

CITY OF AURORA
ORDINANCE NO. 57, 2ND SERIES

AN ORDINANCE OF THE CITY OF AURORA, MINNESOTA, REPEALING CITY CODE CHAPTER 11, SECTION 11.76 ENTITLED "LANDSCAPING, FENCING AND SCREENING IN THE R-1, R-2 AND R-2A DISTRICTS" IN ITS ENTIRETY AND AMENDING CHAPTER 11 BY ADDING SECTION 11.76 ENTITLED "FENCES"

THE CITY COUNCIL OF AURORA, MINNESOTA, DOES ORDAIN AS FOLLOWS:

SEC. 11.76. FENCES.

Subd. 1. Permit Required. No person shall erect a fence without first having received a zoning permit.

Subd. 2. Prohibited Fences. Except as specifically provided below in Subd. 3, the following types of dangerous or hazardous fences shall not be permitted in the City:

- A. Barbed wire fences;
- B. Electrical fences;
- C. Spiked fences;
- D. Fences with broken glass or other sharp points imbedded;
- E. Any other type of fence that could result in injuries to persons climbing over; and
- F. Fences that are leaning in such a manner that an angle of 15 degrees or more is produced when measured from the vertical.

Subd. 3. Exceptions for Hazardous Fencing. Hazardous or dangerous fences, such as those listed in subd. 2. above, shall only be permitted in the city for the following uses:

- A. Public utility structures (at least eight feet above grade level); and
- B. Communication support structures (at least eight feet above grade level).

Subd. 4. General Requirements:

A. All fences shall be maintained in good and sound condition and shall not create a harborage for rodents.

B. No fence shall be constructed in such a manner as to impede or alter the natural surface water drainage of the property upon which the fence is constructed or any adjoining property.

C. If a fence is to be painted, it shall be painted with a non-lead base paint.

D. The finished side of all fences shall face out.

E. No fence in a residential district may exceed six feet in height.

F. In any residential district, except as provided in (G) below, no fence shall be constructed in a front setback past the front building line.

G. In any residential district, an open fence may be erected on a premise anywhere, including the front setback past the building line and the front and side setbacks past the building lines in the case of corner lots. The height of such fences shall not exceed four feet.

H. Fences or screening on a side lot line common with an adjoining property may be placed upon the lot line where the owners of the subject properties agree to the type, size, placement and maintenance thereof.

I. Fencing and screening shall not be placed or encroach within 5 feet of any underground or above ground utility located within a utility easement.

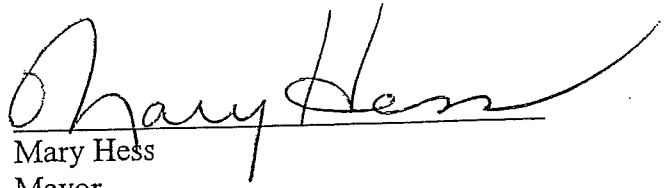
J. Fences that are constructed in a nonresidential district may be either open or solid fences and shall not exceed eight feet in height.

K. Any fence erected around a recreational activity, such as a tennis court or a baseball backstop, may exceed the height requirement set forth in this section.

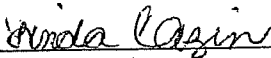
Subd. 5. Non-Conforming Use. Should an applicant request a permit for a fence that does not meet the requirements listed in Subd. 4, they may apply for a variance. As part of this application, the applicant shall explain in writing how the proposed fence does not meet the general requirements of Subd. 4 and why those requirements cannot be met.

This ordinance shall be in full force and effective from and after its passage and approval and publication as provided by law.

Passed and adopted by the Council of the City of Aurora, County of St. Louis, State of Minnesota on the 3rd day of August, 2010.


Mary Hess
Mayor

ATTEST:


Linda Cazin
Clerk/Treasurer

Published in the Range Times on 8/12/10

SEC. 11.99. VIOLATION A MISDEMEANOR. Every person violates a section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

Source: Ordinance No. 129

Effective Date: 4-24-76