

ORDINANCE NO. 296, 2nd SERIES

AN ORDINANCE OF THE CITY OF ELY, MINNESOTA, AMENDING THE ELY CITY CODE, CHAPTER 11, SECTION 11.01 RELATED TO LAND USE REGULATION (ZONING) AND ADDING SECTION 11.04 RELATED TO FENCES

THE COUNCIL OF THE CITY OF ELY DOES HEREBY ORDAIN:

SECTION 1. Chapter 11 of the Ely City Code is amended to read as follows:

SECTION 11.04. FENCES

Subd. 1. Definitions. For the purposes of this section, the following terms are defined as follows:

A. Berm: An earthen mound designed to provide visual interest on a site, to screen undesirable views, or to reduce noise.

B. Fence: A structural enclosure or barrier used as a boundary, means of protection, or concealment.

C. Screen: A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

D. Snow Fence: Temporary fencing used to prevent snow from drifting onto walks, driveways or roads.

E. Safety Fence: A barrier which prevents passage into a dangerous area, commonly used within construction areas.

Subd. 2. General Regulations. All fences in all zoning districts are subject to the following requirements:

A. Permit required. No person, firm or corporation, shall hereafter construct or cause to be constructed or erected any fence, wall or similar without first obtaining a permit from the City of Ely.

B. Locations. All boundary fences, berms or screens shall be located entirely upon the private property of the persons, firm or corporation placing, constructing or causing the construction of the fence, berm or screen, unless the owner of the property adjoining agrees in writing that the fence, berm or screen may be erected or placed on the division line of the respective properties. The Zoning Administrator may require the property owner desiring to erect or place a fence, berm or screen is required to

establish the boundary lines of his or her property by a survey thereof to be made by any registered land surveyor.

C. The side of a fence without primary structural supports shall be considered the finished side and must face outward from the property on which it is constructed towards the adjacent property. If a fence has two (2) similarly finished sides either side may face the adjacent property.

D. Any fence, berm, or screen maintained within a Corner Triangle shall have a maximum height of 36 inches and support post height of 42 inches. A "Corner Triangle" is defined as the triangle formed by the intersection of the front and side lot lines forming the corner of the lot adjacent to the intersection of two or more public right-of-ways. The dimensions of the Corner Triangle are determined from the point of intersection of the front and side lot lines forming the Corner Triangle by three legs measuring (1) 15 feet along the front lot line from the point of intersection, (2) 15 feet along the side lot line from the point of intersection, and (3) the third leg as the line connection the end points of legs one and two. Where there is no sidewalk at the corner, the lot lines are determined by measuring from the center line of the adjacent public right-of-way one-half the distance of the right-of-way as depicted on the official plat map to the lot line.

E. If the property of the person, firm or corporation placing, constructing or causing the construction of a fence, berm or screen borders a sidewalk, it is required to maintain a setback of 18 inches from the sidewalk. Any fence constructed adjacent to street or avenue right of ways shall maintain a setback of 18 inches from the right of way.

F. Barbed wire fences are prohibited in all zoning districts except P1, P2, and M. Electric fences are prohibited.

G. Any fences may not exceed six feet in height, as measured from the ground to the top of the fence with exceptions of a two inch ground clearance and posts not higher than six feet six inches. Fences on any street or avenue may not exceed four feet, structural supports may be four feet six inches in height, as measured from the ground to the top of the fence.

H. Fences shall be maintained and kept in good repair by property owners. Any hazardous fence or fence in a state of disrepair shall be repaired or removed by the property owner within thirty (30) days of notice by the City of Ely. If a property owner fails to comply with such notice, the City of Ely may remove the fence and assess the property owner the cost of such removal in addition to all other applicable penalties under City Code.

I. Permitted fence materials. Permitted fence materials shall be limited to brick, stone, wood planks, split rail, wrought iron, or chain link, vinyl, or

composite material. Materials commonly used for temporary snow or safety fencing shall not be permitted material for a permanent fence.

§ 11.04

Subd. 3. Exceptions. Any deviation from this Section shall require a variance in accordance with Section 11.43A of this chapter except the following:

A. Tennis Courts, Basketball Courts, Athletic Fields and Playgrounds in all zoning districts may have a single perimeter fence no higher than ten (10) feet.

B. Fences bordering highways or properties with a P1, P2, and M zoning classification may erect a fence, berm, or screen in excess of three feet in height provided it complies with Subdivision 2 of this ordinance.

C. Snow fencing shall be temporary in nature and may only be issued upon the approval of a permit. Snow fencing shall not be erected prior to October 15th of each year and shall be removed no later than May 30th of each year. Snow fences must comply with all regulations set forth by this chapter.

D. Safety fencing may be erected temporarily, without a permit, only after a building permit has been issued by the building official.

SECTION 2. Effective Date: Pursuant to Section 3.08 of the Charter of the City of Ely, Minnesota, the adoption of this Ordinance is effective immediately after final adoption and publication.

First Reading: December 16, 2014

Second Reading: February 3, 2015

Adopted this 3rd day of February, 2015.

Mayor

Clerk-Treasurer

Publication Dates: December 19, 2014 and February 7, 2015

Newspaper: Ely Timberjay and Ely Echo