

## **TITLE XVII: LOCAL LEGISLATION**

### **Chapter**

- 170. GENERAL PROVISIONS (Reserved)**
- 171. ADMINISTRATION**
- 172. PUBLIC WORKS**
- 173. TRAFFIC CODE**
- 174. GENERAL REGULATIONS**
- 175. BUSINESS REGULATIONS (Reserved)**
- 176. GENERAL OFFENSES**
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## CHAPTER 171: ADMINISTRATION

[local legislation]

**Editor's note:**

*The provisions of this chapter amend or replace corresponding sections of Title III of this code of ordinances.*

Section

***General Provisions***

171.50 Elections

***Departments, Board and Commissions***

171.75 Gas Commission

***Emergency Management (Reserved for local legislation)***

***Cross-reference:***

*Tree Board, see Ch. 174*

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**GENERAL PROVISIONS**

**§ 171.50 ELECTIONS.**

(A) *Date of election.* The regular city election shall be held biennially on the first Tuesday after the first Monday in November in every even-numbered year, beginning with the 1974 election.

(B) *Extension of terms of Council members.* The terms of the Mayor and the Councilman whose current terms will expire on the first business day of January, 1977, and those offices shall be filled at the 1976 city election.

(C) *Terms and transition.* Two Council members shall be elected for four-year terms at each biennial election commencing in 1978. One Councilman shall be elected for a four-year term at the 1974 city election. Of the three Councilmen to be elected at the 1976 election, the two candidates receiving the highest number of votes shall serve for terms of four years, and the one receiving the third highest number of votes shall serve for a term of two years. The Mayor shall be elected for a two-year term at each such election, commencing in 1976.

(Ord. 94, passed 6-11-74)

### **DEPARTMENTS, BOARDS AND COMMISSIONS**

#### **§ 171.75 GAS COMMISSION.**

(A) The city expressly accepts the provisions of the Act as set forth in M.S. §§ 412.231 to 412.391, authorizing the city to adopt an ordinance establishing a Gas Utilities Commission for the purpose of managing and operating the gas utilities of the city.

(B) A Commission is hereby established that, subject to the limitations set forth below, has the powers contained in the Act.

(C) The actions of the Commission are subject to the following limitations:

(1) The Commission shall follow the budget process for city departments as provided by the city and as implemented by the City Council and Mayor;

(2) All official actions of the Commission must be consistent with the adopted comprehensive plan of the city, if any, and any official controls implementing the comprehensive plan;

(3) The Commission shall submit all planned activities for influencing the action of any other governmental agency, subdivision, or body to the City Council for approval;

(4) The Commission shall submit its administrative structure and management practices to the City Council for approval.

(D) The powers of the Commission shall be vested in the Commissioners thereof in office at any time, a majority of whom shall constitute a quorum for all purposes. Such Commissioners shall be three in number. Each Commissioner shall serve for a term of three years and until their successors have been appointed and qualified. All of the Commissioners shall be residents of the city. Each vacancy in an unexpired term shall be filled in the same manner in which the original appointment was made. No more than one Commissioner may be chosen from the City Council membership. A certificate of appointment of each Commissioner shall be filed with the City Clerk. Whenever the membership of the Commission is changed by reason of a new appointment, a certificate of the appointment and a certified copy thereof shall be promptly filed. A certificate filed with the City Clerk shall be conclusive evidence of appointment or change of membership.

(E) The Commissioners of the Commission shall adopt bylaws and elect officers as provided in M.S. § 412.341.

(F) Nothing shall prevent the city from modifying this section to impose limitations on the powers of the Commission or to provide for other matters as authorized by the Act or other law.  
(Ord. 136, passed 7-25-96)

**EMERGENCY MANAGEMENT**

*[Reserved for local legislation]*





## CHAPTER 172: PUBLIC WORKS

[local legislation]

***Editor's note:***

*The provisions of this chapter amend or replace corresponding sections of Title V of this code of ordinances.*

Section

### ***Garbage and Rubbish***

172.50 Recycling

***Sewer Regulations***  
*(Reserved for local legislation)*

***Water Regulations***  
*(Reserved for local legislation)*

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### **GARBAGE AND RUBBISH**

#### **§ 172.50 RECYCLING.**

(A) *Definitions.* The following words and phrases, when used in this section, unless in the context clearly indicates otherwise, shall have the meanings ascribed to them in this division.

**LARGER APARTMENT COMPLEXES.** Apartments and condominiums providing for group collection of eight or more households.

**Minnesota Basic Code - Local Legislation**

**RECYCLABLE MATERIALS.** Newsprint, cardboard, glass jars and bottles, mixed aluminum and bi-metal beverage container, other aluminum, tin food cans, such plastic and other materials as may be designated by the City Council from time to time.

**RECYCLING CENTER.** Premises designated by the city as the approved site for receipt, storage and processing of recyclables.

**RECYCLING COLLECTION.** Taking up of all recyclable materials accumulated as residential properties and recycling drop boxes and the transporting of the recyclable materials to the recycling center.

**RECYCLING DROP BOXES.** Structures designated by the city in which recyclable materials shall be placed for collection from larger apartment complexes and other designated areas.

**RESIDENTIAL HOUSEHOLDER.** A person or group of persons living together as one separate family unit.

(B) *Date of collection.* The city shall designate days for collection for each residential householder which information shall be published in the legal publication of the city designated for legal publications.

(C) *Pick-up and handling.* In order to facilitate the pick-up and handling of recyclable materials by recyclable material collectors, it shall be the duty of every occupant of a dwelling house and residential household who participates with the recycling program to separate from wet garbage and other refuse, recyclable which shall be prepared by the residential householder for pick-up as follows:

(1) Recyclable materials shall be prepared for collection as follows:

(a) Newsprint and non-glossy paper: Placed in a recycling bin, paper bag, or tied in bundles. Newsprint shall be bound or otherwise packed sufficiently to keep it intact when being handled or placed on the curb and shall be protected from the elements as much as possible. Newspaper ads can be left inside newspaper. All other glossy magazines should be bundled separately.

(b) Glass jars and bottles: Caps and rings removed, rinsed, placed in a recycling bin, paper bag or cardboard box.

(c) Aluminum and bit-metal beverage containers and tin food cans: Labels removed, rinsed and placed in a recycling bin, paper bag or cardboard box.

(d) Cardboard (either pressed or corrugated): Flattened and placed in a paper bag or tied in bundles no larger than three feet in length and two feet in width and not over one foot in depth and not over 60 pounds in weight.

(e) Plastic: Caps and rings removed, rinsed and placed in a recycling bin, paper bag or cardboard box.

(f) The recyclables shall be separated for collection as follows:

1. One paper bag shall contain newspapers and cardboard.
2. One paper bag shall contain only plastics.
3. One paper bag shall contain only tin cans, aluminum cans.
4. One paper bag shall contain only glass.

(2) The residential householder shall deposit said recyclable for collection at the normal place where their garbage is collected.

(3) Owners of apartment buildings or residential rental units must provide recycling drop boxes for the residents of their building.

(D) All recyclable materials placed for collection shall be owned by and be the responsibility of the occupants of the residential properties. Once said containers containing the recyclable materials have been picked up, said recyclable materials shall become the property of the county.

(E) It shall be unlawful for any person to mix garbage or other refuse with recyclables when placed for collection of recyclables.

(F) It shall be unlawful for any person to scavenge, disturb, or remove recyclables which have been placed on curbside or other designated place for collection by anyone other than the other or licensed commercial hauler.

(G) The removal and disposal of garbage may be let by the City Council by contract or done by persons employed for this purpose. Such contract shall be let after one week of publication in the official paper of the city. The garbage shall be disposed of in the manner provided for in the contract or employment, by sanitary methods, without creating any public or private nuisance and in a manner approved of by the state pollution control agency.

(H) The City Council shall by resolution establish and determine the amount to be paid by the persons benefitted by garbage, yard waste and recyclables collection and disposal; time and method of payment; the classes of persons benefitted; and may make all the rules and regulations necessary and convenient in connection therewith. Payments may be required to be made in advance of service. After rates are established and determined, they shall not be raised until notice of proposed raising of rates

has been given by the City Council by publishing a notice of the time and place when and where such proposition shall be presented to the City Council which notice shall be published at least once in the official paper of the city, and the first publication shall be at least seven days before such meeting. Any interested person may appear for or against the proposition and shall be heard by the City Council. The rates established shall be uniform and reasonable.

(Ord. 129, passed 8-2-93)



## CHAPTER 173: TRAFFIC CODE

[local legislation]

***Editor's note:***

*The provisions of this chapter amend or replace corresponding sections of Title VII of this code of ordinances.*

Section

***Traffic Regulations***

173.01 Trucks

***Parking Regulations***

173.10 Parking

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***TRAFFIC REGULATIONS***

**§ 173.01 TRUCKS.**

(A) The City Council hereby ordains that commercial vehicles in excess of 10,000 pounds axle weight are prohibited on all city streets except as noted in division (D). The Chief of Police shall issue citations to those persons who violate this section.

(B) Any person, firm or corporation who violates any provision of this section which is designated to be a petty misdemeanor shall, upon conviction, be guilty of a petty misdemeanor. The penalty which may be imposed for any petty offense which is a petty misdemeanor shall be a sentence of a fine of not more than \$200.

(C) The costs of prosecution may be added. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

(D) The weight restrictions established in division (A) shall not apply to city or emergency vehicles, public school buses, garbage trucks or other trucks making regular collections and are under contract with the city, nor shall the weight restriction in division (A) apply if a commercial vehicle must use the particular street in question for the purpose of local pick-up or delivery. These vehicles also shall not be parked in the city, on any street for a period of more than one hour. This section shall not apply to trucks hauling construction materials.

(Ord. 00-005, passed 7-5-00)

### ***PARKING REGULATIONS***

#### **§ 173.10 PARKING.**

(A) It shall be unlawful to park any vehicle on the following streets between the hours of 2:00 a.m. and 6:00 a.m. each day:

- (1) Broadway between 1st Avenue and 4th Avenue;
- (2) Second Street between 1st Avenue and 4th Avenue;
- (3) First Avenue between Broadway and the alley on Block 6 of the original plat, City of Goodhue;
- (4) Second Avenue between Broadway and the alley on Block 5 of the original plat, City of Goodhue;
- (5) Third Avenue between Broadway and the alley on Block 4 of the original plat, City of Goodhue.

(B) Any violation of this section shall be enforced by the City of Goodhue Police Department or an authorization of the city. Violators shall be subject to have their vehicles towed, with all costs paid for the violator, and/or a fine of \$200.

(Ord. 139, passed 9-9-98)

## CHAPTER 174: GENERAL REGULATIONS

[local legislation]

***Editor's note:***

*The provisions of this chapter amend or replace corresponding sections of Title IX of this code of ordinances.*

Section

### ***General Provisions***

- 174.01 Sidewalks
- 174.02 Wood burning stoves
- 174.03 Background checks

### ***Trees***

- 174.15 Definitions
  - 174.16 Tree Board
  - 174.17 Planting of trees or shrubs on public right-of-way prohibited.
  - 174.18 Street tree species to be planted
  - 174.19 Spacing and location of street trees
  - 174.20 Public tree care
  - 174.21 Tree topping
  - 174.22 Dead or diseased tree removal on private property
  - 174.23 Interference with City Tree Board
  - 174.24 Arborists license and bond
  - 174.25 Destruction of trees on public property
  - 174.26 Right of review by City Council
- 174.99 Penalty
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**GENERAL PROVISIONS****§ 174.01 SIDEWALKS.****(A) Maintenance (snow, ice, debris).**

(1) It shall be the primary responsibility of the homeowner of sidewalks abutting or adjacent to their properties to remove all snow and ice remaining on the sidewalk and such snow and ice is hereby declared to be a public nuisance and shall be abated by the owner of the abutting property within 24 hours after such snow or ice has ceased to be deposited.

(2) The city may cause to be removed from all public sidewalks beginning 24 hours after the snow or ice has ceased to fall, all such snow, ice and debris. The city shall keep a record of the costs of such removal in the private property adjacent to which such snow and ice were found or removed.

(3) The City Clerk shall, upon direction of the Council and receipt of the information provided for the proceedings of the subdivision, extend the costs of such removal of snow or ice as a special assessment against the lots or parcels of ground abutting on walks which were cleared and such special assessments shall at the time of certifying the taxes in Goodhue County Auditor be certified for collection as other special assessments are certified and collected. The City Clerk shall, in the alternative, upon direction of the Council, bring suit in a court of competent jurisdiction to recover from a person owning land adjacent to which sidewalks were cleared as provided in division (2) the cost of such clearing and the costs and disbursement of the civil action thereof.

**(B) Removal and/or replacement.** It shall be the primary responsibility of the city to repair and maintain the surface of sidewalks in the city in a manner as is up to the City Council's discretion. Should the Council decide to repair or replace any section of sidewalk, the Council shall pay all costs associated therewith, including removal, replacement and all engineering costs.

**(C) Sidewalks in new subdivisions.** The city reserves the right to require that sidewalks be installed in new subdivisions. If, sidewalks are installed in new subdivisions in the city, it shall be the primary responsibility of the developer and/or owner of the lot to pay for the initial installation of such sidewalks. After their initial installation, the city shall then be responsible for any such repair and replacement in the future.

(Ord. 138, passed 6-10-98)

**Cross-reference:**

*Streets and sidewalks, see Ch. 93*



**§ 174.02 WOOD BURNING STOVES.**

- (A) No outside wood stoves shall be allowed in the city.
- (B) Outside wood stoves shall be defined as a free standing outside device designed to burn wood, wood pellets, or other combustible material.
- (C) No person shall operate any outside wood stove after the publication of the ordinance on which this section is based.
- (D) Failure to comply with the provisions of this section shall subject the violator to a misdemeanor charge.
- (E) It shall be a separate violation for each day that the violation continues.
- (F) This section shall not affect wood stoves that are currently in place as of the publication date of the ordinance on which this section is based.

(Ord. 145, passed 5-29-03)

***Cross-reference:***

*Open burning, see §§ 92.60*

**§ 174.03 BACKGROUND CHECKS.**

(A) Any owner or resident manager of rental property who has completed Phase 1 of the Crime Free Multi-Housing training and is actively working towards full certification, may request that the Goodhue Police Department conduct a criminal history/background investigation of a prospective tenant as provided under division (B) below. Such request shall be on a form approved or provided by the Police Department and shall be accompanied by an investigation fee established by resolution of the City Council.

(B) The Police Department shall conduct criminal history/background investigations on prospective tenants in rental property within the city upon request of the owner or resident manager of such property as provided in division (A) above. No such investigation shall be conducted using the state Criminal Justice Data Communications Network (CJDN) and no information obtained from the CJDN shall be disseminated unless the landlord presents a signed informed consent/waiver form from the prospective tenant in a form acceptable to the Police Department and in conformance with the requirements of the Minnesota Data Practices Act.

(Ord. 140, passed 11-11-00)



**TREES****§ 174.15 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**PARK TREES.** Trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the city, or to which the public has free access as a park.

**STREET TREES.** Trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenues, boulevards or within the city.

**TREE SIZES.** A "small tree" shall be defined as any plant material that will grow to a mature height of 30 feet; a "medium tree" shall be defined as any plant material that will grow to a mature height of 50 feet; and a "large tree" shall be defined as any plant material that will grow to a mature height of over 50 feet.

(Ord. 130, passed 11-11-93)

**§ 174.16 TREE BOARD.**

(A) *Tree Board.* There is hereby created and established a City Tree Board for the City of Goodhue, which Board shall consist of seven members who shall be appointed by the Mayor with the approval of the City Council.

(B) *Members.* The persons to be appointed by the Council to the City Tree Board shall hold office for a term of two years, with member terms staggered so that no more than four members are replaced in a given year.

(C) *Compensation.* Members of the Tree Board shall serve without compensation.

(D) *Duties and responsibilities.* It shall be the responsibility of the City Tree Board to study, investigate, counsel, develop and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs, in parks, along streets and in other public areas. The plan shall be presented to the Council, and following review and approval by the same shall constitute the official, comprehensive city tree plan. The Board when requested by the Council, shall consider, investigate, make findings, report and recommend upon any special matter of question coming within the scope of its work.

(E) *Officers.* The Board shall choose its own officers, make its own rules and regulations, and keep a journal of its proceedings. A majority of the members shall constitute a quorum for the transaction of any business.

(Ord. 130, passed 11-11-93)

**§ 174.17 PLANTING OF TREES OR SHRUBS ON PUBLIC RIGHT-OF-WAY PROHIBITED.**

(A) The planting of trees on public rights-of-way, including streets, boulevards, and the like, has caused the city numerous problems by the breaking up of sidewalks, curbs, gutters, streets and the like, and has resulted in the needless expenditure of public and private funds to remedy the damages. Therefore, the City Council wishes to prevent such future damage by prohibiting the planting of trees and shrubs upon public rights-of-way.

(B) From and after passage of this section, according to law, no person shall plant or cause to be planted upon a public right-of-way including but not limited to, streets, sidewalks, boulevards and the like, any tree or trees, shrub or shrubs, or any similar plant. Grass or grasses are specifically excluded from this prohibition.

(C) The City Council may grant permission to person or persons to plant trees and shrubs on a public right-of-way if the Council does decide such planting to be in the best interests of the city.

(D) The City Council has the right to order removal of any planting in violation of this section, and any person who shall do any act forbidden by this section shall be punishable by a fine of \$300.  
(Ord. 119, passed 11-12-87)

**§ 174.18 STREET TREE SPECIES TO BE PLANTED.**

No species may be planted on the public property of the city without the prior written permission of the City Tree Board. Prior to the Tree Board taking action, it shall review all request for planting to assure that the species are appropriate. The Tree Board shall submit written reports to the City Council on those matters of special requests by the Council prior to taking official action.

(Ord. 130, passed 11-11-93) Penalty, see § 174.99

**§ 174.19 SPACING AND LOCATION OF STREET TREES.**

(A) *Spacing.* The spacing of street trees shall be in accordance with tree species size classes provided in this subchapter, and not trees may be planted closer together than as follows except in special plantings designed or approved by the City Tree Board:

- (1) Small trees—30 feet;
- (2) Medium trees—40 feet;
- (3) Large trees—50 feet.

(B) *Location.* The distance trees may be planted from curbs or curblines and sidewalks shall be in accordance with the tree species size class listed in § 174.15, and no trees may be planted closer to any curb or sidewalk than the following:

- (1) Small trees—two feet;
- (2) Medium trees—three feet;
- (3) Large trees—four feet.

(C) *Corners, fireplugs and driveways.* No street tree shall be planted closer than 35 feet to any street corner, measured from the point of nearest intersecting curbs or curblines. No street tree shall be planted closer than 15 feet to any fireplug, nor 5 feet from any driveway.

(D) *Utilities.* No street trees other than those defined as “small trees” in § 174.15 may be planted under, or within ten level feet of any overhead utility wire; or over or within ten lateral feet of any underground water line, sewer line, transmission lines, or other utility.  
(Ord. 130, passed 11-11-93) Penalty, see § 174.99

## § 174.20 PUBLIC TREE CARE.

(A) *Care of street trees.* The city shall have the right to plant, prune, maintain, and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds as may be necessary to ensure the public safety or to preserve or enhance the symmetry and beauty of such public grounds. No other planting may be done without consent of the City Tree Board.

(B) *Removal of trees endangering utilities or other public improvements.*

(1) The City Tree Board may remove or cause or order to be removed any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvement, or is affected with any injurious fungus, insect or other pest.



(2) Every tree overhanging any street or right-of-way within the city shall be pruned so that the branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection, and so that there shall be a clear space of at least 14 feet above the street or sidewalk. Dead, diseased, or dangerous trees, or broken or decayed limbs which endanger the safety of the public shall be removed.

*(C) Trees on private property.*

(1) The City Tree Board shall have the authority to order the trimming, treatment, and removal of trees, shrubs or plants upon private property when such action is deemed necessary to public safety or to prevent the spread of disease or insect to trees, shrubs or plants located on private property. Any tree or shrub situated upon private property, but so situated as to extend its branches over the improved portion of a public street or highway easement, shall be trimmed by the owner of the real property upon which the same is located, so that there is a clear height of at least 14 feet over that portion of such easement that is used for vehicular traffic and/or pedestrian travel, and such persons shall remove dead or diseased branches or stubs of trees which are or may become hazardous to the public use of such easement. Any trees obstructing traffic control signs or devices from the view of the pedestrian or motorist shall be pruned to a height established by the City Tree Board to ensure proper safety of motorists and pedestrians.

(2) All orders to trim, remove, or treat trees, shrubs, or plants given pursuant to this section, shall be in writing and shall be served in person or by first class mail upon the owner of the property where such trees, shrubs or plants are located. Such orders shall afford the owner of the property not less than 14 days from the date of the mailing of such notice to comply with such order. It shall be unlawful for any owner of property receiving such an order to fail to comply with the order in the time specified.

(3) If the required action is not taken by the property owner within the specified time, the City Tree Board may cause the trees, shrubs, or plants concerned to be trimmed, removed, or treated with the costs being borne by the property owner. If not voluntarily paid to the city by such owner, the costs of such trimming, removal or treatment may be recovered by the city by special assessment upon the property owner.

(Ord. 130, passed 11-11-93) Penalty, see § 174.99

**§ 174.21 TREE TOPPING.**

It shall be an unlawful practice for any person, firm or city department to top any street tree, park tree or other tree on public property without authorization from the City Tree Board. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown, to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by

storms or other causes, or certain trees under utility wires or obstructions where other pruning practices are impractical may be exempted from this section at the determination of the City Tree Board.

(Ord. 130, passed 11-11-93) Penalty, see § 174.99

#### **§ 174.22 DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY.**

The city shall have the right to cause the removal of any dead or diseased trees on private property within the city.

(Ord. 130, passed 11-11-93)

#### **§ 174.23 INTERFERENCE WITH CITY TREE BOARD.**

It shall be unlawful for any person to prevent, delay or interfere with the City Tree Board, or any of its agents, while engaged in and about the planting, cultivating, mulching, pruning, spraying, or removing any street trees, park trees or trees on private grounds as authorized by this subchapter.

(Ord. 130, passed 11-11-93) Penalty, see § 174.99

#### **§ 174.24 ARBORISTS LICENSE AND BOND.**

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing trees within the city without first applying for and procuring a license. The license fee shall be \$25 annually in advance; provided, however, that no license shall be required of any public utility company, or its agents, or city employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$50,000 for bodily injury and \$100,000 for property damage, indemnifying the city or any person injured, or damage resulting from the pursuit of such endeavors as herein described.

(Ord. 130, passed 11-11-93) Penalty, see § 174.99

#### **§ 174.25 DESTRUCTION OF TREES ON PUBLIC PROPERTY.**

It shall be unlawful for any person to remove, alter, or destroy any street tree or park tree without the prior authorization of the City Tree Board.

(Ord. 130, passed 11-11-93) Penalty, see § 174.99



**§ 174.26 RIGHT OF REVIEW BY CITY COUNCIL.**

Any person aggrieved by any ruling or order by the City Tree Board may appeal to the City Council, which shall hear the matter and make a final decision. The City Council shall have the right to review the conduct and decisions of the City Tree Board. The City Council may modify, affirm or reverse any determination of the City Tree Board.

(Ord. 130, passed 11-11-93)

**§ 174.99 PENALTY.**

Any person, firm or corporation who violates any provision of §§ 174.15 *et seq.* shall be guilty of a misdemeanor and may be punished by a fine of not more than \$700 or imprisonment for not more than 90 days, or both. In addition thereto, the costs of prosecution may be imposed upon the defendant, and the court shall order restitution to the city for damage to the tree or public property.

(Ord. 130, passed 11-11-93)

## CHAPTER 177: LAND USAGE

[local legislation]

***Editor's note:***

*The provisions of this chapter amend or replace corresponding sections of Title XV of this code of ordinances.*

Section

***Permits and Requirements for Fences, Walls or Hedges***

- 177.01 Application
- 177.02 General requirements
- 177.03 Residential regulations
- 177.04 Variance
  
- 177.99 Penalty

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### ***PERMITS AND REQUIREMENTS FOR FENCES, WALLS OR HEDGES***

#### **§ 177.01 APPLICATION.**

The requirements of this subchapter shall apply to all new or replacement fences, walls, or shrubbery erected or installed from and after the effective date of this subchapter, but shall not apply to the mere repair of existing fences.

(Ord. 152, passed 5-12-04)

#### **§ 177.02 GENERAL REQUIREMENTS.**

(A) All fences of more than 30 inches in height shall require a building permit.

(B) No fence shall contain barbed wire.

(C) No fence shall be charged with electric current.

(D) No fence, wall, or other obstruction to vision above a height of 30 inches from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between the right-of-way lines at a distance along each line of 25 feet from their point of intersection.

(E) Fences must be maintained so as not to endanger life or property and any fence which through lack of repair, type of construction or otherwise that imperils health, life or property, or the well-being of a neighborhood shall be deemed a nuisance.

(F) All fences must be located on the private property of the person, firm, or corporation constructing the fence.

(G) All fences must comply with all other requirements of law as it applies to fence installation and materials.

(Ord. 152, passed 5-12-04) Penalty, see § 177.99

### § 177.03 RESIDENTIAL REGULATIONS.

(A) *Prohibited material.* No fence or wall shall be constructed of any electrically charged element or barbed wire.

(B) *Approved material.* All fences in residential districts shall be constructed of stone, brick, finished wood, chained link, and vinyl. The finished side of the fence, or that side of the fence without exposed support or posts, shall face the neighboring property or streets.

(C) *Side and rear yard requirements.* No fence or wall located in a side or a rear yard shall be of height exceeding four feet, measured from its top edge to the ground at any point.

(D) *Front yards.* No fence or wall shall be located in a front yard.

(E) *Maintenance.* Every fence or wall shall be maintained in a good and safe condition at all times. Every damaged or missing element of any fence or wall shall be prepared or replaced immediately.

(F) *Setbacks.* A fence may be located within five feet of a property line. No fence, wall, hedge, or other screening device shall be permitted to encroach on any public right-of-way.

(Ord. 152, passed 5-12-04) Penalty, see § 177.99

**§ 177.04 VARIANCE.**

Any deviation from the provisions of this subchapter shall require a variance. If a variance is requested, the variance shall be considered in accordance with the zoning variance procedures and fees for this variance will be in accordance with the zoning variance fee.  
(Ord. 152, passed 5-12-04)

**§ 177.99 PENALTY.**

Violation of any provisions of §§ 177.01 through 177.04 of this chapter shall be a misdemeanor and shall be punishable as provided by Minnesota Law.  
(Ord. 152, passed 5-12-04)