



Date: _____ PID#: _____

Property Owner: _____

Property Address: _____

Phone Number: _____ Email Address: _____

Legal Description: Lot: _____ Block: _____ Subdivision: _____

Description of the Fence Material: _____

Description of the Fence Location and Height: _____

Is the site plan attached to this application form, indicating property lines, Existing structures, and proposed fence details (setbacks, height, gate(s), etc) Yes ___ No ___

- It is the property owner's responsibility to locate property lines/corner pins and mark for the Zoning Administrator
- A fence cannot be located in the right-of-way
- A fence may be placed within an easement, but if access is required, it shall be at the property owner's expense to remove and re-install any portions of a fence
- Applicant must contact Gopher State One-Call before digging
- Applicant must contact the Building Inspector after the fence is constructed for an inspection.
 - Warren City Office 218-745-5343

I acknowledge that I have received a copy of the fence regulations, agree to the above statements, and ensure that the fence will be constructed in accordance with the approved plans and regulations set forth.

Signature: _____ Date: _____
(Property Owner Signature)

For City Use Only

A few things to remember:

- It is the property owner's responsibility to know where their property lines are. The City cannot locate property lines. Where the property line is not clearly defined, a Certificate of Survey may be required (See *Locating Property Lines*).
- Fence must be 3 feet from adjoining property lines, unless the owner: (1) has a Certificate of Survey and the neighboring property owner agrees in writing through the *Property Line Fence Location Agreement*; OR (2) property pins located and the neighboring property owner agrees in writing through the *Property Line Fence Location Agreement*.
- Fences may be placed in utility easements with the understanding that they will be removed at the owner's expense if access is required. Fences cannot be in the Right-Of-Way.
- A metal detector may be needed to help locate corner pins.
- Ask you neighbors if they have recently located corner pins for their properties.
- Once a pin is found, you can measure from that point to try and find the other corner pins.
- If you do locate a corner pin, do not disturb its location. It is a misdemeanor violation of Minnesota law.
- Sometimes a corner pin is no longer in place or has been moved due to erosion, construction, landscaping, or other action.
- A registered land surveyor may need to be hired to either locate property pins/lines or set new property corner pins. It is ultimately the property owner's responsibility. Only a licensed land surveyor can determine your actual property line, and a survey is the only document that can accurately show your property lines. While it may seem expensive to hire a surveyor, it may be cheaper than relocating improvements or legal costs caused by encroachment.
- Do not rely on measuring from the middle of the street or curb to identify property lines: right-of-way, street, and boulevard widths vary across the city. This method should only be used as a starting point to look for corner pins.

The City of Warren assumes no liability for accuracy. It remains the property owner's responsibility to seek a registered land surveyor for reliable proof of the precise location of property lines.



PROPERTY LINE FENCE LOCATION AGREEMENT

(To be utilized when a fence is proposed up to or on a property line adjoining another property)

THE AGREEMENT, made this ____ day of _____, 20__ by and between _____ (Property Owner #1) of said described property:

Address and legal description of property: _____

And _____ (Property Owner #2) of said described property:

Address and legal description of property: _____

1. The above mentioned owners hereby mutually agree to allow for the construction of fencing up to or on the shared lot line of the properties described above and have agreed on the location of the fence.
2. The terms of this agreement shall be permanent until such time as the owners authorize different requirements by written agreement.
3. This agreement does not constitute a relocation of a "practical location" of the shared lot line of the owners' properties as described in the public records of the County Recorder.
4. This agreement shall be binding upon the parties hereto and their heirs, successors, and assigns.

IN TESTIMONY WHEREOF, the owner(s) have set their hands as of the day and year first above written.

(Property Owner #1 Signature and Date)

(Property Owner #2 Signature and Date)

(Property Address)

(Property Address)

(Phone Number)

(Phone Number)

ORDINANCE CHAPTER 153.18
ZONING FOR FENCES, HEDGES, WALLS, AND OBSTRUCTIONS

Section 153.18. FENCES, HEDGES, WALLS, AND OBSTRUCTIONS IN ALL DISTRICTS. This section is intended to provide for the regulation of the height and location of fences, walls, and similar obstructions, for the purpose of providing for light, air, and privacy and safeguarding the public welfare by preventing visual obstructions at street and highway intersections.

(A) **Permits Required.** All permanent fence and wall construction shall require a permit from the Zoning Administrator upon review of a completed fence permit application.

(B) **Height.** For the purpose of this section, height shall mean the vertical distance from existing grade to the top of the fence, hedge, or wall, except in the front and side yard setback where the finished grade is lower than the existing grade, height shall be measured from the finished grade.

1. **All Residential Districts. Front and Corner Yard Setbacks.** No fence, hedge, or wall over thirty-six (36) inches in height shall be permitted within any required front and corner setback.

2. **Rear and Side Setbacks.** No fence (see exceptions below), hedge, or wall greater than six (6) feet in height shall be permitted within any required rear setback or side setback. Should the rear lot line be common with the side lot line of an abutting lot, that portion of the rear lot line equal to the required front yard of the abutting lot shall not be fenced to a height of more than thirty-six (36) inches.

3. **Corner Lots in All Districts.** No fence, hedge or wall over thirty-six (36) inches in height shall be permitted within the clear view triangle of an intersection as is described below in this section (Section 153.10 "Schedule of Uses")

4. **Business and Industrial Districts.** Fences and walls located in business and industrial districts that exceed the height of eight (8) feet, measured from its top edge to the ground at any point, shall require a Conditional Use Permit.

5. **Outdoor Recreation Fences.** Fences up to ten (10) feet in height may be permitted to enclosed recreation areas provided all other requirements of this Ordinance are met, and shall not require a conditional use permit where a recreation area is permitted as an accessory use or when the area is given a conditional use permit. Such fences, if they exceed six (6) feet in height must be constructed to have fifty (50) percent or less of solid material.

6. **Swimming Pool Fences.** See Section 153.18 F below for height requirements.

(C) **Location.**

1. All fences and walls must be installed no closer than thirty-six (36) inches from property lines unless a Property Line Fence Location Agreement is fully executed. All hedges shall be planted no closer than thirty-six (36) inches from property lines. It is the property owner's responsibility to locate the property lines.

2. No fence, wall or hedge may be placed in a public right-of-way. It is the property owner's responsibility to locate the public right-of-way lines. No fence shall be installed within 10 feet of a utility box.

3. Fences, walls and hedges, on corner lots, are subject to traffic visibility requirements as discussed in Section 153.10.

(D) Construction. All fences hereafter erected shall have the structural components thereof facing the side of the property for and on which the same are erected.

(E) Prohibited Fences. The following fences are prohibited:

1. Barbed Wire Fences. No fence constructed wholly or in part of barbed wire shall be located in the City, except in any industrial, utility areas, and Ag Districts. Within these industrial and utility areas, the barbed wire fence may be placed above the top of other fencing not less than six feet, six inches high and none of which may be within five feet of any public street, alley or sidewalk. Within Ag Districts, barbed wire fences may be used to fence in livestock. Barbed wire fences shall require a Conditional Use Permit.

2. Snow fences, except for exclusive control of snow between November 1 and March 31 or authorized by the Zoning Administrator for special events and construction sites.

3. Chicken wire, welded mesh wire and electrically charged wire fences unless the fence is erected around a garden only to protect from wildlife.

4. Fences made of solid plywood, scrap lumber, temporary fencing and similar non-customary materials.

5. Fences made of common concrete or cinder block.

6. Fences on any portion of any public right-of-way, except fences erected by a governmental entity.

7. Fences so constructed as to prevent natural water drainage and/or water runoff.

(F) Swimming Pools and Hot Tubs. Every owner of an outdoor swimming pool or hot tub located in the City shall erect and maintain a fence or barrier of not less than four (4) feet in height nor more than eight (8) feet in height around such swimming pool of such construction as to safeguard the area. The fence should have a maximum clearance from the ground of three inches; and shall be equipped with self-closing door and latches not less than four (4) feet above the ground. All fencing shall be in place and approved by the City's Zoning Administrator before water is run into the pool.

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

Section 153.19. RETAINING WALLS.

(A) Purpose. The purpose of this section is to protect public and private property from the effects of poorly designed and constructed retaining walls.

(B) Permit Required. A permit shall be required for all retaining walls constructed that exceed

thirty inches (30") in height, including terraced retaining wall projects where the total height of all walls exceeds thirty inches (30"), and are closer than fifteen (15) feet to a property line. The height requirements shall meet the requirements of Section 153.10, intersection visibility obstructions.

(C) Application. Application shall be made to the Zoning Administrator on forms provided and shall include a site plan and a set of construction plans. Plans signed by a professional engineer registered in the State and/or other information necessary to adequately review the proposed retaining wall may also be required by the Zoning Administrator.

(D) Setbacks. Setbacks for retaining walls shall be the same as for fences.

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


EFFECTIVE DATE. This ordinance of the City of Warren shall be effective upon its approval and publication.

ADOPTED by the City Council this 12th day of September, 2017.



David Erickson, Mayor

ATTEST:



Shannon R. Mortenson
City Administrator/Clerk-Treasurer