



# Guide to Fences and Retaining Walls

In order to make certain that both regulation under the State Building Codes are met and property line encroachments do not exist, all fences and retaining walls require a City issued permit. Although it is the citizen's responsibility to examine the entire applicable code section, this document will identify the primary expectations and serve as a how-to guide for Saint Anthony Village residents and business owners.

**Section 150.070 – 150.074** in City Code covers address requirements for fences and retaining walls. Although it is a property owner's responsibility to adhere to all aspects of the code, primary requirements, along with examples, are as follows:

## Section 150.072 Requirements – Fences Require a Zoning Permit

(A) Location. Any fence constructed or altered after 6-3-1982 must be located entirely upon the private property of the owner to whom the building permit was issued. Ownership of the permit passes with ownership of the property. The fence must be set back a distance from the owner's property line sufficient to avoid encroachment onto adjoining private or public property or a public right-of-way.

(B) Abutting public property. If a fence is or is to be adjacent to a street, alley, public right-of-way, or other public property, the city may require the applicant for the permit to locate and mark the property line abutting the public property by having a registered surveyor place permanent survey pins or stakes on the property line. If the survey information is not available and the applicant elects not to establish the property line by survey, the permit will not be issued unless the applicant signs an affidavit stating that the applicant is the owner of the premises upon which the fence exists or is to be located.

Never Assume a tree or utility pole represents the legal property line



Height requirements differ from rear setback to front setback



(C) Fence size. All fence and wall heights shall be measured from the finished grade, except that the height of a railing, wall, fence, or screening affixed to a deck constructed on the ground but raised above ground level, will be measured from the elevation of the raised deck for that portion which is affixed to the raised deck. The grade at the fence line shall not be altered in any way that artificially increases the maximum permitted height of the fence.

### 1) Residential Uses.

- a) Front Yards. No fence, fence post, or post cap shall be over fifty-two (52) inches in height within a required front yard setback.



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- b) Side Yards. No fence, fence post, or post cap shall be over six feet six inches (6'6") in height. A fence up to six feet six inches (6'6") in height shall be allowed on corner lots along the corner side behind the nearest front corner of the principal building.
- c) Rear Yards. No fence, fence post, or post cap shall be over six feet six inches (6'6") in height.

Traffic view – There are very specific requirements to ensure safety at intersections. Please refer to Section 150.072(C) for specific details.

**Section 150.073 Construction and Maintenance.** Every fence must be constructed in a substantial manner and of substantial material, reasonably suitable for the purpose for which the fence is intended as listed in the criteria below. Any fence which is dangerous by reason of its construction or state of disrepair or is otherwise injurious to public safety, health, or welfare is hereby declared to be a nuisance:

- A. Fences and walls shall be constructed in a manner and of such materials that do not adversely affect the appearance of the neighborhood or adjacent property values. Fences shall not be constructed from poultry netting (chicken wire), non-prefabricated welded wire, snow fence, branches, or materials originally intended for other purposes, unless upon the showing of a high degree of architectural quality achieved through the use of such materials, and prior approval is granted by the Zoning Administrator or other Authorized Agent.
- B. Fences and walls hereafter erected shall be durable, weather resistant, rust proof, and easily maintained.
- C. Fences shall have structural supports (posts/footings) as required to ensure that the fence will continue to be structurally sound.
- D. Fences and walls shall be constructed of new or like new materials. Like new materials used shall require prior approval granted by the Zoning Administrator or other Authorized Agent prior to issuance of the required zoning permit.
- E. The finished appearance of fences and walls shall be constructed with the higher quality finish directed outward toward adjoining property or public right of way if the visual quality of the fence or wall is not the same on both sides.
- F. The framing and posts of wood, chain link, picket, stockade, and decorative metal fences shall face the inside of the parcel area fenced. The side of the fence considered to be the face (facing as applied to fence posts) shall face the abutting property.
- G. No more than two (2) types of related fencing materials shall be used in any fence and wall.
- H. Both sides of any fence or wall shall be maintained in a condition of reasonable repair and appearance by its owner and shall not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance, public or private. Property owners should take due care in selecting maintenance free fence materials, or in placement of fence location, in areas where ongoing maintenance activities may require access through adjoining property or is otherwise restricted.
- I. Where permitted, temporary fences used for site protection during construction shall be no less than four (4) feet in height, shall be secured and/or anchored in such way as ensure upright position, and shall be constructed so as to prohibit a 4-inch sphere from passing through any portion of the temporary fence.



## Permitting Requirements for Retaining Walls

4' or less = Zoning Permit  
Greater than 4' = Building Permit