

# FENCES

- (4) Open or lattice-enclosed fire escapes, outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into a rear yard may project for a distance not to exceed 5 feet when these are so placed as not to obstruct light and ventilation.

Subd. 7. Exceptions for Lot Area Per Family. Where a lot of record on date of adoption was held under separate ownership from adjoining lots and has less area or width than required by this article, such lot may nonetheless be used for a one-family dwelling or for any non-dwelling use permitted in the district if it has a width of 33 feet or more. Other area requirements shall be complied with to the maximum extent possible.

Subd. 8. Fences, Walls, and Hedges.

- (1) Standards. All fences, walls, and other screening, which is not natural growth or foliage and which is erected within the City of Proctor, shall be subject to all the requisites of the Proctor City Code with respect to construction standards, building code fees, site plans, and the like. Fences shall be constructed so as to have the most improved side of the fence facing the public.
- (2) Intersections in Residential Districts. On a corner lot in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of 2-1/2 feet and 10 feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines 50 feet from the point of the intersection.
- (3) Fences, Walls, and Hedges. Notwithstanding other provisions of this chapter, fences, walls, and hedges may be permitted in any required yard or along the edge of any yard; provided that no fence, wall, or hedge along the sides or front edge of any front yard shall be over 2-1/2 feet in height; further provided that no fence, wall, or hedge shall be placed or constructed within 5 feet of an alley right-of-way.
- (4) Fences in Side and Rear Yard. No fence, hedge, or wall, other than a retaining wall, along a side line of a lot in a residential district shall be higher than 6 feet unless any part above such a height has at least 50 percent of the surface uniformly open and unobstructed or unless the adjoining lot is not in a residential district.
- (5) Residential Fences. Fences constructed in any of the following residential districts:

R-1-a, R-1-b, R-1-c, R-2, R-3

shall not be constructed of barbed wire. This regulation shall apply to any fence in a side yard, rear yard, or front yard. Barbed wire may be allowed in "C" or "M" districts only as set forth at 11 (a) of this subdivision.

- (6) Fences Restricting Access from the Front to the Rear Yard. Those instances where a fence exists as an enclosure which restricts access from the front to the rear yard, a gate or other such means of recognizable ingress shall be provided. The location of such ingress points shall be positioned at any point paralleling the front lot line, between the side lot property line and the principal structure.
- (7) Electric Fences. Fences in "S," Suburban, and "O/R," Open Space Districts, shall conform to the restrictions set forth above for residential zones; provided that electric fences shall be permitted in the "S" or "O/R" district when related to farming.
- (8) Construction and Maintenance.
  - (a) Every fence shall be constructed in a substantial work-manlike manner and of substantial material reasonable suited for the purpose for which the fence is proposed to be used. No constructed fence may have boards, planks, or panels larger than 12 inches in width.
  - (b) All fences, except hedge fences, in front yards shall be constructed of chain link or wood fencing. Such materials as wire mesh, hog wire, welded wire, and straight wire will not be allowed in front yards. Fencing for the remainder of the yard may be constructed of chain link, wood, hog wire, or welded wire. No fences likely to cause harm to persons will be permitted.
  - (c) Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair or danger or constitute a nuisance, public or private. Any such fence which is, or has become, dangerous to the public safety, health, or welfare is a public nuisance, and the Building Official shall commence proper proceedings for the abatement thereof.
  - (d) Link fences, wherever permitted, shall be constructed in such a manner that no barbed ends shall be at the top.
- (9) Commercial and Industrial District Fences. Fences in all commercial and Industrial districts shall not exceed 6 feet in height except that:

- (a) Boundary line fences abutting other zoning districts shall conform to those conditions applying to the most restrictive district.
- (b) Fences which are erected primarily to secure a particular given area may have arms not to exceed 36 inches in length located a minimum of 7 feet and a maximum of 8 feet above the ground surface. The term "arms" shall be defined as those supports extending above the main fencing upon which barbed or electric wire may be placed.

(10) Special Purpose Fences. Fences for special purposes and fences differing in construction, height, or length may be permitted in any district in the City of Proctor by issuance of a Conditional Use Permit approved by the Planning Commission and the City Council. Findings shall be made that the fence is necessary to protect, buffer, or improve the premises for which the fence is intended.

An amortization period of 60 days shall be established for the removal of all non-conforming fences stipulated in §1002.03 subd. 7.

(11) Harmful Fencing. Hazardous fences and walls such as barbed wire, electrical fences [except as allowed in (7)], fences with security arms and walls with protruding sharp edges, and other fences designed for or likely to cause harm to persons are declared hazardous and are prohibited in the City except as follows:

- (a) Security fences, as defined in (9 b) with top barbs will be permitted in the City for security reasons on commercial and Industrial property, but only if a special permit is issued by the Building Official.
- (b) Fencing on non-residential property required for screening exterior storage may exceed the limitations herein, but only by a special permit issued by the Planning Commission. See subd. 7 (10) above regarding Conditional Use Permits. The permit process to be used is that set forth at §1002.15 subd. 2

Subd. 9. Accessory Buildings. No accessory building shall be erected in any required yard, and no separate accessory building shall be erected within 5 feet of any other building.

Subd. 10. Access. Every building hereafter erected or moved shall be on a lot adjacent to a public street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

**CITY OF PROCTOR  
FENCE ZONING WORKSHEET**

Name of Applicant: \_\_\_\_\_

Address of Applicant: \_\_\_\_\_

Address of property where fence will be erected: \_\_\_\_\_

This fence will be a \_\_\_\_\_ temporary or \_\_\_\_\_ permanent fence. (check one)

Materials used for construction: \_\_\_\_\_

Height of proposed fence: \_\_\_\_\_

**\*\*The names and addresses of all adjoining property owners are included in this application.**

**Plat Plan:** In the space below, or on an attached sheet, draw the property on which the fence will be erected. Plan should include:

- Location of all property lines and easements;
- Location of any streets and intersections;
- Location of the proposed fence.
- Distance of the setback of the fence from adjoining properties and right-of-way
- Location(s) of any gates in the fence.

Owner  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Payment receipt # \_\_\_\_\_  
(\$20.00 – Zoning Fee if exempt)

Phone: \_\_\_\_\_

**NAMES AND ADDRESSES OF  
AJOINING PROPERTY OWNERS**

**Property owner (s) to the North:**

**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Property Owner (s) to the East:**

**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Property Owner (s) to the South:**

**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Property Owner (s) to the West:**

**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**APPROVAL**

**The foregoing Fence Zoning application is hereby approved.**

\_\_\_\_\_  
**Zoning Officer/City of Proctor**

\_\_\_\_\_  
**Date**