

ORDINANCE NO. 194, THIRD SERIES

THE CITY OF WADENA DOES ORDAIN:

City Code Chapter 11.20, Subd. 6, Ordinance 119, 3rd Series, is hereby repealed and replaced so as to read as follows:

CHAPTER 11 LAND USE REGULATION (ZONING)

SECTION 11.20. GENERAL REGULATIONS.

Subd. 6. Fences.

A. Fence definition. Any row of stakes, posts, poles or other vertical supports connected by wire, wood, plastic or metal is considered a fence. Posts not connected but located less than 6 feet apart so as to form a barrier or define an area are also considered a fence.

B. Location. All boundary fences shall be installed directly adjacent to and on the owner's side of the property line. It is the property owner's responsibility to determine the property line. If adjoining property owners cannot agree on the location of the property line, a survey shall be obtained to determine the property line at the cost of the person installing the fence. Determination of the property line location is not the responsibility of the City of Wadena. No individual may install a fence in any public right of way. No fence shall be located nearer than 2-1/2' to a platted alley.

C. Construction. Fences shall be installed so that the "face side" or non-structural side is facing the outside, adjoining property or right of way. The structural side that contains the posts, cross members and the structural pieces shall face toward the fence owner's side of the property line. All fences shall be constructed of rot resistant materials, preserved or treated to resist deterioration from the elements. All rear and side yard fences over 48" high shall have a minimum of 10% opening for air and light. Any fence that is more than 90% solid or does not let 10% air or light pass through the fence shall be considered a wall and shall be constructed using building setbacks. No fence may support a roof. If a fence supports a roof it will be considered a structure and will be subject to normal building setbacks.

D. Access. Access must be available for public utilities personnel to access their equipment and read related meters.

E. Maintenance. All fences must be installed in a proper workman like manner. The fence must be maintained in both structure and finish to be neat in appearance.

F. Swimming pools. All permanent swimming pools must be fenced and properly gated in accordance with the BOCA National Building Codes.

G. Height. Residential fence heights – maximum

- i. Rear Yard – 6 feet. Privacy screening fences up to 6 feet in height are allowed within the setback areas of a rear or side yard.
- ii. Side Yard – 6 feet except within the setback area, 3 feet maximum height.

- iii. Front Yard – 3 feet within the 25’ setback area.
- iv. Corner Lots – must allow for the Traffic Visibility Triangle of creating a diagonal line 30 feet back from the corner of two intersecting curbs or curb lines. Nothing in this area may be more than 2 ½ feet high.
- v. A fence more than 3 feet high that is adjacent to a driveway in a rear or side yard, must be reduced to 3’ maximum height within 15 feet of the driveway or set back 15 feet from the property line.

H. Easement. An owner may install a fence on a utility easement at their own risk. Such fences may be removed or damaged if access is needed on the easement. The replacement or repair of the fence is the responsibility of the property owner.

I. Prohibited fences. In residential areas -

- i. Barbed wire.
- ii. Electric fences, except for underground pet fences.
- iii. Fences with spiked tops.
- iv. Woven chicken wire except when used for gardening.
- v. Woven wire not specifically made as a landscape fence.
- vi. Chain link fence without a top rail.
- vii. Any fence where climbing or travelling over the fence will obviously result in injury.
- viii. Snow fences made of wood or plastic other than temporary fence between November 1 and April 10th of each year. Snow fences may not cause snow to accumulate on the roadways or property of others.

J. Compliance. Any fence that is currently non-compliant may not be rebuilt or repaired without a permit and must follow current regulations.

K. Permit. A permit must be obtained prior to the installation of any permanent fence. Any person that fails to obtain a permit to install a fence is subject to a misdemeanor. The payment of a misdemeanor fine does not allow a person to install a fence not in compliance with the regulations and a permit must still be obtained.

L. Temporary fences. Temporary fences may be constructed for construction sites, securing vacant buildings, snow fencing or gardening. Temporary fences may be installed for a maximum of 150 days.

Adopted by the City Council of the City of Wadena this 9th day of December, 2014.


 Bradley A. Swenson
 City Administrator


 Wayne Wolden
 Mayor