

RLH SAO 18-50



# APPLICATION FOR APPEAL

## Saint Paul City Council – Legislative Hearings

RECEIVED

JUL 17 2018

CITY CLERK

310 City Hall, 15 W. Kellogg Blvd.

Saint Paul, Minnesota 55102

Telephone: (651) 266-8585

### We need the following to process your appeal:

- ☒ \$25 filing fee (non-refundable) (payable to the City of Saint Paul) (if cash: receipt number \_\_\_\_\_)
- ☒ Copy of the City-issued orders/letter being appealed
- ☒ Attachments you may wish to include
- ☒ This appeal form completed
- ☒ Walk-In OR ☐ Mail-In

for abatement orders only: ☐ Email OR ☐ Fax

### HEARING DATE & TIME

(provided by Legislative Hearing Office)

Tuesday, JULY 24, 2018

Time 11:00

Location of Hearing:

Room 330 City Hall/Courthouse

## Address Being Appealed:

Number & Street: 1541 Margaret St City: St Paul State: MN Zip: 55106

Appellant/Applicant: Marilu LaVoie Email: marilulavoie@hotmail.com

Phone Numbers: Business \_\_\_\_\_ Residence \_\_\_\_\_ Cell 651.230.2727

Signature: Marilu LaVoie Date: 7/17/18

Name of Owner (if other than Appellant): \_\_\_\_\_

Mailing Address if Not Appellant's: \_\_\_\_\_

Phone Numbers: Business \_\_\_\_\_ Residence \_\_\_\_\_ Cell \_\_\_\_\_

## What Is Being Appealed and Why?

Attachments Are Acceptable

- ☐ Vacate Order/Condemnation/Revocation of Fire C of O
- ☒ Summary/Vehicle Abatement
- ☐ Fire C of O Deficiency List/Correction
- ☐ Code Enforcement Correction Notice
- ☐ Vacant Building Registration
- ☒ Other (Fence Variance, Code Compliance, etc.)

### Comments:

Received order to drain pool + take it down. Brought ordinance + pool specifications (see attached) to City of St. Paul Safety + Inspection Office. They agreed we were within the ordinance. We were still made to take down pool.

Revised 4/10/2017



CITY OF SAINT PAUL  
DEPARTMENT OF SAFETY AND INSPECTIONS  
DIVISION OF CODE ENFORCEMENT  
375 Jackson Street, Suite 220  
Saint Paul, MN 55101-1806  
**EMERGENCY SUMMARY ABATEMENT ORDER**

Date: July 05, 2018

Roger H Valentine/Marilu N Lavoie  
1541 Margaret St  
Saint Paul MN 55106-4925

Occupant  
1541 MARGARET ST  
St. Paul, MN 55106-4925

It has been determined that an emergency situation exists which creates an imminent health or safety hazard or danger to the public that by its nature requires immediate action, an enforcement officer may issue an emergency abatement.

- (a) Include a description of the premises sufficient for identification;

Property address: 1541 MARGARET ST

and/or Legal Description: Weed And Halles Addition Lots 16 And Lot 17 Blk 3

- (b) Specify the violation which exists and the immediate remedial action required;

IMMEDIATELY DRAIN, TAKE DOWN AND REMOVE THE POOL IN THE REAR  
YARD.

- (c) Specify a reasonable time for the City to correct the violation

BY JULY 6, 2018 BY 2:00 PM

- (d) The estimated cost of this abatement action is:

\$500.00 - \$1,000.00

according to Chapter 34.21(3) and Chapter 45.12 of the Saint Paul Legislative Code.

The City will correct the nuisance and charge all costs, including boarding costs, against the property as a special assessment to be collected in the same way as property taxes.

Inspector: Stephan Suon Badge# 345.0 Phone# 651-331-8273

Approved by: PAULA SEELEY

**Charges:** If the City corrects the nuisance, the charges will include the cost of correction, inspection, travel time, equipment, etc. The rate will be in excess of \$260.00 per hour, plus expenses, for abatement.

Received order to drain & take down pool.

Brought ordinance & pool specifications to City of St Paul Safety & Inspection Office.

Paula Seeley & 3 other employees agreed we were within the ordinance. Ms Seeley said we still had to take down & drain pool.

7/17/18

1

City inspector Stephan Souza came out on July 5, 2018. Talked with Krista Frye . . . He said the pool needed to be drained, it was an emergency situation, put the stickers on the door and said we could not have a pool that was higher than 2 feet without a privacy fence. He did not show any ordinance stating this, these were his own words.

Called City of St. Paul Office. Throughout the day we talked with Der, Juliette, Cari and one other person. We were directed to Lisa Martin who after leaving a message and waiting for 3 hours for a call back, I called the office and was informed she was out for the day. I was then directed to contact Steve Magner and was transferred to his number and his recording told me he was out of the office until July 16. I called the office again and was transferred to Dan Niziolek and again it went to voice mail. I called back and told them what happened and they said they would find him. After about 20 minutes I was disconnected. I called back and was told that Dan Niziolek was in and was transferred to Mr. Niziolek's office but it went to voice mail. I called back and they said they would find Mr. Niziolek so I could talk to him. They told me he was in a meeting but would be out in 20 minutes and that I should leave a message. I did leave a message. Thirty minutes later I called the office back and while talking with clerk Dan Niziolek beeped in. I took his call. After explaining the situation to Mr. Niziolek, he told me he would look into it as he was not sure of the ordinance I was referring to. After 30 minutes he did return my call and told me that any pool that holds or exceeds 5000 gallons needed fencing. When I explained to him the ordinance stated "exceeds 5000 gallons he said that it was "5000 or more."

After his call, we looked up the manufacturers description of our pool and found out our pool's water capacity is 4,545 gallons. By this time the office was closed and we decided to go to the office in the morning to straighten this out. Meanwhile we drained the pool.

7/17/18

2

We brought the description of the pool (document 1) and the ordinance we printed off the City's website (document 2) stating that "Private outdoor residential pools, both above and below ground that exceed 5,000 gallons (see below) and . . . "

We were directed to Paula Seeley who also called Stephan Suon over to discuss this with us. We explained about the "Emergency Summary Abatement Order", showed her our pools description and the printout of the ordinance we had printed from the city's website. She stated she could not read it as she did not have her glasses. She then asked two male employees to the counter to ask if they could find the ordinances on pools and they printed out three documents (documents 3, 4, 5) showing the ordinance but no one could find how we were not within the ordinance. However we were told the ordinance was wrong and we still had to drain our pool. We argued we were within the ordinance and no one disputed this but we were still forced drain our pool but were told we could leave the pool up. We were told that Stephan would come back out to our house and take another look.

Stephan Suon came to our home and stated that he thought we were within the ordinance but he could not go against his supervisor - Paula Seeley's directions and we were not allowed to refill the pool. He partially removed the stickers from my front and back door leaving most of the sticker still on the door saying he couldn't get it off so just left it as shown in the attached picture (document 6). He told us we could appeal the order and that we would receive a letter stating how to appeal the order. When I told him I was concerned about the timing as summer months are short in Minnesota and we wouldn't have much time to refill the pool, heat it and be able to swim again he assured me it would only take a few days once I filed the appeal. He also said I needed to appeal within 7 days of receiving the letter. I have received a letter stating the the

7/17/18

"Emergency Summary Abatement Order" but no information regarding how to appeal the order as of Monday July 16, 2018 (the day I am filing the appeal.)

7/17/18

4

What I want:

To refill the pool asap - this should be done by the city as they made us drain it for no reason.

Compensation for draining the pool - my granddaughter has special needs and her only summer enjoyment is the pool. In the pool she does not have special needs and has confidence like other kids her age. She has no friends but the pool is her companion on her lonely summer days. If we cannot refill the pool, compensation to us should be made by the city in the amount of \$1,000 which will be put towards camps and other activities for my granddaughter for the remaining summer.

Someone needs to clean the notices off my front and back door completely. These were put on by the city and should be removed by the city especially since we were within the ordinance.

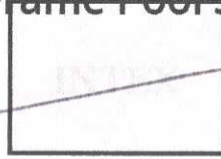
Next year we plan on putting up a privacy fence but feel we should be able to have the pool up this year as we were within the ordinances.

Chapter 34.21(3)  
45.12

Document 1

## 18ft X 9ft X 52in Rectangular Ultra Frame Pool Set

Availability: Out of stock



INTEX  
munic



\$699.99

### DESCRIPTION

Have an amazing time with family and friends with the spacious Intex Ultra Frame Pool Set. Engineered for strength, the Ultra Frame Pool is supported by strong, durable steel frames which are powder coated for rust resistance and beauty. They're easier to assemble, because the shape allows the pieces to fit together so smoothly and securely that separate locking pins are not needed. The pool liner is constructed with puncture-resistant 3-ply durable material and reinforced with an all-around band to keep frame legs firmly in place. 2017 Improvement: Easy Lock System. 2017 Improvement: Innovative Frame Design for extra sturdiness, durability, and a unique look. 2017 New Feature: Hydro Aeration Technology is incorporated into the sand filter pump providing improved circulation and filtration, improved water clarity, and increased negative ions at the water surface. Pool set includes a 110-120V Sand Filter Pump with a pump flow rate of 1,200 gallons per hour. Requires virtually no maintenance except replacement of sand every 5 years. 24-hour auto timer is included. Also includes pool ladder, ground cloth, and debris cover. **Water Capacity: 4,545 gallons**, ready for water in 60 minutes. Instructional DVD is included for help with set-up and maintenance. Age grade: 6+. Approximate set-up size: 18ft X 9ft X 52in.

3-ply material



easy assembly



ultra strong frame





## Specs



SKU	28351EH
Product Size	18ft X 9ft X 52in
Age Grading	6+
Package Dimension	59.5 in x 24.5 in x 23.625 in
Package Weight	272.96 lbs
Package Size	18'X9'X52" / 18ft X 9ft X 52in
Number Of People	8 or more
Pool Height	48 or higher

### IN THE BOX:

- Debris Cover
- Ground Cloth
- Pool Ladder
- Sand Filter Pump
- Set-up and Maintenance DVD

## Safety Information



Intex Recreation Corp. is dedicated to the safe use of all of its products. While all accidents cannot be prevented, practicing good safety habits, setting and following rules, carefully reading instruction manuals, and vigilant supervision can greatly reduce the likelihood of injury as well as reduce injury severity. Please take the time to review the following information, and make use of the link provided, to assist in keeping you and your family safe from injury.

[Learn More >](#)

## Documentation & Support



Looking for more assembly information or product support? Find everything you need in our product support section.



## Replacement Parts



Looking for replacement parts for this product? [Find Them Here>](#)



10:30

## Document 2

DEPARTMENT OF SAFETY AND INSPECTIONS  
Ricardo X. Cervantes, Director



CITY OF SAINT PAUL  
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220  
St Paul, Minnesota 55101-1806

Telephone: 651-266-8989  
Facsimile: 651-266-9124  
Web: [www.stpaul.gov/dsi](http://www.stpaul.gov/dsi)

## PRIVATE RESIDENTIAL POOLS AND HOT TUBS (63.120)

Private outdoor residential pools, both above and below ground **that exceed 5,000 gallons** (see below), and hot tubs are permitted as an accessory use within the rear yard or non-required side yard; except that, for multiple-family developments, the Planning Commission may determine the location of the pool or tub. Private outdoor pools and hot tubs shall meet the following requirements as applicable:

- (1) There shall be a distance of not less than ten (10) feet between the adjoining property line and the outside of the pool wall for above ground pools. For in-ground pools, there shall be a distance of not less than five (5) feet between the adjoining property line and the outside of the pool wall.
- (2) There shall be a distance of not less than four (4) feet between the outside pool wall and any building located on the same lot.
- (3) No swimming pools shall be located less than ten (10) feet from any side street or alley right-of-way, or the distance required for side yard by the zoning code, whichever is greater.
- (4) No swimming pool shall be located in a public easement.
- (5) All yards containing swimming pools shall be completely 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.
- (6) All yards containing hot tubs shall be secured as in subsection (5) or shall have a cover which shall be locked when the hot tub is not in use.
- (7) Electrical: New electrical wiring for a swimming pool or hot tub requires an Electrical Permit and the wiring must be in conformance with the National Electrical Code, Article 680. For Overhead Conductor Clearances- see the back of this handout. Check with Electrical Inspector if there are any questions (651) 266-9003.

### GALLONS OF WATER IN POOLS

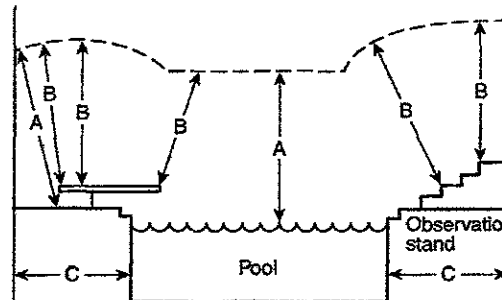
WATER HEIGHT	DIAMETER IN FEET				
	14	15	16	17	18
3 FEET	3454	3965	4512	5093	5710
4 FT-6 IN	4030	4626	5264	5942	
4 FEET	4606	5287	6016		

## 680.8 Overhead Conductor Clearances.

(A) **Power.** With respect to service drop conductors and open overhead wiring, swimming pool and similar installations shall comply with the minimum clearances given in Table 680.8 and illustrated in Figure 680.8.

**Table 680.8 Overhead Conductor Clearances**

Clearance Parameters	Insulated Cables, 0-750 Volts to Ground, Supported on and Cabled Together with and Effectively Grounded Bare Messenger or Effectively Grounded Neutral Conductor		All Other Conductors Voltage to Ground			
	m	ft	0 through 15 kV		Over 15 through 50 kV	
			m	ft	m	ft
A. Clearance in any direction to the water level, edge of water surface, base of diving platform, or permanently anchored raft	6.9	22.5	7.5	25	8.0	27
B. Clearance in any direction to the observation stand, tower, or diving platform	4.4	14.5	5.2	17	5.5	18
C. Horizontal limit of clearance measured from inside wall of the pool	This limit shall extend to the outer edge of the structures listed in A and B of this table but not to less than 3 m (10 ft).					



**Figure 680.8 Clearances from pool structures.**

(B) **Communication Systems.** Communication, radio, and television coaxial cables within the scope of Articles 800 through 820 shall be permitted at a height of not less than 3.0m (10ft) above swimming and wading pools, diving structures, and observation stands, towers, or platform.

**680.10 Underground Wiring Location.** Underground wiring shall not be permitted under the pool or within the area extending 1.5m (5ft) horizontally from the inside wall of the pool unless the wiring is necessary to supply pool equipment permitted by this article. Where space limitations prevent wiring from being routed a distance 1.5m (5ft) or more from the pool, such wiring shall be permitted where installed in rigid metal conduit intermediate metal conduit, or a nonmetallic raceway system. All metal conduits shall be corrosion resistant and suitable for the location.

# Swimming Pools and Hot Tubs

City of Saint Paul

## Hot Tub, Outdoor (Section 65.915)

### *Standards and conditions:*

All yards containing hot tubs shall be secured as required in section 65.923(d) or shall have a cover which shall be locked when the hot tub is not in use. A hot tub shall not be located in a required front or side yard, less than three (3) feet from any lot line, or in a public easement.

## Swimming Pool, Outdoor (Section 65.923)

Any structure designed, constructed, or intended to be used for outdoor swimming, either above or below grade, with a capacity of twenty-four (24) or more inches deep and having one hundred fifty (150) or more square feet of surface area.

### *Standards and conditions:*

- (a) There shall be a distance of not less than ten (10) feet between the adjoining property line and the outside of the swimming pool wall for aboveground pools. For in-ground swimming pools, there shall be a distance of not less than five (5) feet between the adjoining property line and the outside of the pool wall.
- (b) There shall be a distance of not less than four (4) feet between the outside swimming pool wall and any building located on the same lot.
- (c) A swimming pool shall not be located in a required front or side yard, less than ten (10) feet from any street or alley right-of-way, or in a public easement.

### *(d) Fence Requirements*

- a. One and Two Family Structures: All yards of one- and two- family structures containing swimming pools shall be enclosed by an obscuring fence or wall not less than four (4) feet in height, maintained in a professional state of maintenance or repair, and shall be constructed such that no openings, holes or gaps in the fence or wall exceed four (4) inches in any dimension except for openings protected by a door or gate.
- b. Three or More Residential Units/ Commercial Structures: 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, maintained in a professional state of maintenance repair, and shall be constructed such that no openings, holes, or gaps in the fence or wall exceed four (4) inches in any dimension except for openings protected by a door or gate.
- c. Sidewalls: Sidewalls greater than four (4) or five (5) feet in height on an above ground outdoor swimming pool are not a substitute for the appropriate fence or wall.
- d. Gates: 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.

## Electrical

New electrical wiring for a swimming pool or hot tub requires an Electrical Permit and the wiring must be in conformance with the National Electrical Code, Article 680. For Overhead Conductor Clearances- see the back of this handout. Check with Electrical Inspector if there are any questions (651) 266-9003.

## 680.9 Overhead Conductor Clearances

**(A) Power.** With respect to service drop conductors and open overhead wiring, swimming pool and similar installations shall comply with the minimum clearances given in Table 680.9(A) and illustrated in Figure 680.9(A).

TABLE 680.9(A) Overhead Conductor Clearances

Clearance Parameters		Insulated Cables, 0–750 Volts to Ground, Supported on and Cabled Together with a Solidly Grounded Bare Messenger or Solidly Grounded Neutral Conductor		All Other Conductors Voltage to Ground			
				0 through 15 kV		Over 15 through 50 kV	
		m	ft	m	ft	m	ft
A.	Clearance in any direction to the water level, edge of water surface, base of diving platform, or permanently anchored raft	6.9	22.5	7.5	25	8.0	27
B.	Clearance in any direction to the observation stand, tower, or diving platform	4.4	14.5	5.2	17	5.5	18
C.	Horizontal limit of clearance measured from inside wall of the pool	This limit shall extend to the outer edge of the structures listed in A and B of this table but not less than 3 m (10 ft).					

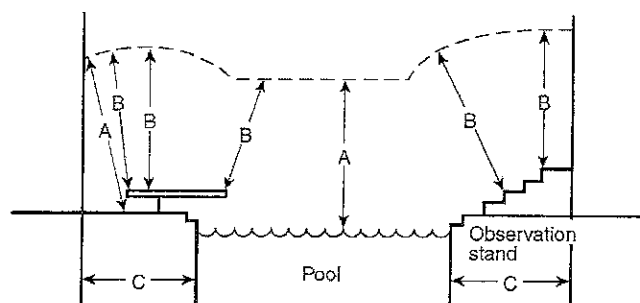


FIGURE 680.9(A) Clearances from Pool Structures.

**(B) Communication Systems.** Communication, radio, and television coaxial cables within the scope of Articles 800 through 820 shall be permitted at a height of not less than 3.0m (10ft) above swimming and wading pools, diving structures, and observation stands, towers, or platform.

**(C) Network-Powered Broadband Communications Systems.** The minimum clearances for overhead network-powered broadband communications systems conductors from pools or fountains shall comply with the provisions in Table 680.9(A) for conductors operating at 0 to 750 volts to ground.

**680.11 Underground Wiring Location.** Underground wiring shall be permitted where installed in rigid metal conduit, intermediate metal conduit, rigid polyvinyl chloride conduit, reinforced thermosetting resin conduit, or Type MC Cable, suitable for the conditions subject to that location. Underground wiring shall not be permitted under the pool unless this wiring is necessary to supply pool equipment permitted by this article. Minimum cover depths shall be as given in Table 300.5.

## Sec. 33.07. - Fences—Requirements.

- (a) *Permit.* No person shall construct, or cause to be constructed, any fence greater than seven (7) feet in height in the city without first obtaining a permit from the building official.
- (b) *Fence plan review.* No person shall construct, or cause to be constructed, any fence in the city without first obtaining and completing a fence plan review from the building official. A fence inspection is not required for all fence installations, but fences may be subject to inspections.
- (c) *Height of fences.* No fence shall be erected exceeding seven (7) feet 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 salvage end of chain link or metal fences shall be smooth; knuckled ends are permitted, twisted ends are not permitted.
- (d) *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.
- (e) *Swimming pool fences.* All swimming pool fences are subject to a fence plan review and must be inspected by the building official or his/her designee. 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, maintained in a professional state of maintenance and repair, and shall be constructed such that no openings, holes or gaps in the fence or wall exceed four (4) inches in any dimension except for openings protected by a door or gate. 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, maintained in a professional state of maintenance and repair, and shall be constructed such that no openings, holes or gaps in the fence or wall exceed four (4) inches in any dimension except for openings protected by a door or gate. Sidewalls greater than four (4) or five (5) feet in height on an above ground outdoor swimming pool are not a substitute for the

appropriate fence or wall. 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.

- (f) *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.
- (g) *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; Ord 16-44, § 1, 12-7-16)

**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. 65.923. - Swimming pool, outdoor.

A pool or tub constructed either above or below grade and having a capacity of five thousand (5,000) or more gallons.

*Standards and conditions:*

- (a) There shall be a distance of not less than ten (10) feet between the adjoining property line and the outside of the swimming pool wall for aboveground pools. For in-ground swimming pools, there shall be a distance of not less than five (5) feet between the adjoining property line and the outside of the pool wall.
- (b) There shall be a distance of not less than four (4) feet between the outside swimming pool wall and any building located on the same lot.
- (c) A swimming pool shall not be located in a required front or side yard, less than ten (10) feet from any street or alley right-of-way, or in a public easement.
- (d) A hot tub shall not be located in a required front or side yard, less than three (3) feet from any lot line, or in a public easement.
- (e) 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.

(Ord 15-32, § 5, 7-22-15)

## Document 4

## Sec. 33.07. - Fences—Requirements.

- (a) *Permit.* No person shall construct, or cause to be constructed, any fence greater than seven (7) feet in height in the city without first obtaining a permit from the building official.
- (b) *Fence plan review.* No person shall construct, or cause to be constructed, any fence in the city without first obtaining and completing a fence plan review from the building official. A fence inspection is not required for fence installations, but fences may be subject to inspections.
- (c) *Height of fences.* No fence shall be erected exceeding seven (7) feet 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.
- (d) *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.
- (e) *Swimming pool fences.* All swimming pool fences are subject to a fence plan review and must be inspected by the building official or his/her designee. 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, maintained in a professional state of maintenance and repair, and shall be constructed such that no openings,

holes or gaps in the fence or wall exceed four (4) inches in any dimension except for openings protected by a door or gate. 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, maintained in a professional state of maintenance and repair, and shall be constructed such that no openings, holes or gaps in the fence or wall exceed four (4) inches in any dimension except for openings protected by a door or gate. Sidewalls greater than four (4) or five (5) feet in height on an above ground outdoor swimming pool are not a substitute for the appropriate fence or wall. 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.

(f) *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.

(g) *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; Ord 16-44, § 1, 12-7-16)

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

## Document 5

## Sec. 65.923. - Swimming pool, outdoor.

A pool or tub constructed either above or below grade and having a capacity of five thousand (5,000) or more gallons.

*Standards and conditions:*

- (a) There shall be a distance of not less than ten (10) feet between the adjoining property line and the outside of the swimming pool wall for aboveground pools. For in-ground swimming pools, there shall be a distance of not less than five (5) feet between the adjoining property line and the outside of the pool wall.
- (b) There shall be a distance of not less than four (4) feet between the outside swimming pool wall and any building located on the same lot.
- (c) A swimming pool shall not be located in a required front or side yard, less than ten (10) feet from any street or alley right-of-way, or in a public easement.
- (d) A hot tub shall not be located in a required front or side yard, less than three (3) feet from any lot line, or in a public easement.
- (e) 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.

(Ord 15-32, § 5, 7-22-15)



Document 6

