

## CITY OF OLIVIA



### MEMO

#### Fences, Hedges, Shrubbery, Walls, and Obstructions

Prior to installing or planting, **call Gopher One Call at 1.800.252.1166** to request whether there are any utilities (electric, TV and fiber optic Cables, telephone, natural gas, water, sewer, etc.). You shall not plant or install fences or walls in an easement because utility vehicles need 24 / 7 access to do maintenance.

When installing a fence or wall or plantings, keep in mind (as owner) you are responsible to maintain, repair or replace damage including the growth of grass or weeds on either side of it.

When planting hedges, shrubbery, trees, etc. plan for the mature height or growth. Plant far enough away from the property line to accommodate the full size of the hedge, shrub, tree, etc. plus plan for area for yourself to properly maintain them (again mowing and/or maintaining the growth of grass or weeds on either side). If you need to mow the grass or shape the plants, allow enough area for you to walk or stand on to do this maintenance.

Also, be careful not to install fences or plant vegetation which may prevent natural water drainage and/or water runoff to an adjacent property owner.

If you have questions, feel free to contact to Jasmine Miller at 523.2361 or [jmiller@olivia.mn.us](mailto:jmiller@olivia.mn.us)

#### **§ 152.063 FENCES, HEDGES, SHRUBBERY, WALLS, AND OBSTRUCTIONS IN ALL DISTRICTS.**

This section is intended to provide for the regulation of the height and location of fences, walls, hedges, shrubbery, and similar obstructions, for the purpose of providing for light, air, and privacy and safeguarding the public welfare by preventing visual obstructions at street and highway intersections.

(A) *Permits required.* All fence and wall construction shall require a permit from the Zoning Administrator.

(B) *Height.* For the purpose of this section, **HEIGHT** shall mean the vertical distance from existing grade to the top of the fence, hedge, shrubbery, or wall, except in the front and side yard setback where the finished grade is lower than the existing grade, height shall be measured from the finished grade.

(1) *All Residential Districts; front and corner yard setbacks.* No fence, hedge, shrubbery, or wall over 42 inches in height shall be permitted within any required front and corner setback.

(2) *Rear and side setbacks.* No fence, hedge, shrubbery, or wall greater than 6 feet in height shall be permitted within any required rear setback or side setback. Should the rear lot line be common with the side lot line of an abutting lot, that portion of the rear lot line equal to the required front yard of the abutting lot shall not be fenced to a height of more than 42 inches.

(3) *Corner lots in all districts.* No fence, hedge, shrubbery, wall, or other obstruction to vision over 42 inches in height shall be permitted within the clear view triangle of an intersection as is described below in this section in division (C).

(4) *Business and Industrial Districts.* Fences and walls located in Business and Industrial Districts that exceed the height of 8 feet, measured from its top edge to the ground at any point, shall require a conditional use permit.

(5) *Tennis court fences.* Fences up to 10 feet in height may be permitted to enclosed tennis courts provided all other requirements of this chapter are met, and shall not require a conditional use permit where a tennis court is permitted as an accessory use or when the court is given a conditional use permit.

(6) *Swimming pool fences.* See division (G) below for height requirements.

(C) *Clear view triangle.* On a property located at a street intersection, it shall be unlawful for the owner or occupant to install, set out, maintain or to permit the installation or maintenance of any sign, fence, hedge, tree, shrubbery, natural growth, construction, or other obstructions between a height of 3 feet and 10 feet above the existing ground elevation; and within the triangle formed by measuring 30 feet of any street corner measured from the point of the nearest intersecting curbs or curb lines. (If there are no curbs, the edge of the traveled portion of the street or road shall be used instead of the curb line.) On any property which is located at an intersection of an alley with a street, the triangular area is formed by connecting points 20 feet from such point of intersection. It is hereby declared that any such installation or obstruction within the clear view triangle as herein defined is a public nuisance, encumbrance, and/or obstruction to the public streets.

(D) *Fences and walls placed on property lines.*

(1) Fences and walls may be placed along property lines provided no damage of any kind results to abutting property.

(2) Prior to issuance of a building permit for any fence, abutting property owners shall be notified.

(3) That side of the fence considered to be the face (facing as applied to fence posts) shall face abutting property.

(E) *Fences within 3 feet of property lines.*

(1) Any fence/wall may be placed 3 feet from the property line without notifying adjoining property owners.

(2) Fences, hedges or walls can be placed no closer than 3 feet to any public right-of-way.

(F) *Construction.* All fences hereafter erected shall have the structural components thereof facing the side of the property for and on which the same are erected.

(G) *Swimming pools and hot tubs.* All swimming pools and hot tubs shall be provided with safeguards to prevent children from gaining uncontrolled access. Every owner of an outdoor swimming pool or hot tub located in the city shall erect and maintain a fence or barrier of not less than 4 feet in height nor more than 8 feet in height around such swimming pool of such construction as to safeguard the area. The structural sides of an above-ground swimming pool may be used to satisfy a portion of the fence height requirement. The fence should have a maximum clearance from the ground of 3 inches; and shall be equipped with self-closing door and latches not less than 4 feet above the ground. Fences shall be of a non-corrosive material and shall be constructed as to be not easily climbable. All fencing shall be in place and approved by the City's Building Inspector before water is run into the pool. Spas and hot tubs with a locking safety cover which complies with ASTM F 1346-91 shall be exempt from these barrier requirements.

(H) *Easements.* No fence shall be erected upon or within any platted or otherwise designated easement without the prior written approval of the Zoning Administrator.

(I) *Snow fences.* Utility snow fences may be used only during the winter months and shall be removed at the end of each winter season.

(J) *Maintenance.* Every fence shall be maintained in a good and safe condition at all times. Every damaged or missing element of any fence shall be repaired or replaced immediately. Fences must be maintained so as not to endanger life or property.

(K) *Approved material.* A fence shall be constructed of stone, brick, finished wood, durable vinyl or other durable plastic materials, ornamental non-corrosive aluminum or iron, or chain link.

(L) *Prohibited fences.* The following fences are prohibited:

(1) No fence constructed wholly or in part of barbed wire shall be located in the city, except in any industrial, utility areas and AG Districts. Within these industrial and utility areas, the barbed wire fence may be placed above the top of other fencing not less than 6 feet, 6 inches high and none of which may be within 5 feet of any public street, alley or sidewalk. Within AG Districts, barbed wire fences may be used to fence in livestock. Barbed wire fences shall require a conditional use permit.

(2) Chicken wire, welded mesh wire and electrically charged wire fences.

(3) Fences made of solid plywood, scrap lumber, temporary fencing, and similar non-customary materials.

(4) Fences made of common concrete or cinder block.

(5) Fences on any portion of any public right-of-way, except fences erected by a governmental entity.

(6) Fences so constructed as to prevent natural water drainage and/or water runoff. (Ord. 280, passed 7-21-2005)

#### **§ 152.064 RETAINING WALLS.**

(A) *Purpose.* The purpose of this section is to protect public and private property from the effects of poorly designed and constructed retaining walls.

(B) *Permit required.* A permit shall be required for all retaining walls constructed that exceed 42 inches in height, including terraced retaining wall projects where the total height of all walls exceeds 42 inches and are closer than 15 feet to a property line. The height requirements shall meet the requirements of § 152.063(C), clear view triangle.

(C) *Application.* Application shall be made to the Zoning Administrator on forms provided and shall include a site plan and a set of construction plans. Plans signed by a professional engineer registered in the state and/or other information necessary to adequately review the proposed retaining wall may also be required by the Zoning Administrator.

(D) *Setbacks.* Setbacks for retaining walls shall be the same as for fences.

(E) *Maintenance.* Every wall shall be maintained in a good and safe condition at all times. Every damaged or missing element of any wall shall be repaired or replaced immediately. Walls must be maintained so as not to endanger life or property and any wall which through lack of repair, type of construction or otherwise that imperils health, life or property, or the well-being of a neighborhood shall be deemed a nuisance.

(Ord. 280, passed 7-21-2005)