

**ORDINANCE NO. 21-106
CITY OF COURTLAND
NICOLLET COUNTY, MINNESOTA**

**An ordinance amending Part 3 of Chapter III of the City Code of the
City of Courtland relative to zoning regulations.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COURTLAND:

SECTION 1. That Chapter 111, Part 3 of the City Code of the City of Courtland shall be amended to read as follows:

Part 3. Zoning Ordinance

303.23.1 Easement Fencing, Plantings and Landscaping Ordinance

Subdivision 1

A. Purpose: The purpose of this subdivision is to regulate the materials, location, height, and maintenance of fences, plantings and landscaping improvements to ensure a compatible relationship between abutting properties and the community at large, and to safeguard public health, safety, and welfare.

B. Applicability:

1. For the purpose of this policy, easements shall be classified into the following categories:
 - a. Standard lot line drainage and utility easements that do not contain underground storm sewer, sanitary sewer, or watermain utilities.
 - i. Fences, trees, bushes, gardens, lawn irrigation systems and other types of landscaping are permitted as long as the improvements meet City ordinance requirements and applicable permits are granted. However, these improvements cannot impede the drainage flow.
 - b. Drainage and utility easements that contain underground storm sewer, sanitary sewer, or watermain utilities.
 - i. No fences, trees, landscape timbers or block, rocks, play structures, utility sheds, building structures or hedges and other large bushes shall be installed within drainage and utility easements that contain underground storm sewer, sanitary sewer, watermain gas or electric utilities. Small gardens, small bushes and other low-level landscaping is permitted within these easements as long as such improvements do not block inspection and maintenance access to the underground utilities.
 - ii. Fences may be permitted by the City on a case-by-case basis in situations where the easement runs perpendicular to the property line and sufficient access to the utilities will be maintained. In addition, the fence will need to meet all City ordinance requirements, applicable permits must be applied for and approved by the City and the property owner must enter into an encroachment agreement with the City, is so recommended.
 - c. Drainage and utility easements that serve as inspection and maintenance access points for City personnel.
 - i. No fencing or landscaping improvements are permitted within a drainage and utility easement that will impede inspection or maintenance access points for City personnel.
 - d. Drainage and utility easements that serve as ponding basins.
 - i. Non-slat chain link fences or split rail type fences, trees, bushes, landscape walls, and other landscape materials may be permitted within drainage and utility easements that serve as ponding basins provided they are approved by

the City and are installed above the 100 year high water level for the pond; and do not impede water flow or maintenance access to the pond. The City may require the installation of gates for fence installations that may restrict access to the ponding basin.

ii. All of the ground surface within the ponding basin area at or below the 100-year high water level for the pond must be vegetated with grass or other suitable ground cover approved by the City. No mulch, gardens, bushes or bare soil shall be permitted within the ponding basin area at or below the 100-year high water level for the pond.

e. Trail or pedestrian easements.

i. No private fence or landscaping improvements are permitted within trail or pedestrian easements.

C. Removals: Any fence, plantings, structures or other landscape improvement installed within a drainage and utility easement are subject to removal as necessary for the installation, repair, maintenance, access or removal of public utilities and/or drainage improvements. The property owner shall remove any such structure and/or landscaping within 7 days of being notified. In the case of a dire emergency the city or utility company will remove the structure and/or landscaping and the property owner shall be responsible at their expense for both the removal costs and reinstalling any improvements within the drainage and utility easement that were removed in order to utilize the drainage and utility easement.


D. Public health and safety.

Notwithstanding any other provision in this subdivision, upon a determination by the City that a fence, plantings or landscaping constitutes a potential threat to public health or safety, and after notice to and opportunity for the owner of property upon which such items are located to be heard, the City Council may order the removal of such items at the expense of the property owner. Such a determination and order may be made without regard to whether such items were in existence prior to approval and publication of this ordinance.

This ordinance shall be in full force and take effect from and after its passage, approval and publication.

Passed by the City Council of the City of Courtland, Minnesota on the 5th day of August 2021.

Signed: 
Al Poehler, Mayor

Attest: 
Julie Holm, City Clerk

