

AN ORDINANCE OF THE CITY OF EAST GRAND FORKS, MINNESOTA, AMENDING CITY CODE CHAPTER TEN ENTITLED "LAND USE REGULATION (ZONING)" BY ADDING SECTION 10.23, FENCE REGULATIONS.

Section 1. Section 10.23 is hereby added to read as follows, to-wit:

Section 10.23. FENCE REGULATIONS.

Subd. 1. Definition. For purposes of this Section, the term "fence" means any partition, structure or gate erected as a dividing marker, barrier or enclosure.

Subd. 2. Application of Section. Except as otherwise provided in Section 5.50 of Chapter 5 and Chapter 10, it is unlawful for any person to construct or cause to be constructed or erected any fence without first obtaining a permit therefor from the City.

Subd. 3. Application for Permit. Every application shall set forth the type of fence, the material to be used in the construction thereof, its height, its location, particularly as to its proximity to the lot lines of the applicant. The fee shall be as required in Section 4.03, Subd. 1.

Subd. 4. Standards. All fences erected or maintained in the City shall meet and comply with the following requirements:

A. All fences closer to the street line than the average set back in the area shall not exceed three (3') feet in height, and all other fences shall not exceed six (6') feet in height, and be placed not less than one (1) foot from the respective property lines.

B. All fences bordering the sides of any property and not facing or fronting on a street or alley shall be placed no less than one (1) foot from the property line on which it borders and shall be no more than six (6') feet in height.

C. No fence shall be allowed to be constructed with a fence area of more than fifty (50%) percent solid construction and the Building Inspector's approval of the material and manner of construction and appearance shall be obtained.

D. The Council shall have the power upon application, for cause shown, to waive the strict application of the preceding requirements and compliance therewith.

Subd. 5. Barbed Wire and Other Fences. It is unlawful for any person to construct and maintain or allow to be constructed or maintained upon any property, a barbed wire fence or any fence charged or connected with any electrical current in such a manner as to transmit said current to persons, animals or things which intentionally or unintentionally come in contact with same. Upon application duly made, therefor to the Council, said Council may in its discretion permit the said applicant upon proper showing

to construct a barbed wire fence which will meet applicant's requirements for the purposes intended.

Subd. 6. Maintenance. All fences shall be painted and maintained so that the exposed, outer-face shall be smooth and in neat condition and appearance, and so maintained at all times. In all cases the side of the fence facing the street or abutting property shall be finished as immediately above set forth.

Subd. 7. Location. All fences must be located entirely upon the private property of the person constructing the same or causing said fence to be so constructed and erected; provided, however, that adjoining property owners may agree in writing that said fence shall be located on the division line of their properties, and if such an agreement be made, said abutting property owners shall file an executed copy of said agreement with the Building Inspector, before said Building Inspector shall issue a permit therefor.

Subd. 8. Construction. Every fence, whensoever and howsoever constructed shall be constructed in a substantial manner, and of a substantial material reasonably suitable for the purpose for which the fence is proposed to be used. Every fence shall be maintained in a condition of reasonable repair, and shall not by reason of age, decay, accident or other cause be allowed to become and remain in a state of disrepair so as to be or tend to be a nuisance to the injury of the public or any abutting property owner. Any fence which is dangerous by reason of its construction or state of disrepair or is in any other way injurious to public safety, health or welfare, is a nuisance; the Building Inspector shall notify the owner of the property on which such fence is located, in writing, of the existence of such nuisance, and said nuisance shall be abated and corrected within fourteen (14) days after receiving such notice from the said Building Inspector.