



## 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. Fence 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 question regarding height of fences and setback locations. Please call the City of Austin Planning and Zoning department at 507-437-9947 for further information.

### City Code Section 4.70

**Subd. 1. Purpose.** Standards governing fences are established to promote the public health, safety and welfare, encourage an aesthetic environment and allow for privacy, while maintaining access to light and air.

A. FENCE. Any partition, structure or gate 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 from the city. Seasonally installed fences for snow and landscape protection may be installed temporarily (less than 6 mos.) without permit.

**Subd. 3. Application and fee.** Every person desiring to erect or construct a fence shall apply for a permit to the Planning, Zoning and Building Department. The application shall be accompanied by a fee fixed by resolution of the Council.

**Subd. 4. Investigation of premises and issuance.** In the event a fence is not permitted or is not in compliance with city ordinance, the Planning and Zoning Administrator shall report the matter to the Council for their consideration and the decision of the Council on the issuance of the permit or removal of the fence shall be conclusive. Any fence constructed in a utility easement shall be removed as necessary for utility maintenance and repair, at the owner's expense. Fences shall not be constructed in the public right of way.

**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, 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 a front yard or corner yard lot line shall not exceed 36 inches in height. A 15 foot sight triangle shall be maintained where a fence will interfere with traffic or pedestrian visibility across a driveway, street, alley or sidewalk. The sight triangle is measured along the curb for streets and the sidewalk/property line for driveways and alleys. The maximum fence height may be increased by 12 inches if constructed of open, decorative or ornamental fencing materials less than 50 percent opaque. Fences may not be modified so as to become solid or opaque fences except as otherwise allowed in this paragraph.
- B. All posts or similar supporting instruments used in construction of fences shall be faced inward toward the property being fenced. The side of the fence considered to be its evident finished side or face shall front adjacent property.

- C. A lot line fence constructed along or adjacent to an interior side or rear yard lot line shall not exceed six feet in height.
- D. Fences constructed within lot areas and located so as to comply with the setback requirements, as set forth in Chapter 11, may be constructed to a height not higher than six feet. Construction of a fence higher than six feet in height, that is setback within minimum building setbacks, requires Council approval and a building permit.
- E. Side, corner, rear and front yards shall have the same meaning as defined in Chapter 11.
- F. Swimming pool fences shall be not less than four feet in height.
- G. The use of barbed wire is prohibited in all districts, barbs or twisted wire may not extend above the top rail.
- H. Other materials prohibited in all districts: Razor wire; creosote lumber; concrete; chicken wire; deer fencing; plastic webbing, except as temporary erosion, traffic or other control; makeshift, flimsy material; plywood and pressed wood.
- I. No fence shall be placed below the ordinary high water mark or within a wetland. No fence shall obstruct a natural drainage way, walking path or easement.

**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, 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 six feet 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. Installation of barbed wire may be considered by the Planning Commission and Council where special circumstances exist. Planning Commission shall recommend to approve or deny a request and the decision of Council shall be conclusive.

**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 a manner as to transmit the 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 and/or Zoning Inspector shall notify the owner of the property on which a fence is located of the existence of a nuisance and a nuisance must be abated within ten days after the receiving of the notice from the 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. The lot lines shall be established within 20 days after receiving notice from the Inspector. The Building Official or Planning and Zoning Administrator may also make 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.** Fences shall be constructed with boards, chain link construction, or other suitable material firmly connected to posts sunk in the soil to a depth sufficient to properly support the fence so that it is not leaning or otherwise in a state of collapse.

**Subd. 13. Exemptions.**

- A. The provisions of this section shall not apply to any fences now erected or hereafter erected on land owned or maintained and subsequently acquired by the County Fair Board for conducting of a fair, 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.

**City Code Section 11.01 DEFINITIONS.**

**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 the yard above the height of 36 inches, and no hedge or other vegetation shall be permitted which materially impedes vision across the yard between the heights of 36 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.

**Subd. 94. YARD, REAR.** A yard extending across the rear of the lot between inner side yard lines. In the case of through lots, there will be no **REAR YARD**. In the case of corner lots, the **REAR YARD** shall extend from the inner side yard line of the side yard adjacent to the interior lot to the rear line of the half-depth front yard. Depth of required rear yards shall be measured at right angles to a straight line across the lot joining the rearmost points of the side lot lines or in the case of a dedicated alley it shall be measured from the rearmost points of the side lot lines when extended to the centerline of said alley. The forward rear yard line of a required rear yard shall be parallel to the straight line so established.

**Subd. 95. YARD, SIDE.** A yard extending from the rear line of the required front yard to the rear lot line. In the case of through lots, side yards shall extend from the rear lines of the front yards required. Width of required side yards shall be measured at right angles to a straight line joining the ends of front and rear lot lines on the same side of the lot. The inner side yard line of a required side yard shall be parallel to the straight line so established.

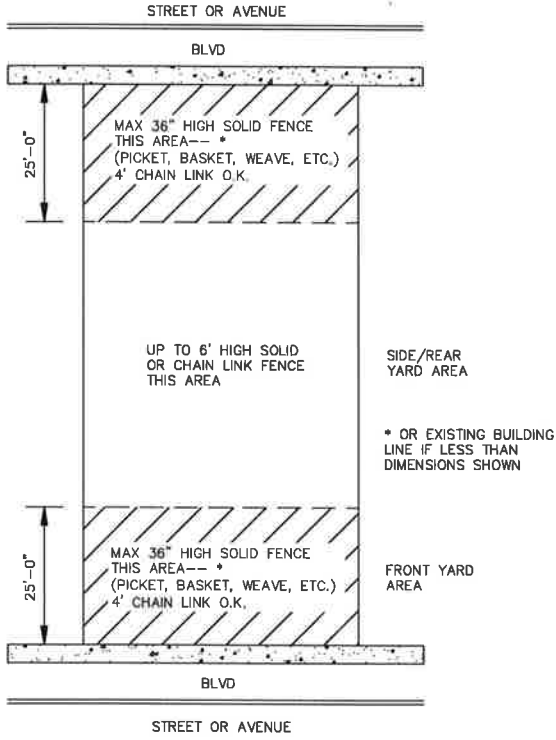
**\*\*All fence posts must face inwards. Privacy or chain link fence\*\***



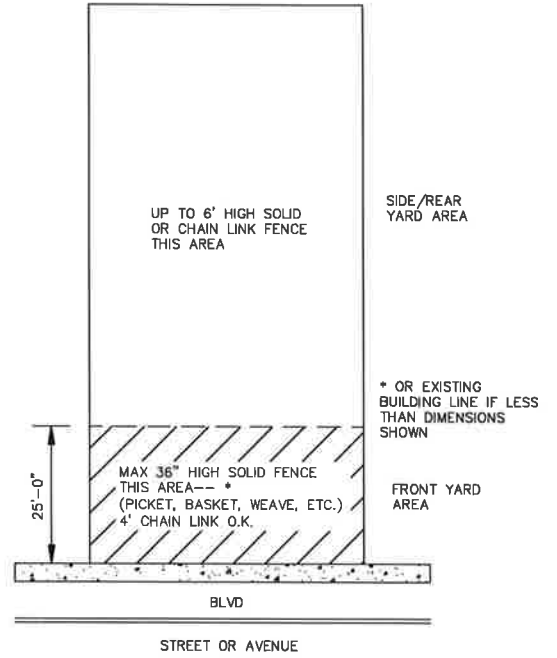
# FENCE

\*NOT TO SCALE

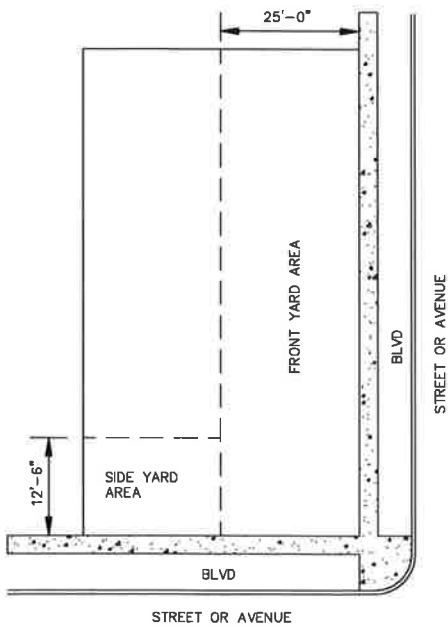
## THRU LOT



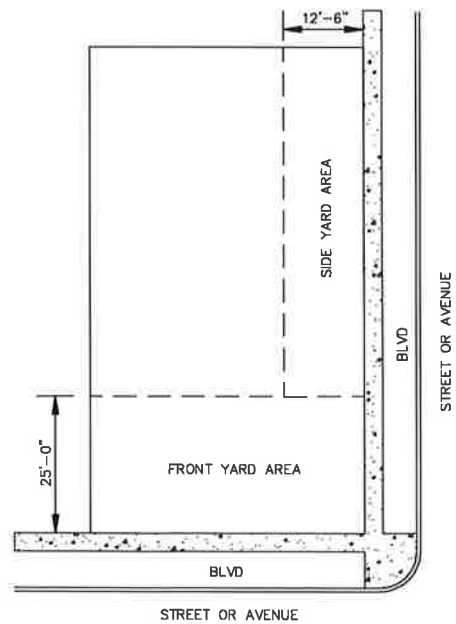
## INTERIOR LOT



## CORNER LOT



## CORNER LOT



# FENCE PLOT PLAN

ADDRESS: \_\_\_\_\_

LEGAL  
DESCRIPTION: \_\_\_\_\_

LOT BLOCK ADDITION

LINEAL FOOTAGE OF FENCE: \_\_\_\_\_ Lin. Ft.

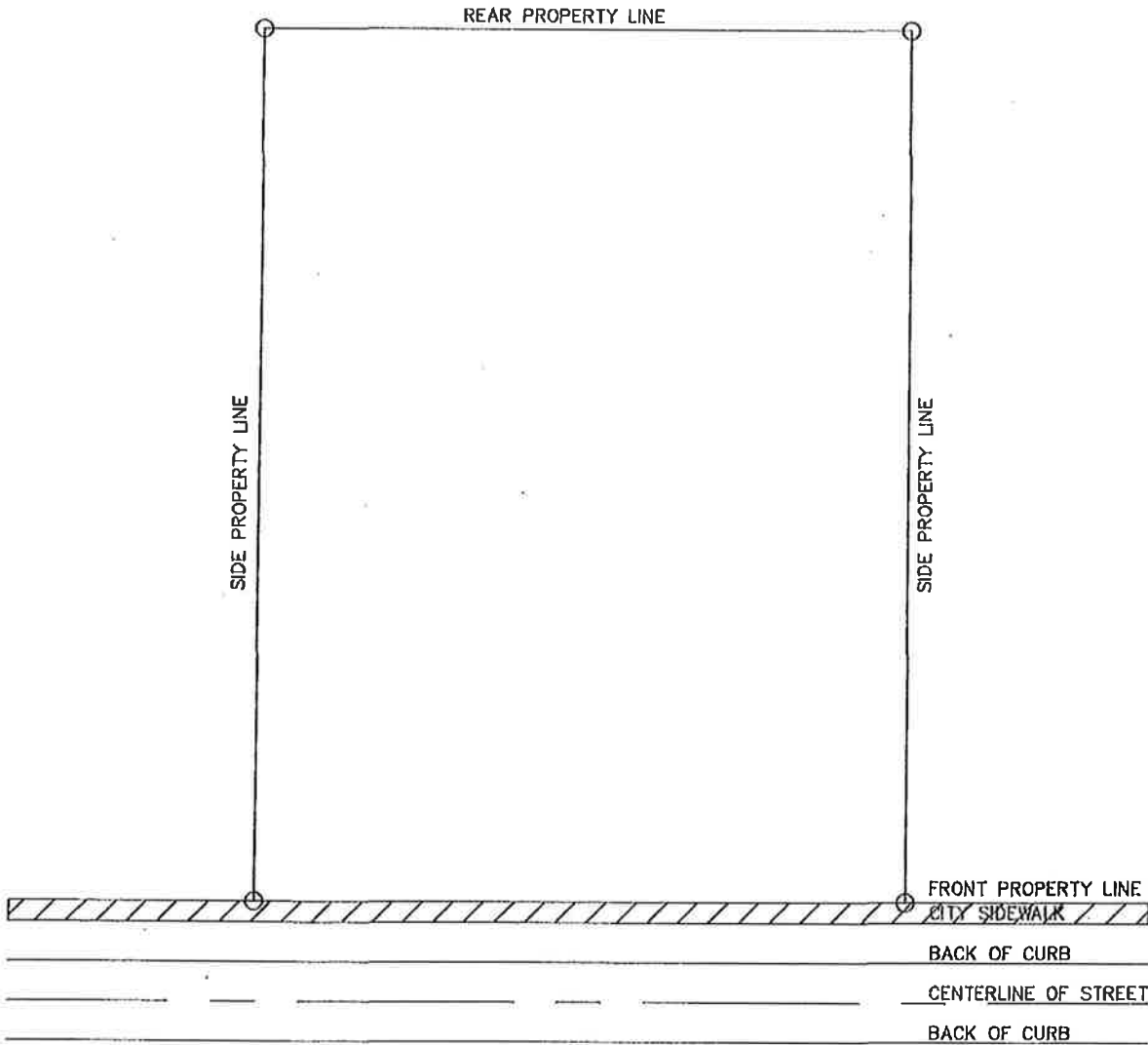
HEIGHT OF FENCE: \_\_\_\_\_ Ft. Type of Fence: \_\_\_\_\_

PROJECT VALUATION: \$ \_\_\_\_\_

### INSTRUCTIONS TO APPLICANT:

FOR OBTAINING FENCE PERMIT THE FOLLOWING INFORMATION MUST BE PROVIDED:

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



SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE: \_\_\_\_\_