ITS ENTIRETY AND REPLACED WITH THE FOLLOWING:**

500.45 Fencing, Screening, and Landscaping.

Subdivision 1. Fencing; residential/commercial/landscape.

a) Definitions.

1. "Fence" shall mean a partition, wall, hedge, or row(s) of continuous vegetative plantings that are erected as a dividing marker, visual, or physical barrier, or enclosure.
2. "Fence, Permanent" shall mean a fence constructed of wood, rust-resistant chain link steel, prefabricated and rust resistant aluminum, prefabricated vinyl, landscape masonry units, landscape brick units, stone, or decorative concrete. If wooden material is used it shall be made of processed wood, i.e. cedar, green treated, brown treated, or resin (but not creosote) composite. For the purposes of this Ordinance trellises, arbors, pagodas, and the like shall not be considered a fence.
3. "Fence, Natural Living" shall mean a divider or barrier comprised of living vegetative materials. The owner of the adjacent property may trim or prune parts of the living fence that extend onto their property.

b) Permit Required.

1. All permanent fences require a zoning permit from the City Zoning Administrator.
2. Fences exceeding six (6) feet in height require approval from the City Zoning Administrator and issuance of a building permit.
3. Permit Application. Application for a zoning and/or building permit shall be on an approved form and shall include:

- i. The name, address (property and mailing), and phone number of the Applicant.
 - ii. The name, address, and phone number of the Property Owner, if different than the Applicant.
 - iii. A site plan illustrating the proposed location(s) of the fence on the subject property in relation to property lines, existing buildings, and other pertinent information.
 - iv. A written description of proposed fence materials.
 - v. Applicant and Property Owner signatures.
 - vi. A fee as may be specified by the City Council.
- c) Exemptions. The following are exempt from this Ordinance.
- i. Snow fences erected and/or maintained between November 1 and April 10.
 - ii. Temporary fences associated with short-term events erected for a maximum of 10 days.
 - iii. Underground fences for animal control.
 - iv. Fences used for containment of farm animals within the Agricultural/Rural Residential District.
 - v. Silt fences when required by a Professional Engineer licensed in the State of Minnesota and/or the Building Official.
 - vi. Ornamental fences composed of typical fence materials and erected solely as a landscaping enhancement and not for containment or screening purposes.
 - vii. Fences or fence panels not exceeding six (6) feet in length and not reasonably contiguous.
 - viii. Fences associated with public safety emergencies or operations.
- d) Prohibited Fences. The following are prohibited fences in any and all zoning districts
- i. Fences with metal sheathing.
 - ii. Barbed wire, chicken wire, high tensile, electric wire, woven wire, or other livestock fencing, except if the property is zoned Agricultural/Rural Residential District.

- iii. A series of gates.
 - iv. Fences including creosote lumber.
 - v. Living fences consisting of invasive plant species or harboring pests and/or rodents.
 - vi. Makeshift, flimsy materials, or material such as paper, twine, rope, tin, webbing, and the like, except when used for traffic control or police security.
 - vii. Any fence which is or has become dangerous to the public safety, health, or welfare.
 - viii. Fences with components not designed or intended for employment as fence material, including, but not limited to, garage doors, tires, pallets, sheet metal, ribbed steel, metal siding, corrosive metal, solid (i.e. more than ninety percent (90%) opaque) metal, galvanized ribbed steel, household items (appliances, fixtures, furniture), and the like.
 - ix. Non-permanent fences except as specifically allowed herein.
- e) Fence Standards Applicable to All Fences. The following standards apply to fences in all zoning districts.
- i. Enclosed fences must have a minimum of two access gates.
 - ii. Unless otherwise defined in this Section, fences shall be located no closer than two (2) feet from any side or rear yard lot line on the property of the person constructing or causing the construction of the fence. The two foot setback is required to allow the owner of the fence sufficient access to maintain both sides of the fence, to include the control of grass and weeds along the fence line.
 - iii. Fences in the front yard shall meet setback requirements of the applicable zoning district.
 - iv. Fences in rear abutting alleys shall be place a minimum of five (5) feet from the property line.
 - v. Height.
 - 1. Fences in residential zoning classifications shall not exceed six (6) feet in height and in the case of grade separation, the highest must be determined on the basis of measurement from the average point between the highest and lowest grade.
 - 2. Fences in commercial and/or industrial zoning classifications shall not exceed eight feet in height unless a Conditional Use Permit is issued by the City Council.

- vi. Clear Sight Triangle Required. Location.
 - 1. A fence, wall, structure, coniferous tree or obstruction greater than thirty (30) inches in height may not be erected, established, or maintained on a corner lot within a designated sight triangle.
 - 2. Said sight triangle is defined as being bounded by lot lines and a line connecting points on each lot line 20 feet from the intersection of the lot lines.
 - 3. The sight triangle requirement does not apply to chain link fences with openings of one and five-eighths (1-5/8) inches to two (2) inches which do not exceed forty eight (48) inches in height.
 - 4. The sight triangle requirement does not apply to the “C-1” District.
 - vii. Fences may be placed in a City utility and/or drainage easement at the sole expense of the property owner. In the event access to the easement is required, the City shall reserve the right to remove the fence without notice and solely at the owner’s expense. Replacement of any fence placed in an easement shall be the sole expense of the property owner.
 - viii. Living fences shall not exceed six (6) feet in height and shall be maintained by the property owner, except that the owner of adjacent property may trim or prune parts of the living fence that extend onto their property.
 - ix. Fences must be built so the “best side” is facing out. It shall be the property owner’s responsibility to maintain the outer side of the fence, including trimmings of the grass.
 - x. Wood fences must be slated so as to allow air flow through the fence.
 - xi. Fencing around pool areas, when required, must be a minimum of six feet high. This fence must have two access gates and the Property Owner is solely responsible for ensuring the gates are locked when the pool is unattended.
- f) Standards Applicable to Fences in Commercial and Industrial Districts. In addition to the standards contained in Chapter 500.45, Subd. 1, Subp(d) as may be amended the following standards apply to fences in Commercial and Industrial Districts.
- i. Required permanent fencing. In commercial districts (C-1 and C-2) adjacent to residential districts, and not divided by streets, alleys, or roads recognized by the City Council, the commercial property owner must erect and maintain a fence not to exceed eight (8) feet in height or be less than six (6) feet in height and must screen the adjacent residential lot from eighty percent (80%) of the light emitted from cars, signs, or other lights as a direct cause of the commercial property’s activities and screen the litter produced by the users of the commercial property. The fence shall be placed from the property line at a distance of two (2) feet or greater, as to achieve compliance, to allow the commercial property owner to maintain the fence and ground from the fence to the adjacent residential district property line.

Subdivision. 2. Screening. Screening shall be accomplished by fencing, dense vegetative cover, and/or a combination of fencing and vegetative cover. Materials and equipment, except as provided in the district provisions of this code must be stored within a building or structure or screened so as not to be visible from adjoining properties, except the following.

- a) Usable laundry equipment (clotheslines),
- b) Recreational equipment and vehicles,
- c) Materials being used on site for construction, remodeling, or demolition activities that are the subject of a valid, issued building and/or zoning permit.
- d) Landscaping material being employed on site during the current growing season.

Subdivision. 3. Vegetation. In all zoning districts the lot area remaining after provided for parking, driveways, loading, sidewalks, or other requirements must be planted and maintained in grass, sodding, shrubs, or other acceptable vegetation or landscaping techniques.

II. EFFECTIVE DATE. This Ordinance is effective upon its adoption and publication as prescribed by law.

Adopted by the city of Freeport on the 25th day of March, 2014

Motion by: Ken Goebel

Second by: Ron Ritter

Council members in favor: Ken Goebel, Ron Ritter, Matt Worms

Opposed or abstained: Rodney Atkinson (made no sign for or against)