

ORDINANCE NO. 176

THE CITY COUNCIL OF THE CITY OF ARLINGTON, MINNESOTA TO PROMOTE THE PUBLIC SAFETY, HEALTH AND WELFARE, HEREBY ORDAIN AS FOLLOWS:

AN ORDINANCE REGULATING THE PLACEMENT OF FENCES IN COMMERCIAL AND INDUSTRIAL ZONES WITHIN THE CITY OF ARLINGTON.

1. This Ordinance shall regulate the placement of fences within commercial and industrial zones within the City of Arlington. From and after the date of adoption of this Ordinance, no fence shall be erected in any such zone without first obtaining a building permit from the City of Arlington.
2. Building permits shall be issued for fences in commercial and industrial zones only if all provisions of this Ordinance are complied with. The City may, in its sole discretion, grant a variance for the placement of a fence that does not conform to the terms of this Ordinance.
3. No fences shall be erected in the front yard of any property in a commercial and industrial zone. The front yard for the purpose of this Ordinance is defined as all of the portion of the yard between the front wall of the commercial or industrial structure and the public street fronting the property.
4. Any fence shall be considered a structure for the purpose of the setback requirement from the rear lot line of any lot.
5. For corner lots in a commercial or industrial zone, no fence shall be erected in the yard facing the public street fronting the property. A fifteen (15) foot setback is required on the portion of the yard facing the side street of the property.
6. The City encourages, but does not require, fence lines to be built jointly by neighboring property owners along the boundary line between the separate properties. However, if one property owner wishes to erect a boundary fence without participation by the other property owner, said fence shall be built with a minimum setback of two (2) feet from the bottom line of said fence, 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. Depending on the nature of the fence and the property, the City may require a wider setback in its discretion.
7. Fences shall be no more than six (6) feet in height with an additional eighteen (18) inch allowance for barbed wire. The barbed wire addition, if any, shall be restricted to straight wire lines, held by bracket extensions from the main fence and slanted inward toward the property of the owner constructing the fence. The fence shall be of construction material and methods approved by the City as part of the building permit, to create a fence which will be sturdy, attractive, in keeping with the general design character of the neighborhood, which will not present an unreasonable danger to children or animals, and will tend to maintain the property values of the surrounding properties. Fence construction material must be approved by the City, but a minimum requirement shall be that the construction material shall be treated or coated or of such material as to be resistant to rot and rust. Supporting posts must be buried at least 30 inches deep and must be substantial enough to stabilize the fence to keep it in a straight and erect position.

8. Fences may exceed six (6) feet in height, plus an additional eighteen (18) inch allowance for barbed wire, only if granted a special variance by the City, and in such case, shall be no higher than eight (8) feet, plus the eighteen (18) inch barbed wire allowance. The granting of such a height variance shall be in the sole discretion of the City. If the City chooses to grant such variance, it shall have the right to impose special conditions for such fence, in keeping with public health, safety, welfare and the maintenance of neighborhood property values.
9. All fences already in existence at the date of enactment of this Ordinance, and all fences erected within the City hereafter, shall be kept free of weeds and refuse, shall be maintained so as to avoid sagging, and shall be kept properly painted, stained, or rust proofed, as appropriate for the material of which the fence is constructed.
10. Any replacement, repair or relocation of any fences already in existence at the date of enactment of this Ordinance shall comply with this Ordinance in all respects.
11. If any fence is found to be in violation of this Ordinance, the City shall notify the property owner by written notice served on the property owner personally or by U.S. Mail to the property owner's last known address, stating that the property owner has 30 days to bring the fence in compliance with this Ordinance. If the property owner fails to bring the fence in compliance with this Ordinance within said 30 day notice term, then the fence permit shall be considered void and said fence must be immediately removed by the property owner.

Any violation of this Ordinance shall be considered a misdemeanor punishable by the fines and penalties set out in state law for misdemeanor level offenses. Each day that a property is in violation of this Ordinance shall be considered a separate violation.

This Ordinance shall become effective immediately upon publication.

For the City of Arlington

/s/ David Czech

By David Czech

It's Mayor

/s/ David L. Krueger

By David L. Krueger

It's City Administrator

First Reading: August 4, 2003
Second Reading: August 18, 2003
Adopted: August 18, 2003
Published: August 21, 2003