

## CHAPTER 26

### FENCES

#### 26.01 PURPOSE.

The purpose of this chapter is to regulate the construction and maintenance of fences in the Village. Fences erected and maintained in the Village may be constructed and placed according to the owner's individual creativeness, originality and good judgment, if in keeping with established standards of residential development of the Village, but shall not cause discomfort or diminishment of the enjoyment of property to his neighbor or neighborhood.

#### 26.02 DEFINITIONS.

The following words and phrases have the designated meanings unless a different meaning is expressly provided or the context clearly indicates a different meaning.

**Corner lot** means a lot which has two or more adjoining sides, each of which abut the right-of-way of a different street or highway.

**Fence** means any wall or barrier, of any material or substance including hedges, shrubbery or any plant growth, erected, placed, grown or maintained as an enclosure barrier or boundary.

**Front lot line** means that side of a lot which abuts the right-of-way of the street or highway on which a lot fronts.

**Rear lot line** means that side of a lot which intersects one or more side lot lines, or which intersects one or more other rear lot lines, and which is opposite the front lot line.

**Right-of-way** means land owned by the State of Wisconsin, Brown County, or the Village of Allouez, and includes, but is not limited to: that land area between the front lot line and the curb or pavement; that land over which the State, County or Village has an easement; that land constituting the paved or otherwise improved portion of any highway, street and alleyway; and that land constituting any undeveloped or unimproved highway, street or alleyway on any recorded Plat of Survey and/or Certified Survey Map.

**Side lot line** means that side of a lot which intersects the front and rear lot lines, or either the front or rear lot line and another side lot line, or two other side lot lines but not a front or rear lot line.

#### 26.03 PERMIT.

- A. No fence exceeding 36 inches in height, or which is located within the minimum front setback of a lot, shall be erected, planted or placed on any premises without first obtaining a permit from the Building Inspector. A sketch, design, or other descriptive material of the proposed fence must accompany the application for the permit, and must show compliance with this section before a permit may be issued.

- B. A permit is not required for the construction and maintenance of fences erected as safety barriers around areas where building construction or other hazardous activities are being conducted or for the pasturing of livestock or for the limited purpose of excavating and filing as may be necessary for such construction or maintenance.
- C. Refer to Section 8.03 B(4) for permit fee.

26.04 HEIGHT.

No person shall erect, plant, permit or maintain on any premises owned by him, or in his possession or under his control, a fence whose maximum height above ground level exceeds the following limits, along or within the setbacks established by:

- A. Front lot line: 3 feet.
- B. Rear lot line: 6 feet except that hedges or shrubbery shall be allowed to attain their natural full growth.
- C. Side lot line (other than corner lots):
  - (1) 6 feet from the rear lot line to the point of intersection with the projection of the front line of the main building.
  - (2) 3 feet from the point of intersection with the projection of the front line of the main building to the front lot line.
- D. Side lot line (corner lots): Such height as is permitted in Paragraph C, except that fences erected adjacent to or abutting driveways or street intersections shall conform to the sight triangle requirements provided in Section 26.08.
- E. Rear and side lot lines: 8 feet when such lot line is adjacent to or lies within non-residentially zoned property, the provisions of paragraphs B, C and D above, notwithstanding.
- F. Materials and construction.
  - (1) Walls and fences shall be constructed of high quality materials and of good appearance, such as decorative blocks, brick, stone, treated wood, redwood, cedar, vinyl, wrought iron or similar materials.
  - (2) Hedges shall be trimmed or confined to the property on which they are planted.
  - (3) No fence or other structure containing barbed wire or other dangerous material shall be placed on residentially zoned property.
  - (4) Fences shall be constructed so that the structural supporting elements are located on the inside (facing away from the street or adjoining properties).

26.05 PROHIBITED FENCES.

- A. No fence shall be erected, planted, permitted, or maintained within the dedicated street right-of-way.
- B. No barbed wire or electrically charged fence shall be erected, permitted, or maintained except on parcels exceeding 10 acres in size and actively farmed. No agricultural style metal fence posts shall be exposed to view, no snow fence materials shall be used for permanent fencing and no single or double strands of wire shall be used for a temporary or permanent fence.
- C. No fence shall be erected, permitted or maintained which has a sharp or pointed pickets, or is otherwise dangerous to life or limb.
- D. No fence shall be erected, permitted or maintained which shall not comply with any other applicable ordinance of the Village, or for which a permit has not been obtained as required under Section 26.03.

26.06 EXISTING FENCES.

Any fence which was erected in compliance with the requirements of the then existing Allouez Village Code but which does not now conform with the provisions of this section, shall not be altered, enlarged or replaced without making the entire fence conform with the provisions of this section and all other applicable Village ordinances.

26.07 SWIMMING POOL FENCES.

- A. Barriers around a swimming pool are deemed to be necessary for the safety of persons of tender years, shall be erected to comply with the provision of other applicable ordinances, shall be deemed to be fences, and shall be permitted subject to the provisions of this chapter.
- B. A swimming pool shall be isolated from adjoining properties by a fence no less than 50 inches in height, of good appearance, and which is constructed and maintained so as to prevent the unguarded entry of small children. Any gate leading from the pool area to any open adjoining property shall be constructed with a latch so as to be capable of being locked, and shall be closed and secured so as to prevent unlatching by persons outside the pool area when the pool is not in use. An above-ground pool with self-providing fencing is deemed to comply with the provisions of this section providing that such self-provided fence is a minimum of six feet in height, is sufficient to prevent the unguarded entry of small children, and conforms to all other applicable ordinances of the Village.

26.08 SIGHT TRIANGLES.

There shall be a "vision clearance triangle" in each segment of land at each intersection of two or more streets. Such vision clearance triangle shall be bounded by the street right-of-way lines and a "vision clearance

setback line" connecting points on each right-of-way, which are located a distance of 30 feet back from the intersection of the right-of-way lines.

No fence, wall, hedge or any other structure, planting, or obstruction shall be erected, permitted or maintained except that there is permitted one post or tree trunk which may not exceed 4 inches in diameter, in the area from a line 30 inches above to the line 12 feet above the sidewalk line.

26.09 MAINTENANCE OF FENCES.

Every fence shall be maintained free of structural impairment and major surface defects or shall be removed at the fence owner's expense. Repairs required to correct any such deficiency shall be performed within six months from the date of damage.