

FENCES

PERMITS: All fences erected within Austin city limits require a zoning permit. This permit may be applied for at the Austin Planning and Zoning Department. To obtain a permit a plot plan must first be filled out. (See attached page) This plan will provide the necessary information needed by the Planning and Zoning Department.

NOTE: It is the responsibility of the property owner installing the fence to locate the property lines. Fences may be installed up to the property line but in no case touch any part of the lot line.

Call Gopher State One at 1-800-252-1166 to identify utility locations prior to digging post holes!

The attached code requirements and diagrams should answer any questions regarding height of fence and setback locations. Please call the City of Austin Planning and Zoning Department at 507-437-9952 for further information.

SECTION 4.70 FENCES:

Subd. 1 Definition. A "fence" shall be defined for purposes of this Section as any partition, structure, or grate erected as a dividing marker, barrier, or enclosure.

Subd. 2 Permit Required. It is unlawful for any person to construct, erect, or cause to be constructed or erected in the City any fence without first obtaining a permit therefor from the City.

Subd. 3 Application and Fee. Every person desiring to erect or construct a fence shall make application for a permit to do so to the City Engineer on a form provided by the City Engineer, which form shall contain the name and address of the applicant and describe the location of the fence to be erected and shall also describe the type of fence to be constructed and the height thereof. Such application shall be accompanied by a fee fixed by resolution of the Council.

Subd. 4 Investigation and Fee. No permit for the erection of a fence shall be issued by the City Engineer until after he has made investigation of the premises and checked on the matter set forth in the application, and if he is in doubt as to whether such application would comply with this Section, he shall thereupon report such matter to the Council for their consideration, and in that event, the decision of the Council on the issuance of such permit shall be conclusive.

Subd. 5 Construction Requirements in Residential and Multiple Dwelling Area. It is unlawful for any person to construct, erect, or cause to be constructed or erected in the City in any residential or multiple dwelling area as defined in Chapter 11, (Zoning), any fence, unless the fence shall, in its construction and location, conform to the following requirements:

- A. A solid or opaque lot line fence constructed along or adjacent to any front yard or corner sideyard lot line shall not exceed 30" in height; except that a solid or opaque fence not higher than 4' may be constructed if permission is granted by the Council.
- B. A substantially open lot line fence constructed along or adjacent to any front yard or corner sideyard lot line shall not exceed 4' in height; except that a substantially open fence not higher than 5' may be constructed if permission is granted by the Council. Such fences may not be modified so as to become solid or opaque fences except in conformance with Subparagraph A, above.
- C. A lot line fence constructed along or adjacent to a side or rear yard lot line shall not exceed 6' in height.

- D. Fences constructed within lot areas and located so as to comply with the setback requirements set forth in Chapter 11.
- E. Side, rear, and front yards shall have the same meaning as defined in Chapter 11.
- F. Swimming pool fences shall be not less than 6' in height.
- G. The use of barbed wire is prohibited.

Subd. 6 Construction Requirements in Commercial and Limited Industrial Areas. It is unlawful for any person to construct, erect, or cause to be constructed or erected in the City in any commercial or limited industrial area as defined in Chapter 11 (Zoning), any fence, unless the fence shall, in its construction and location, conform to the following requirements:

- A. Fences constructed within lot areas and located so as to comply with the setback requirements set forth in Chapter 11 may be constructed to the maximum building height also set forth in Chapter 11.
- B. Other fences shall not exceed 6' above the sidewalk or surface of any parcel of land.
- C. The use of barbed wire is prohibited.

Subd. 7 Construction Requirements in Heavy Industrial Areas. Fences located on property zoned for heavy industrial use may be unlimited in height and may be of either closed or tight construction except for doors or gates, and barbed wire may be installed on the tops of such fences on arms or supports projecting over the property on the private side of the fence at least 8' above the adjacent grade.

Subd. 8 Location. All fences, including those described as lot line fences constructed along a lot line, shall be located entirely on the private property of the person constructing the fence.

Subd. 9 Electric Fences. It is unlawful for any person to construct, maintain, place, or allow to be constructed, maintained or placed, any fence, as defined in this Section, of metal construction charged or connected with electrical current in such a manner as to transmit such current to persons, animals or things which intentionally or unintentionally might come in contact with it.

Subd. 10 Maintenance; Declaration and Abatement of Nuisance. Fences shall be maintained so as not to endanger life or property, and any fence which through lack of repair, type of construction or otherwise imperils the health, life or property or well-being of a neighborhood shall be deemed a nuisance. The Building Inspector shall notify the owner of the property on which such a fence is located of the existence of such a nuisance and such nuisances must be abated within ten days after the receiving of such notice from the Building Inspector.

Subd. 11 Lot Lines; Rules and Regulations. The Building Inspector may require the owner of property upon which a fence is to be located to establish lot lines upon such property through the placing of permanent stakes located by a licensed surveyor. Such lot lines shall be established within twenty days after receiving notice from the Building Inspector. The Building Inspector may also make such other rules and regulations which are not in conflict with this Section, nor inconsistent with public safety, as may be necessary to effectuate the purposes of this Section.

Subd. 12 Exemptions.

- A. The provisions of this Section shall not apply to any fences now erect or hereafter erected on land owned or maintained or subsequently acquired by the Mower County Fair Board for conducting of a fair, or by Independent School District No. 492, or by the Parks, Recreation, Forestry Department, and those portions of land shall not be bound by the restrictions of this Section.
- B. Fences not in compliance with the requirements of this Section may be constructed providing a permit is granted by the Council after a hearing is held with five days notice to land owners adjoining where the fence is to be erected or in lieu thereof, written consent to the proposed fence by the adjoining landowner.

Section 11.01:

Subd. 93 Yard, Front. A yard extending between lot lines which intersects a street line, the depth of which is the horizontal distance between the street right-of-way line and a line on the lot which is at all points equidistant from and parallel to the street line.

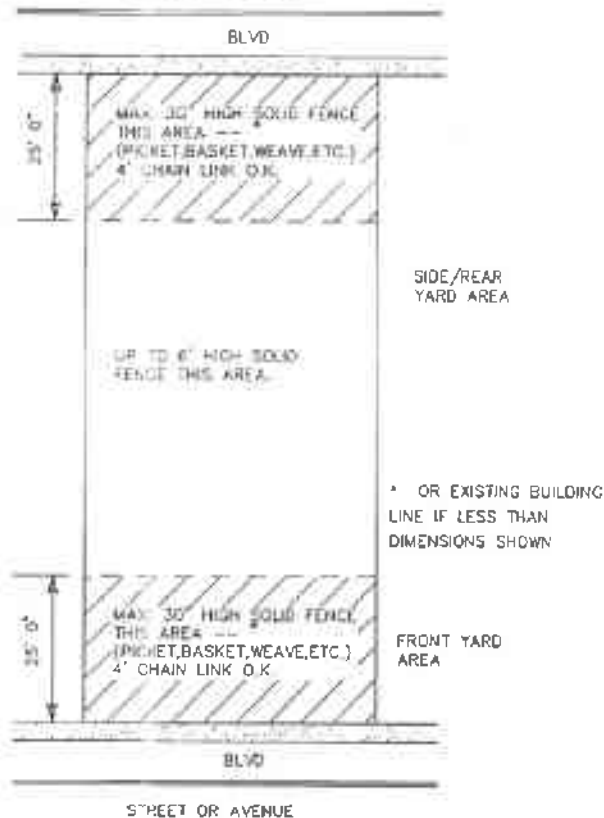
- A. In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of thirty inches, and no hedge or other vegetation shall be permitted which materially impedes vision across such yard between the heights of thirty inches and ten feet.
- B. In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the Building Inspector may waive the requirement for the normal front yard and substitute therefor a special yard requirement which shall not exceed the average of the yards provided on adjacent lots.

Source: City Code

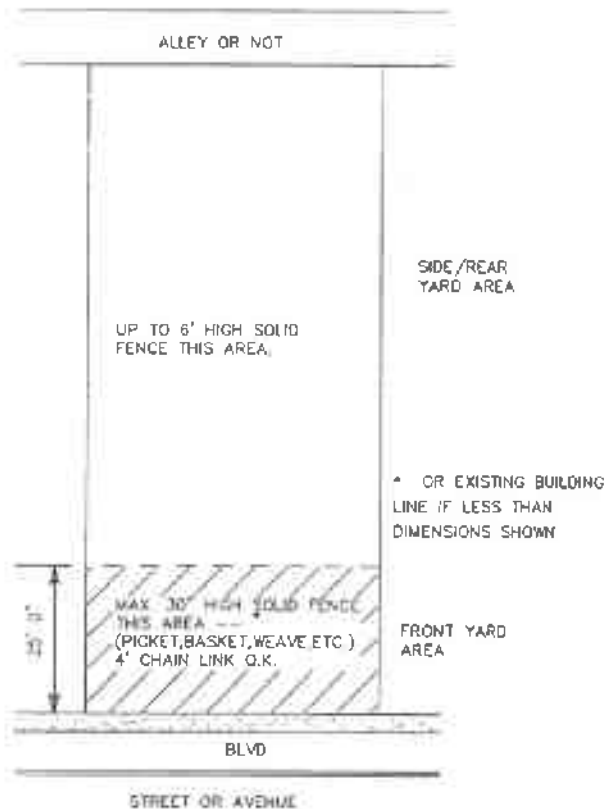
Effective Date: 9/1/80

FENCE

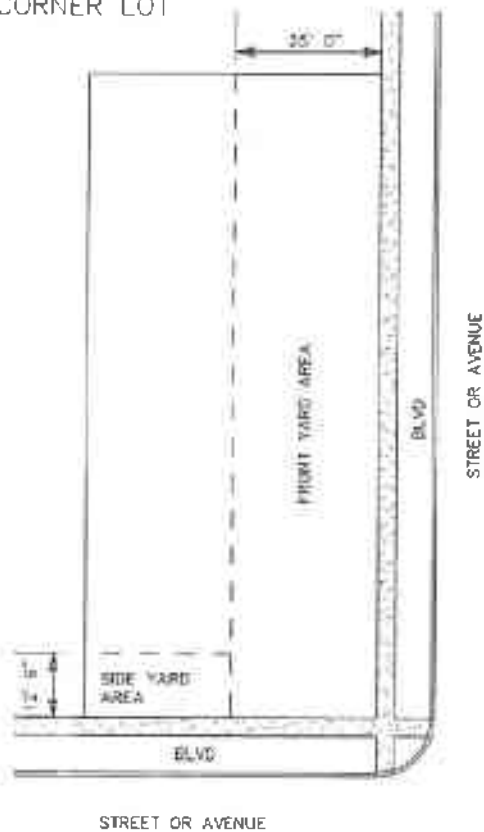
THRU LOT
STREET OR AVENUE



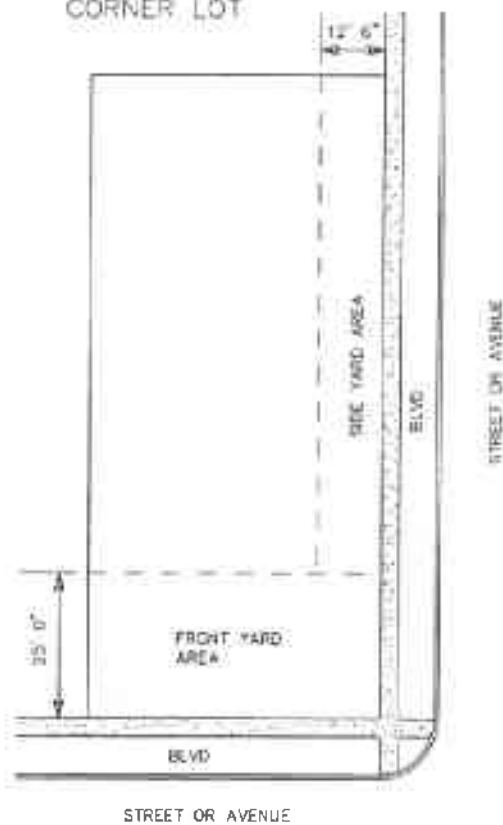
INTERIOR LOT



CORNER LOT



CORNER LOT



FENCE PLOT PLAN

ADDRESS: _____

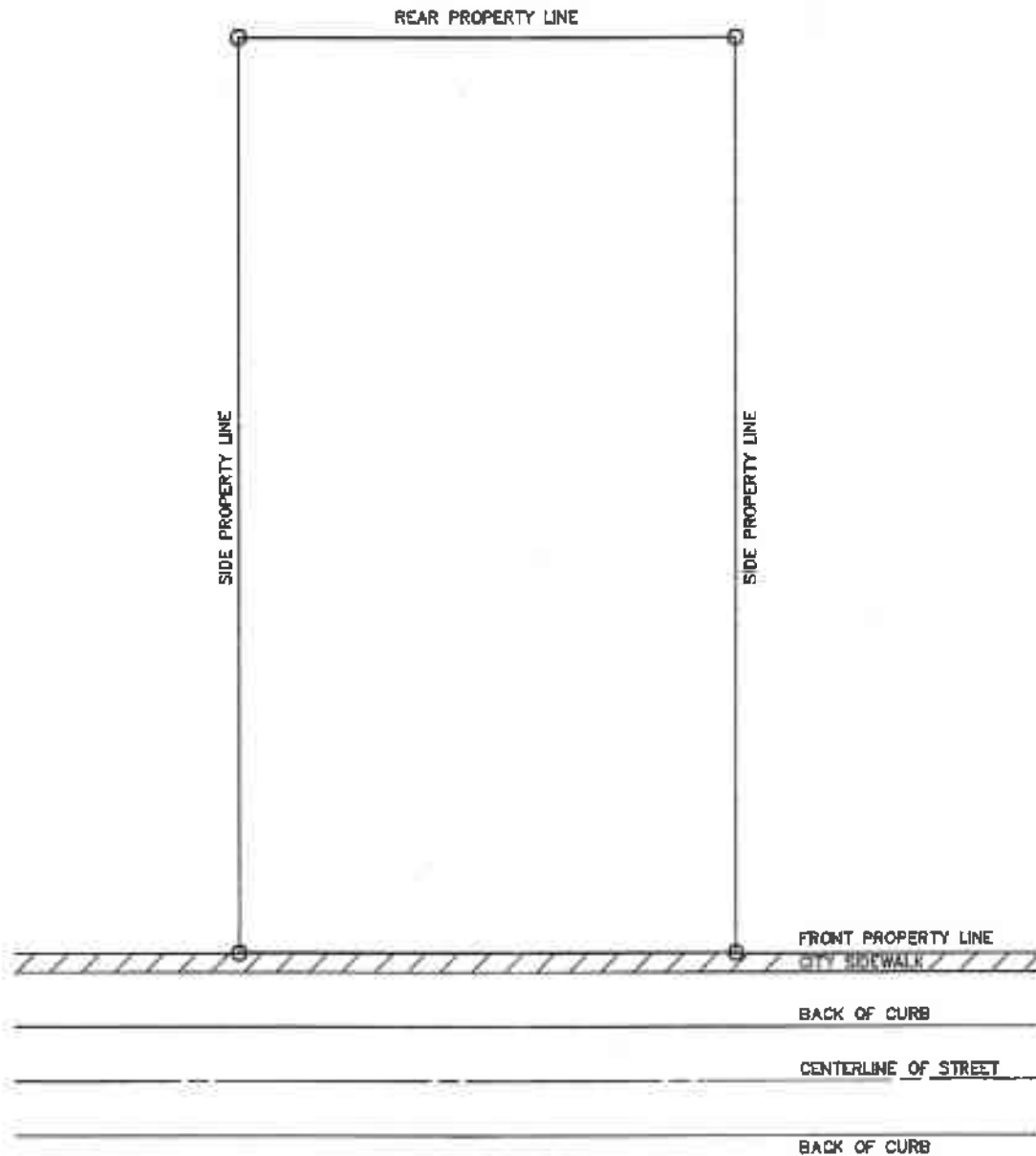
LEGAL DESCRIPTION: LOT _____ BLOCK _____ ADDITION _____

LINEAL FOOTAGE OF FENCE _____ LIN: FT.

INSTRUCTIONS TO APPLICANT:

FOR OBTAINING FENCE PERMITS THE FOLLOWING INFORMATION MUST BE PROVIDED IN THE SPACE BELOW:

- 1) Location and lineal footage of fence to be erected.
- 2) Show setback distances of existing buildings on property.
- 3) Show easements.
- 4) Indicate whether property is a corner lot.
- 5) Show street and avenue location.



SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE: _____