

City of South St. Paul
Dakota County, Minnesota
Ordinance No. 1351

**AN ORDINANCE AMENDING SOUTH ST. PAUL CITY CODE SECTION 118-199
REGARDING FRONT YARD FENCE HEIGHTS**

The City Council of the City of South St. Paul does ordain:

SECTION 1. AMENDMENT. South St. Paul City Code Section 118-199 is hereby amended as follows:

Sec 118-199 – Fences and Walls

Fences may be allowed in any district and are subject to the following:

- (1) All fences shall be kept in good repair, painted, and well maintained. In the event a front yard fence is adjacent to and parallel with the front lot line (or side lot line on the street side of a corner lot), such fence shall be set back at least one foot from the street right-of-way line.
- (2) Solid walls in excess of four feet above adjacent ground grades are prohibited.
- (3) The side of the fence considered to be the face (finished side as opposed to structural supports) shall face abutting property.
- (4) No fences shall be permitted on public rights-of-way, except through an encroachment agreement.
- (5) Fences in easement areas shall not impede the flow of water. If the city needs to utilize the easement, the fence will be removed and relocated at the expense of the property owner.
- (6) Fences may be permitted along property lines subject to the following:
 - a. Fences may be placed along property lines provided no physical damage of any kind results to abutting property. Property owners shall be responsible for verifying their property lines by locating their property irons. If the irons cannot be located, the property owners shall provide with City with either a notarized consent form signed by the adjacent property owner(s) agreeing to the location of the common property line(s) or a survey showing the location of the property line.
 - b. Fences in industrial districts may be erected to a maximum height of eight feet above finished grade.
 - c. Fences in residential districts may be located on any side or rear lot line to a height of six feet above finished grade.
 - d. Fences alongside and rear interior lot lines beginning behind the front building line of the principal structure may be a maximum height of six feet in residential districts.
 - e. Should the rear lot line of a lot be common with the side lot line of an abutting lot, that portion of the rear lot line equal to the required front yard setback of the abutting lot shall not be fenced to a height of more than 42 inches; unless the fence material is 50% opaque or less. When fencing material is 50% opaque or less, the abutting lot shall not be fenced to a height of more than 48 inches.

- (7) Fences may be permitted within required yards subject to the following:
- a. Fences located within the side and rear yard non-buildable setback area beginning behind the front building line shall not exceed six feet in height from the finished grade in residential districts.
 - b. In residential districts, fences along or within the front non-buildable setback area may be no more than 42 inches in height- unless the fencing material is 50% opaque or less. When the fencing material is 50% opaque or less, the abutting lot shall not be fenced to a height of more than 48 inches. On corner lots where the "front" of the house faces a side yard, fences in the side yard on that "front" side of the house may be no more than 42 inches in height- unless the fencing material is 50% opaque or less. When the fencing material is 50% opaque or less, the side yard on that "front" side of the house may be no more than 48 inches in height.
 - c. Fences located within the buildable area of a lot may be up to six feet in height.
 - d. Fences in industrial districts located within non-buildable setback areas shall not exceed eight feet in height from finished grade.
 - e. Fences used for backstops for ballfields at public parks and playgrounds shall be exempt from the fence height regulations mentioned above. Fences for tennis courts shall be in accordance with section 118-260.
 - f. Fences required for enclosures around swimming pools shall be in accordance with section 118-255.
 - g. Fences around community gardens for wildlife management that meet the following criteria:
 1. The garden is larger than 5,000 square feet;
 2. The garden is used by more than six users;
 3. The garden is not located on the same property as a single-family residence;
 4. The fence is no higher than eight feet;
 5. The fence is not electrified;
 6. The fence is made of material that complies with this section, except that plastic deer fencing and welded/woven wire are considered permitted materials around a community garden.
 - h. Fences as required around an airport for security or wildlife control shall be in accordance with Federal Aviation Administration (FAA) regulations.
- (8) Plans for the fence must be submitted to the city engineer for approval at the time of permit application prior to the beginning of construction. The plans shall include the location of the fence, type of material, method of anchoring, attaching and/or securing the fence and fencing material.
- (9) Fences on corner lots located in the traffic visibility triangle area shall be in accordance with section 118-246(c).
- (10) The following materials are approved for fence construction:
- a. Wrought iron;
 - b. Aluminum (wrought iron design);
 - c. Wood;
 - d. Vinyl/PVC, and composite fencing (i.e. Trex); and
 - e. Chain-link with approved posts and cap.
- (11) The following materials are not approved for fence construction:

- a. Farm fence of any kind, which includes, but is not limited to woven or welded wire, chicken wire, plastic deer fence, snow fence, steel bar fence, and similar type fencing, except as allowed for community gardens.
- b. T-posts and pipes.
- c. Barbed wire (except for security fences around power substations and airports).

(12) Fencing material is “opaque” to the extent it screens the yard from public view.

SECTION 2. SUMMARY PUBLICATION. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

For residential properties where a homeowner wishes to install a fence in the front yard of the property, a front yard fence can now be up to 48 inches in height if the fence material is 50% opaque or less (chain link, wrought iron or picket fence). Residents that wish to have a privacy fence in their front yard can do so as long as the material does not exceed 42” in height.

SECTION 3. EFFECTIVE DATE. This ordinance shall become effective upon publication.

Approved: February 18, 2020

Published: February 20, 2020

Christy Wilcox, City Clerk