



Ordinance 20 - _____

An Ordinance Amending Section 30-796, Fences; visibility at intersections and driveways, of the City of Elk River, Minnesota, City Code

The City Council of the City of Elk River does hereby ordain as follows:

SECTION 1. That § 30-796, Fences; visibility at intersections and driveways of the City of Elk River Code of Ordinances shall be amended to read as follows:

- (a) *Fence restrictions.* In any zone, on any lot, no landscaping taller than 24 inches or any fencing shall be allowed in a vision clearance triangle.
- (b) *Height of fences in residentially zoned districts.* No fence on a lot in a residential zone, other than retaining walls, shall be higher than six feet in height unless the adjoining lot is a non-residential zone, in which case, the fence shall not exceed eight feet.
- (c) *Height of fences in non-residentially zoned districts.* No fence on a lot in a non-resident zone, other than retaining walls, shall be higher than eight feet in height.
- (d) *Height requiring building permit.* In any zoning district, construction of a fence exceeding seven feet in height requires a building permit.
- (e) *General requirements for fences.*
 - (1) *Location.* ~~Any~~ In any zone, on any lot, fence shall be located entirely upon the private property of the person constructing or causing the construction of such fence and no fence shall be closer than five (5) feet to a public sidewalk and/or trail, whichever is greater. ~~Fencing may be erected on the division line of respective properties unless when the owner of the adjoining property agrees, in writing, that such fence may be erected on the division line of the respective properties.~~ The ~~director of~~ planning manager or their designee may require the owner of the property upon which a fence exists to establish the boundary lines of the property by a survey thereof.
 - (2) *Construction and maintenance.*
 - a. Every fence shall be constructed in a complete and substantial manner and of materials reasonably suited for the purpose for which the fence is proposed to be used.
 - b. Every fence shall be maintained in a condition of reasonable repair. No fence shall be constructed or continue which is dangerous to the public safety, health, or welfare as determined by the director of planning or their designee.
 - c. Electric fences, barbed wire fences and barbless wire fences shall be permitted only in the A-1 and R-1a zoning districts when related to farming.

- (3) *Finished side of fence to face adjoining property.* If the material used in the fence construction is not finished on both sides, the finished side of the material shall be on the outside, facing the abutting or adjoining properties, and all posts or structures supporting the fence shall be on the inside of the fence.
- (4) *Pools.*
- a. All below ground swimming pools require a building permit and shall be enclosed with a fence or covered with an automatic pool cover when not supervised.
 - b. The fencing or automatic pool cover must be installed prior to filling the pool.
 - c. Fencing shall be chain link, vertical pickets or solid. Spaces between the bottom of the fence and the ground or between the pickets shall not exceed four inches.
 - d. Fencing shall be a minimum of four feet in height and all gates shall be equipped with self-closing and self-latching devices placed at the top of the gate or otherwise inaccessible to small children and provided with hardware for permanent locking devices.
 - e. Automatic pool covers shall meet the standards of F1346-91 (reapproved 1996) of American Society of Testing and Materials (ASTM), as such standards may be modified, superseded or replaced by ASTM.
 - f. All above ground pools that require a building permit shall have access controlled with a means to prevent access into the above ground pool when unoccupied. Failure to prevent access into an above ground pool when unoccupied is a misdemeanor.
 - g. All pool related chemicals shall be stored inside the home or an accessory structure.

SECTION 2. That this ordinance shall take effect upon adoption and be published as provided by law.

Passed and adopted by the City Council of the City of Elk River this 16th day of March, 2020.

John J. Dietz, Mayor

ATTEST:

Tina Allard, City Clerk

