



# City of Ham Lake

15544 Central Avenue NE • Ham Lake, MN 55304  
Building Dept. 763-235-1691 Fax 763-235-1697  
Email: bldgdept@ci.ham-lake.mn.us

## FENCES AND HEDGES REQUIREMENTS

### 11-200 FENCES AND HEDGES

#### 11-210 Definitions

For the purposes of this Code, the following terms shall have the meanings herein stated:

- A. **Fence.** Any structure which is 36 inches or more in height, and a length of 6 feet or more, which is composed on non-living materials which cover the entire area bounded by said height and length criteria;
- B. **Hedge.** Any grouping of vegetation which creates a visual barrier of a substantially opaque nature for a length of 6 feet or more and for a height of from ground level to 36 inches above ground level;
- C. **Front Yard.** The area between the public street right-of-way line and the minimum required building setback line, as measured along any side of a lot. Lakeshore properties shall be considered on both lakeside and roadside to be front yards.
- D. **Side Yard.** The area between the front yard and back yard of any lot;
- E. **Back Yard.** The area lying to the rear of the rear building line of the principal structure on any lot;
- F. **Principal Structure.** In the case of property used wholly or partially for residential purposes, the principal structure shall be the structure housing any dwelling unit. In all other cases, the principal structure shall be the structure located closest to any adjacent street, or, in the case of more than one building equidistant from such street, the building containing the greater square footage shall be deemed the principal structure.

#### 11-220 Height

Fences and hedges shall not exceed the following heights unless a variance from this ordinance is granted by the City Council.

#### 11-220.1 Varied Height Requirements

The above fence height requirements may be varied by resolution of the City Council, where the following conditions are met:

- a) The fence will not present any public safety problems;
- b) The height requested will not deprive adjoining properties of air, light, or ventilation, sight lines or create aesthetic problems.

<b>Zoning Classification</b>	<b>Front Yard</b>	<b>Side yard</b>	<b>Back Yard</b>
R-1, R-2, RS-1, RS-2, ML-PUD, PUD	4 feet	6 feet	6 feet
R-A, C-A	4 feet	6 feet	6 feet
CD-1-2-3 & 4, B-1, B-2	• 6-12 feet	• 6-12 feet	• 6-12 feet
I-1, I-2	• 6-12 feet	• 6-12 feet	• 6- 12 feet

- Height marked with an asterisk may be increased by two feet to accommodate a barbed wire security arm top.

**11-230 Permit Required.** No person, firm, or corporation shall hereafter construct or erect or cause to be constructed or erected within any Commercial or Industrial Zoning District any fence which is intended to be a permanent structure on the premises, without first securing a building permit.

**11-240 Construction and Maintenance of Fences Generally.** Every fence shall be constructed in a substantial, workmanlike manner and of substantial material reasonably suited for the purpose for which the fence is proposed to be used. Fences shall be constructed so that their more attractive side faces neighboring property. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance, public or private. Any such fence which is, or has become dangerous to the public safety, health or welfare, is a public nuisance and the Ham Lake Building Inspector shall commence proper proceedings for the abatement thereof. Link fences, wherever permitted, shall be constructed in such a manner that no barbed ends shall be at the top except in Industrial and Commercial Districts. Electric and barbed wire fences shall be permitted only on agriculturally zoned property (R-A), and shall be permitted only when necessary to further so bona fide agricultural purpose.

**11-250 Residential District Fences.** The following conditions shall apply in the R-1, RS-1 and PUD zoning districts:

- (1) No fence shall be erected in any front yard to a height in excess of four (4) feet, nor in any other location to a height in excess of six (6) feet.
- (2) On corner lots in all districts, no fence or planting in excess of thirty (30) inches above the street center line grade shall be permitted within a triangular area defined as follows: Beginning at the intersection of the projected curbing lines of two intersecting streets, thence twenty (20) feet along one property line, thence diagonally to a point twenty (20) feet from the point of beginning on the other property line, thence to the point of beginning.
- (3) In those instances where a fence exists as an enclosure which restricts access from the front to the rear yard, a gate, identifiable collapsible section, or other such means of recognizable ingress/egress shall be unobstructed and a minimum of three (3) feet in width. The location of such ingress/egress points shall be positioned at any point paralleling the front lot line, between the side lot property line and the principle structure. In those instances where a property contain ponds or Public Works needs to access the property for stormwater management purposes, the gate or ingress/egress point shall be a minimum of ten (10) feet in width.
- (4) Fences on the corner lots must receive special consideration from the Ham Lake Building Official to assure site safety before a Building Permit is issued. This review may require the applicant to pay an additional fee if extraordinary means need to be taken to ascertain impacts (i.e. consultation by a Traffic Engineer).
- (5) Lakeshore properties shall be considered on both lakeside and roadside to be frontyards. In lakeside frontyard of lakeshore properties a maximum of twenty (20) feet of privacy fence can be erected from the rear of the home. Beyond twenty (20) feet a four (4) foot fence, not of opaque material may be erected to extend no further than the high water mark. In roadside frontyard of lakeshore properties shall meet the residential frontyard requirements.
- (6) No fence shall be constructed of plastic mesh, snow-fence lath, chicken-wire, or any other metal except for wrought iron or chain-link.

**11-260 Commercial and Industrial Fences.**

Fences in all Commercial and Industrial Zoning shall not be less than 6 (six) feet and not exceed twelve (12) feet in height and may be increased to accommodate a barbed wire security arm top except that:

- (1) Special Purpose Fences. Fences for special purposes and fences differing in construction, height or length may be permitted in any district in the City of Ham Lake with approval by the Planning and Zoning Commission and City Council. Findings shall be made that the fence is necessary to protect, buffer or improve the premises for which the fence is intended.
- (2) Metal panel and chain link fencing are not appropriate in Commercial Development Tier 1 (CD-1) zoning. Fencing is not appropriate in front yard area facing Highway 65.

**11-270 Inground Swimming Pools** – Every “in-ground” swimming pool shall be enclosed by a fence or wall not less than four feet high. In-ground shall be defined to mean a pool requiring excavation of more than 12 inches of existing grade.

**11-280 Electrified Security Fences**

Notwithstanding the provisions of Article 11-240, electrified security fencing may be installed in areas zoned CD-1, CD-2, CD-3, CD-4, I-P, I-1, or G-F, under the following circumstances:

- (a) The electrification is necessary to prevent or deter intrusion into an outdoor storage area during non-business hours. In order to document need, the applicant shall furnish a written communication from a representative of the Anoka County Sheriff’s Office confirming that an electrified fence would constitute a crime deterrent for the particular parcel to be served;
- (b) The electrification is charged only during non-business hours of the establishment;
- (c) The electrification is at a voltage level that is non-lethal to humans, and otherwise not a threat to cause serious injury;
- (d) The installation meets all applicable electrical codes;
- (e) The design of the system is approved by the City’s building official after review by the Fire Department and the Anoka County Sheriff’s Office. The City may establish as a design limitation a condition that only limited strands of wires at predetermined heights may be electrified;
- (f) Adequate warning signs are posted, to the specifications of the City’s building official;
- (g) The system has a shutoff that is easily accessible by emergency responders;
- (h) A permit has been obtained from the City’s building official, after payment of a permit fee to be established from time to time by the City Council. The City may revoke a permit if the fence is not properly constructed, used or maintained.

**4/2020 updated**