

FENCE ORDINANCE

PURPOSE: The purpose of this ordinance is to establish standards for the installation of fencing and to protect the general health, safety, and welfare of the citizens of the Town.

Fences shall be permitted, and shall be constructed in such a manner as to be in compliance with the provisions of this Ordinance.

A. APPROVAL REQUIRED.

No person or business entity shall construct or erect or cause to be constructed or erected within Eureka Township any fence without first obtaining a fence building permit from the Building Official.

B. LOCATION; BOUNDARY LINE FENCES.

(1) **Location.** All boundary line fences, including footings, shall be located entirely upon the private property of the person, or business entity constructing or causing the construction of such fence, unless the owner of the adjoining property agrees, in writing, that such fence may be erected on the division line of the prospective properties.

(2) **Boundary Lines.** The applicant proposing to construct a fence is responsible for verifying the location of the property lines of the property upon which the fence is to be constructed. If the survey monuments monumenting the boundaries of the property can be located the applicant shall have the right to rely on said monuments. If the monuments locating the boundary lines of the property cannot be located, the Building Official has the authority to, and shall require, the applicant to submit a survey prepared by a registered land surveyor locating the boundaries of the property. A survey will not be required if the owner of the property upon which the fence is to be constructed and the property owner(s) of the adjoining properties enter into a written agreement regarding location of the fence to be built. Said agreement shall be recorded with the Dakota County Recorder, and proof of recording shall be provided to the Town Clerk, before the building permit is approved.

(3) **Traffic.** On corner lots no fence shall be permitted which blocks road way intersection sight lines.

C. CONSTRUCTION.

(1) **Materials and Method of Construction.** Fences shall be constructed in a substantial, workman like manner and of material reasonably suited for the purpose for which the fence is proposed to be used. Fencing material may consist of dimensional, solid, sawn, decay resistant lumber, chain link fencing material with corrosion protection or other material as permitted by the Town Board. The finished side of the fence shall face abutting properties and/or the street rights-of-way. Fences constructed for agricultural purposes may consist of barb wire. Electric fences shall be permitted for agricultural purposes. The party who constructed the fence shall, to the extent practicable, maintain said fence in a reasonable and sound condition. This

shall include the cutting of grass and any other foliage which grows next to the fence, to the extent said grass and foliage are within the boundaries of the lot or tract of land enclosed by said fence.

(2) **Fence Height (Residential).** Fences constructed for residential purposes shall not exceed a maximum height of six (6) feet. The Town shall have the right to limit the height of fences abutting a public right-of-way if in the Town's opinion the fence may interfere with traffic visibility.

(3) **Security Fences.** Fences constructed for security purposes may include barb wire security arms consisting of no more than three (3) strands of barbed wire. The minimum height of the security arm shall be six (6) feet above the surface and should be angled in a manner which does not endanger the public and does not overhang a neighboring property. Any portion of a security fence which abuts a residential property shall not be allowed to be topped with barb wire.

D. EXEMPTION.

Any fence whose use is part of an agricultural operation shall be exempt from the terms of this Ordinance.

E. OTHER TERMS.

(1) **Swimming Pool Safety Fences.** Fences constructed to enclose a swimming pool shall be bound by the provisions of Section 9, Chapter 4, Ordinance 3, to the extent that the provisions of this Ordinance conflict with the provisions of said Section 9, the provisions of Section 9 shall supersede and override the provisions of this Ordinance.

(2) **Exceptions.** The following fences shall not require a building permit, except as noted, however they will be subject to all other provisions of this Ordinance:

- (a) Any fence less than three (3) feet in height. However, said fence shall still be bound by the provisions of Paragraphs (1) and (2) of Section B of this Ordinance, and the provisions of Paragraphs (1) and (3) of Section C of this Ordinance;
- (b) Maintenance, upkeep and/or repair of fences;
- (c) Any underground electric pet fencing; and
- (d) Any temporary fencing installed to control snow. Fences installed at construction sites for safety purposes. Silt fencing installed to control soil erosion.