

- **Sec. 33.07. - Fences—Requirements.**

(a)

Permit. No person shall construct, or cause to be constructed, any fence in the city without first obtaining a permit therefor from the building official.

(b)

Height of fences. No fence shall be erected exceeding six (6) feet six (6) inches in height above the sidewalk or finished grade of any lot in a residence district or on any lot occupied for residential purposes. The applicant shall ensure that fences and all supporting structures shall be completely within the boundaries of such lot with no portion encroaching onto adjacent property. All fences erected between the front property line and the front setback line as defined in [section 60.207](#) of the Saint Paul Legislative Code shall be no more than four (4) feet in height. On a corner lot at two intersecting streets in a residential zoning district, no fence, wall or other structure shall be allowed above a height of two (2) feet from sidewalk grade in the triangular area of the lot included within ten (10) feet of the corner along each lot line unless the structure is more than 80 % open. Fences for nonresidential uses in residential zoning districts shall not exceed eight (8) feet in height, except fences around tennis courts, which shall not exceed twelve (12) feet in height, back stop fences, which shall not exceed twenty (20) feet in height, and golf range fences, which shall not exceed thirty (30) feet in height. The selvage end of chain link or metal fences shall be smooth; knuckled ends are permitted, twisted ends are not permitted.

(c)

Variances. A variance of the fence height or corner clearance regulations may be granted if, after investigation by the building official, it is found that site, or terrain, or nuisance animal conditions warrant a waiver of the height restrictions. An application fee of seventy dollars (\$70.00) is required for each variance request.

(d)

Swimming pool fences. All yards of one- and two-family structures containing swimming pools shall be enclosed by an obscuring fence not less than four (4) feet in height. All yards of residential structures of three (3) or more units and commercial structures containing swimming pools shall be enclosed by an obscuring fence not less than five (5) feet in height. The gates shall be of a self-closing and self-latching type, with the latch on the inside of the gate, not readily available for children to open. Gates shall be capable of being securely locked when the pool is not in use.

(e)

Barbed wire fences. No barbed wire fence shall be constructed within the city limits of the city, except for police and correction facilities, unless the following conditions are complied with:

(1)

No fence which uses barbed wire may be built in, or abut, a residentially zoned district or built on or abut a lot occupied residentially.

(2)

Barbed wire, not exceeding three (3) strands, may be permitted on the top of a fence; providing, that the arms do not project over public property. The minimum height to the bottom strand of the barbed wire shall not be less than six (6) feet from finished grade.

(3)

In all cases where a barbed wire fence is requested, an application shall be made to the building official.

(4)

A certificate of insurance indemnifying the City of Saint Paul shall be submitted with the application subject to the approval of the city attorney as to form and in an amount as set forth in Minn. Stat. § 466.04. An annual registration fee of forty-one dollars (\$41.00) shall be paid at the time of the annual certificate of insurance renewal.

(f)

Electric fences. No aboveground electric fence shall be constructed within the city limits of the City of Saint Paul, except at Como Zoo for the containment of zoo animals.

(Code 1956, § 25.09; Ord. No. 17250, § 10, 6-13-85; C.F. No. 95-936, § 1, 8-30-95; C.F. No. 96-569, § 1, 8-7-96; C.F. No. 99-750, §§ 10, 11, 9-1-99; C.F. No. 02-309, § 1, 6-5-02; C.F. No. 04-289, 4-14-04; C.F. No. 05-635, § 1, 8-10-05; C.F. No. 06-1132, § 1, 1-24-07; C.F. No. 07-336, § 1, 6-6-07; C.F. No. 07-526, § 1, 7-11-07; C.F. No. 08-437, § 4, 5-28-08; C.F. No. 08-1118, § 2, 11-12-08)

Cross reference— Additional requirements and conditions pertaining to fences are contained in the zoning code. See the index for the location of specific requirements.

- **Sec. 33.08. - Street encroachments.**

(a)

Projection beyond street or building line. Except as otherwise provided in the Minnesota State Building Code, no part of a building hereafter erected or of an enlargement of a building heretofore erected shall project beyond a street line or a building line.

(b)

Insurance. Any part of a building or structure hereafter erected or of an enlargement of a building heretofore erected which projects beyond fifteen (15) inches into a public right-of-way shall require a certificate of insurance indemnifying the City of Saint Paul in a form approved by the city attorney and in an amount set forth by the risk manager.

(c)

Types of projections. This shall include overhanging or projecting roofs, cornices, fixed awnings, canopies or any other permissible projection.

- **Chapter 134. - Projections and Encroachments**

- **Sec. 134.01. - Purpose.**

[The purpose of this chapter is:]

- (1) To allow use of the public right-of-way by adjacent property owners for purposes that cannot be reasonably satisfied on private property and where it is determined by the director of the department of public works that the area of projection or encroachment cannot be vacated under [Chapter 130](#) of the Legislative Code.
- (2) To protect the health, safety and welfare of the public.
- (3) To protect nearby property owners from hardship or damage.
- (4) To protect other public interests as determined by the director.

(C.F. No. 94-242, § 1, 3-23-94)

- **Sec. 134.02. - Permission required.**

No person shall construct and maintain any projection or encroachment within the public right-of-way except with the written permission of the director of the department of public works.

(C.F. No. 94-242, § 1, 3-23-94)

- **Sec. 134.03. - Projection and encroachment defined.**

Projection and encroachment is defined as any above or below grade protrusion beyond the property line which extends into, upon, over, under or otherwise occupies any public street, alley, sidewalk, boulevard or right-of-way. Projection and encroachment shall include, but not be limited to, the following: steam lines, conduits, lighting standards, areaways, tunnels, trapdoors, retaining walls, parking bays and nonstandard walks, but shall exclude awnings, business signs and building projections regulated in sections [33.08](#) and 66.202.

(C.F. No. 94-242, § 1, 3-23-94)

- **Sec. 134.04. - Public works director to issue permit.**

The director is authorized to grant permission to owners of abutting property to construct and maintain a projection or encroachment subject to the following conditions, restrictions and payment of fees set forth in this chapter.

(C.F. No. 94-242, § 1, 3-23-94; C.F. No. 06-823, § 1, 9-27-06)

- **Sec. 134.05. - Permit application and fees.**

Application for permits shall be submitted on forms approved by the director and shall include the following:

- (a) The location, nature, size and purpose of the proposed improvement.
- (b) Plans and specifications as required by the director.
- (c) The appropriate fees as established by council resolution.
- (d) The application shall be signed by the owner of the abutting property.

(C.F. No. 94-242, § 1, 3-23-94)

- **Sec. 134.06. - Regulations and general conditions.**

The director is authorized to enact reasonable rules and regulations, which shall as a minimum include the following:

- (a) All work shall be performed by licensed contractors and in accordance with plans and specifications approved by the director.
- (b) Payment of permit fees, as determined by council resolution, and payment of all additional costs of inspection incurred by the department.
- (c) During construction, the work area shall be guarded by day with suitable barriers and by night with flashing yellow lights to prevent injury or damage to persons or property.
- (d) The permittee shall assume full responsibility for all damages to persons or property arising out of the construction, repair or maintenance of the projection or encroachment.
- (e) All work shall be performed in accordance with all applicable laws or regulations, including obtaining required building permits.
- (f) Materials, methods of construction and location shall be subject to the approval of the director.

(C.F. No. 94-242, § 1, 3-23-94)

- **Sec. 134.07. - Indemnity and hold harmless.**

The city, its officers, agents and employees shall be held harmless, indemnified and defended by the owners, its successors or assigns from any and all claims, actions or suits of any character brought as a result of injuries or damages received or sustained by any person, persons or property on account of the construction or maintenance of the projection or encroachment.

(C.F. No. 94-242, § 1, 3-23-94)

- **Sec. 134.08. - Preexisting projections or encroachments without valid permits.**

All projections or encroachments existing as of the adoption date of this ordinance [March 23, 1994,] which exist without a valid permit from the city shall either be removed and the right-of-way restored at the sole expense of the owner of the adjacent property, or the owner shall make application for a permit in the same manner as if the projection or encroachment were to be newly installed.

(C.F. No. 94-242, § 1, 3-23-94)

- **Sec. 134.09. - Maintenance of the projection or encroachment.**

The property owner shall maintain the projection or encroachment in a safe condition and shall, at no cost to the city, repair any damage which may occur during the normal course of city maintenance and/or construction of public facilities within or adjacent to the right-of-way.

(C.F. No. 94-242, § 1, 3-23-94)

- **Sec. 134.10. - Permit revocation.**

Any permit may be revoked by the director, upon reasonable written notice, for failure to properly maintain the projection or encroachment in a safe and aesthetic condition, comply with any applicable law or with the conditions of the permit, or where it has been determined by the director that the projection or encroachment may constitute a hazard to the safety or welfare of the public. The notice shall specify the reason(s) for recommending revocation, and in the case of defects or deficiencies, provide a reasonable time to correct them. If the defects or deficiencies are not corrected within a reasonable time, the director shall request that the city council revoke the permit. At the conclusion of the hearing, the city council shall determine whether the permit shall be revoked and the projection or encroachment should be removed and the public right-of-way restored at the expense of the adjacent owner.

(C.F. No. 94-242, § 1, 3-23-94)

- **Sec. 134.11. - Permit expiration.**

Any permit issued hereunder shall be in effect for no longer than the life of the building or structure served by the same. Permits shall expire upon completion of demolition of the abutting building, structure or premises. The permittee or its successor in interest shall, concurrently with the demolition of the abutting premises, demolish, fill and seal to the satisfaction of the department of public works any opening serving such premises upon securing a permit therefor from the department of public works. All public right-of-way or property upon or under which such opening is located shall be restored to a condition acceptable to and as required by the department of public works.

(C.F. No. 94-242, § 1, 3-23-94)

- **Sec. 134.12. - Public improvements; removal or relocation.**

In the event it shall become necessary during the term of the permit to remove or relocate the physical property of the permittee located within or upon any of the streets or public rights-of-way because of interference or use by the city or as a result of any public improvement undertaken by or on behalf of the city, the permittee shall, when so advised by the department, remove and relocate its facilities without cost to the city and shall place the street or right-of-way in the same condition as existed prior to construction of the projection or encroachment.

(C.F. No. 94-242, § 1, 3-23-94)

- **Sec. 134.13. - Permit not relinquishment of city's rights.**

Any permission granted for a projection or encroachment shall not constitute a vacation or abandonment of the rights of the city to the street or right-of-way.

(C.F. No. 94-242, § 1, 3-23-94)

- **Sec. 134.14. - Violation; penalty.**

Violation of any of the provisions of this chapter shall be deemed a misdemeanor punishable in accordance with the provisions of section 1.05 of this Code.

(C.F. No. 94-242, § 1, 3-23-94)

