

CITY OF HENNING
OFFICIAL SUMMARY OF ORDINANCE

FENCE ORDINANCE

THE FOLLOWING IS THE OFFICIAL SUMMARY OF ORDINANCE-PERMITS AND REQUIREMENTS FOR FENCES, WALLS OR HEDGES WHICH WAS PASSED BY THE CITY COUNCIL OF HENNING ON APRIL 5, 2016

Section 151.46 General Requirements- (A) All permanent fences shall require a permit. Permanent fences are defined as such that are constructed of any material utilizing footings or driven posts. The maximum allowable time a temporary fence may remain in place is 6 months.

Section 151.47 Residential Regulations (B) Side and rear yard requirements. No fence or wall located in a side or a rear yard shall be of height exceeding 7 feet, measured from its top edge to the ground at any points. (E) Setbacks. No fence may be located less than three feet from a property line unless adjoining property owners agree in writing to a lesser setback. No fence, wall, hedge or other screening device shall be permitted to encroach on any public right-of-way.

A COPY OF THE ORDINANCE IS ON FILE AND AVAILABLE FOR INSPECTION AT HENNING CITY HALL.

City of Henning
Minnesota Basic Code of Ordinances - Land Usage

PERMITS AND REQUIREMENTS FOR FENCES, WALLS OR HEDGES

§ 151.45 APPLICATION.

The requirements of this subchapter shall apply to all new or replacement fences, walls, or shrubbery erected or installed from and after the effective date of this subchapter, but shall not apply to the mere repair of existing fences.

§ 151.46 GENERAL REQUIREMENTS.

(A) All permanent fences shall require a permit. Permanent fences are defined such that are constructed of any material utilizing footings or driven posts. The maximum time a temporary fence may remain in place is 6 months.

(B) No fence shall contain barbed wire.

(C) No fence shall be charged with electric current, except within an agricultural district,

(D) No fence, wall or other obstruction to vision above a height of 30 inches from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between the right-of-way lines at a distance along each line of 25 feet from their point of intersection.

(E) Fences must be maintained so as not to endanger life or property and any fence 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.

(F) All fences must be located on the private property of the person, firm or corporation constructing the fence.

(G) All fences must comply with all other requirements of law or this code as it applies to fence installation and materials.

Penalty, see § 151.99

§ 151.47 RESIDENTIAL REGULATIONS.

(A) *Prohibited material.* No fence or wall shall be constructed of any electrically charged element or barbed wire.

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Side and rear yard requirements. No fence or wall located in a side or a rear yard shall be of height exceeding 7 feet, measured from its top edge to the ground at any point.

(C) *Front yards.* No fence or wall shall be located in a front yard.

(D) *Maintenance.* Every fence or wall shall be maintained in a good and safe condition at all times. Every damaged or missing element of any fence or wall shall be prepared or replaced immediately.

(E) *Setbacks.* No fence may be located less than three feet from a property line unless adjoining property owners agree in writing to a lesser setback. No fence, wall, hedge or other screening device shall be permitted to encroach on any public right-of-way.

Penalty, see § 151.99

§ 151.48 VARIANCE.

Any deviation from the provisions of this subchapter shall require a variance. If a variance is requested, the variance shall be considered in accordance with the zoning variance procedures and fees for this variance will be in accordance with the zoning variance fee.

ADMINISTRATION AND ENFORCEMENT

151.49 CONSISTENCY WITH STATE LAW.

Notwithstanding anything in this chapter to the contrary, the provisions of **M.S.** § 15.99 as it may be amended from time to time, and the following sections shall govern the process for making decisions under this chapter. To the extent to which these sections conflict with the provisions of M.S. § 15.99, as it may be amended from time to time, the provisions of that statute shall apply.

§ 151.50 APPLICATIONS.

(A) Notwithstanding anything to the contrary in this chapter, all applications for any site plan, conditional use permit, land use permit, variance, or for any other city approval required by this chapter, or to amend this chapter, shall be made in writing on a form provided by the city, if the city has a form, to the City Clerk or other person appointed by the City Council to administer this chapter. The Zoning Administrator is authorized to reject in writing any incomplete application within 15 business days of receipt if the application is incomplete, stating the reasons for its rejection, including what information is missing. This rejection shall be sent by first-class mail to the applicant. Every application shall contain the legal description of the property and a statement of the specific permit or action being sought.