



FENCING

CONSTRUCTION AND MAINTENANCE

Code Enforcement & Public Health



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The City of Brooklyn Park has certain standards that regulate the use, construction, and maintenance of fences. These standards help maintain the residential or business nature of the appropriate neighborhoods. Some general requirements are summarized in this brochure.

Setbacks

Fences more than 42 inches in height may not be constructed within 15 feet of any front property line on a public street. Setback distances start from the property line and are in addition to the right-of-way exclusion. Unless the lot is a corner lot or double frontage lot, there are no setback requirements along interior side and rear property lines. A two-board split-rail fence may not be constructed in the right-of-way, but it is exempt from these setbacks—these are considered “landscape elements.”

Corner and Double Frontage Lots

On corner and rear lots with frontage along public streets, fences are generally allowed along the property lines as long as they do not restrict traffic visibility and as long as they are not within the 50-foot clear view triangle at a public street intersection. However, a setback of 15 feet may be required on double frontage lots. [City Ord. Sec. 152.263(C)2a]

Mississippi River Critical, Area Requirements.

Fences may not be constructed within 100 feet of the ordinary high water (OHW) mark of the river and within 40 feet of a slope greater than 12%. [City Ord. Sec. 152.263(C)2a]

Right of way

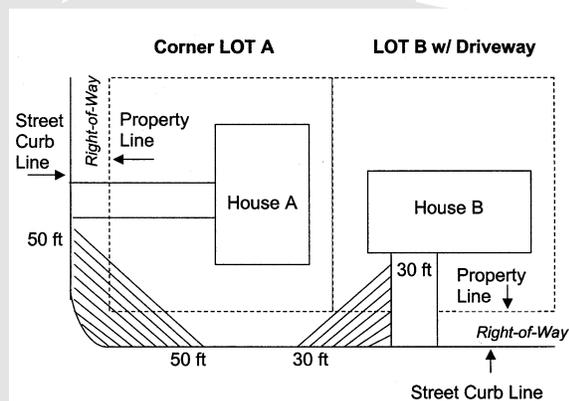
Public right-of-way is the area between the street curb and the property line. Fences may not be constructed on the public right-of-way. [City Ord. Sec. 152.323 (B)] In most residential areas the property line is located fourteen (14) feet behind the curb of the street, or two (2) feet behind the sidewalk. Check your property survey for exact locations.

Easements and Drainage Areas

It is not recommended that fences or other items be placed in any easement (such as drainage, utility, etc.) Fences found to be obstructing maintenance work, natural flow of surface water to or from abutting properties, or creating other problems may be required to be removed at the cost of the property owner. [City Sec. Ord. 152.263 (C)1]

Driveways

A fence may not be constructed inside the 30-foot clear view triangle between a public right-of-way and an access driveway. [City Ord. Sec. 152.223 (B)]



Example: Corner Lot and Access Driveway

Height

No fence shall exceed 8 feet 6 inches, except as approved for commercial and industrial properties and tennis courts, which may have chain link fences 10 feet in height. [City Ord. Sec. 152.263(C)(4)] Setbacks also determine a fence's height—fences more than 42 inches in height may not be constructed within 15 feet of any front property line on a public street.

Note: A building permit is required to install or repair a fence over six (6) feet in height. Please contact the Building Division for permit information.

Materials

- **Decay Resistant.** All fences must be constructed of metal, wood, masonry or other decay-resistant material. [City Ord. Sec. 104.11 (E)]
- **Chain link.** Chain link fences must have a top rail, and the posts must be spaced at intervals no more than ten (10) feet apart. [City Ord. Sec. 152.292 (C) 2,c] Chain link in the front yard must have a black, brown, or green vinyl coating [City Ord. Sec. 152.292 (C)2,d].

Gates

Where any fence connects to a building at least one gate with a minimum width of 2 feet 6 inches is required to allow access around the building. [City Ord. Sec. 152.263 (C)(3)(a)] Remember, you are responsible for maintaining the right-of-way outside your fence adjacent to your property, even behind your home, so we strongly recommended you install a gate in these situations for easy access.

Finishes

Every fence must be maintained in good condition. If the material used in a fence construction is not finished on both sides, the finished side of the material must be on the outside, facing abutting or adjoining properties. All posts or structures supporting the fence or wall must be on the inside of the fence. [City Ord. Sec. 152.291 (C)]

Swimming Pool Fences:

All swimming pools, hot tubs, spas, and other water tanks twenty-four (24) inches in depth must have a fence or other approved barrier around them.

Openings in the fence must not exceed 4 inches. A self-closing, self-latching gate must be provided and the latch must be at least 3.5 feet above grade. The gate must not exceed 4 feet in width. (See handout for swimming pools for more information.)

Temporary Fencing

During construction activities, silt fences are required to prevent erosion and barrier type fencing may be required around excavation. However, these types of fences must be removed from the property upon completion of construction. [City Ord. Sec. 152.292 (C)2,a] Snow fences may not be installed before Nov. 1 and must be removed by Apr. 1 at the end of that snow season. [City Ord. Sec. 152.292 (C)2,b]

Prohibited Fence Materials

Electric, concertina or barbed wire, or chicken wire fences are prohibited. [City Ord. Sec. 152.292(C)1]

Determining Property Lines

Before installing a fence, it is important to locate the property lines. The following steps may be helpful in determining your property lines.

- You may visit the city and review your property records. A copy of the survey may be available.
- Check with your builder. Your builder may have a copy of your survey.
- Check for property line markers in the ground. You may have to use a metal detector to find the metal stakes.
- If you cannot locate the property lines, you may need to contact a licensed surveyor. Fees vary depending on the surveyor. A list of surveyors can be found in the yellow pages.

Property Line Disputes

It is important that neighbors work together to properly locate property lines to prevent any discrepancies. We suggest you consult your neighbors before you install any fence to avoid complaints later. The city does not handle complaints involving infringements of property lines. However, the North Hennepin Mediation Services is available to assist residents with disputes. This service is offered to clients for low or no cost and can be useful to resolve situations before legal actions are necessary. For more information, please contact the North Hennepin Mediation Services at 763-561-0033.

Building Permit Requirements

If the fence you desire to construct is over 7 feet in height, a building permit is required. The following items are required with a completed building permit application:

- Certificate of survey (if not already on file with the City) or a site plan showing lot dimensions and locations of existing and proposed structure(s) including location of proposed fence or wall and gates.
- Two copies of construction plan showing proposed designs and materials. Drawings must be drawn to scale on paper and must include cross Sections and/or Elevations of side views showing :
 - Height of fence or wall above from grade
 - Depth and type of footings
 - Size and placement of structure
 - Spacing of intermediate rails when serving as a swimming pool barrier
 - Type of lumber or other material and design of fence or wall

Design Suggestions

Different fence designs work better than others for your desired purpose. Consider the purpose of this fence: privacy, security, access control, or deterrence. Also keep in mind the surroundings for the fence materials. Some fences require more maintenance than others. If you are uncertain, feel free to ask for ideas. Also keep in mind your neighborhood association restrictions.

Contacts and Resources

If you have questions regarding fencing requirements and property use issues, please contact:

Planning Division

Prior to Construction

763-493-8056

Building Inspections Division

Permit Information

763-488-6379

Code Enforcement & Public Health Division

Complaints

763-493-8070

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This brochure is intended only as a general guide. Other codes and ordinances may apply. You can reference ordinances at the city website by visiting www.brooklynpark.org