

ORDINANCE NO. 689
2ND SERIES

**AN ORDINANCE AMENDING CITY CODE SECTION 10.03 FOR THE PURPOSES OF
REGULATING PARTITION OR BOUNDARY FENCES WITHIN THE CITY OF
ALEXANDRIA**

The City Council of the City of Alexandria does **ORDAIN**:

SECTION I. That Section 10.03 Subd. 2.G of the Alexandria City Code is hereby amended by the deletion of the period at the end of subpart 1 and with the addition of the following language to the end of subpart 1: “subject to the provisions of Section 10.03.1.”

SECTION II. That Section 10 of the Alexandria City Code is hereby amended by the addition of “Section 10.03.1 FENCES”, as follows:

SECTION 10.03.1 FENCES

10.03.1.01: Purpose

10.03.1.02: General Fence Regulations

10.03.1.03: Non-Conforming Fences

10.03.1.01: PURPOSE: The purpose of this Section shall be to provide for the public health, safety and general welfare of the community and its people through the regulation of fences in the City, to prevent fences from being erected that would be a hazard to the public or an unreasonable interference with the use and enjoyment of neighboring property, and to ensure that fences are compatible with existing uses and other zoning restrictions.

10.03.1.02: GENERAL FENCE REGULATIONS:

Subd. 1. Fence Permit. Effective January 1, 2014, fences (boundary or partition) as defined in Section 10 of the Alexandria City Code shall not be constructed without a permit.

Subd. 2. Permit fees. A fee as set forth from time to time by City Council Resolution shall be charged for a permit issued under this Section for new fences, as well as the replacement of fences in the same location.

Subd. 3. Application Requirements.

1. The application for the required fence permit shall be accompanied by a certificate of survey clearly describing the location of the proposed fence. Verification of property lines by the permit holder shall be required.

Subd. 4. General Provisions.

1. In all residential Zoning Districts, a fence not exceeding six (6) feet in height may be erected in the rear yard and side yard areas up to the nearest front corner of the principal building. In residential districts, a fence not exceeding four (4) feet in height may be erected in the front yard, subject to the provisions in 10.03.1.1.02 Subd. 4.3 (below). In the event that a deck or porch is located on the front of the structure, the six (6) foot tall fence section located along the side lot line(s) shall terminate at the front corner of the principal building as opposed to the front of the porch/deck addition.
2. In all zoning districts a fence constructed of maintenance-free materials, or capable of being maintained from within the perimeter of the fence, may be constructed on the side or rear yard property line. A fence requiring maintenance from outside the perimeter of the fence shall be installed or constructed no closer than two (2) feet from the side or rear yard property line.
3. On riparian (lakeshore) lots, a fence not exceeding four (4) feet in height may be erected on the side lot lines behind (landward) the line drawn across the line of the principal building nearest the ordinary high water line of the lake. No fence shall be placed within the structure setback area as regulated by Section 10.20 of the City Code
4. Fences shall not be permitted within any right-of-way, clear view triangle area, within the site visibility area adjacent to railroads, or below the 100-year floodplain of any lake, river or wetland.
5. If the fence is located along a boundary between two (2) properties, both sides shall be well maintained by the owner of the fence.

6. All posts and supporting structures of a fence shall face inward towards the property on which the fence is constructed. All posts and supporting structures shall be located entirely upon the fence owner's property.
7. Barbed wire fences shall be prohibited in all zoning districts with the exception of essential service structures, provided a conditional use permit is obtained.
8. Fences shall be residential in nature, such as chain link, wrought iron, vinyl, or board and picket.
9. Wood, plastic, vinyl or other type of slats when used in combination with chain link fencing shall not be permitted within business or industrial districts.
10. Corn cribbing (snow) fences shall be prohibited in the residential zoning districts of the City during the months of April through October for any purpose other than marking areas for tree preservation as part of an approved plan.
11. Fences up to ten (10) feet in height may be permitted to enclose public tennis courts or as back stops for public athletic fields provided all other requirements of this Section are met. A conditional use permit shall be required for fences taller than ten (10) feet for private courts or athletic fields.
12. Fences which include a security gate at a point where access is provided to the property and principal building may be approved if necessary and appropriate as part of a site plan review.
13. No fence shall obstruct natural drainage. No fence shall be placed within an easement that obstructs or impedes the free flow of surface water from, or in any drainage easements.

Subd. 5. Special Provisions. Ornamental and/or privacy fences (not designed or serving as a boundary or partition fence) and enclosing only a limited portion (25% or less) of a side yard, rear yard or front yard, are allowed without requiring a permit. Ornamental fences includes such things as split rail, picket, and brick wall fences, but not such things as chain link fences. The maximum allowed height for an ornamental brick wall is three (3) feet, for a split rail, picket or wrought iron fence four (4) feet, and for a privacy fence around a patio, hot tub, pool, etc., six (6) feet.

10.03.1.03: NON-CONFORMING FENCES: It is the intent of this Section to allow the continuation of such non-conforming fences until they are discontinued as provided herein. However, it is not the intent of this Section to encourage the survival of non-conforming fences and such fences that are declared to be incompatible with permitted fences within the City. Such fences shall be regulated by the following provisions:

Subd. 1. An existing fence not allowed by this Section in the district within which it is located, except when required by law or ordinance, shall not be enlarged, extended, reconstructed, or structurally altered unless such fence is changed to comply with the requirements of this Section. Maintenance of a non-conforming fence will be allowed when this includes necessary repair and incidental alterations which do not expand or intensify the non-conformity.

SECTION III. This Ordinance shall be in full force and effect from and after its passage and publication.

ADOPTED by the city Council of the City of Alexandria this 15th day of October, 2013, by the following vote:

YES: BATESOLE, THALMAN, MILLER, BENSON, JENSEN
 NO: NONE
 ABSENT: NONE

 /S/ Sara Carlson, Mayor

ATTEST: _____
 /S/ Martin D. Schultz, City Administrator