

ORDINANCE NO. 2024-07

AN ORDINANCE AMENDING CHAPTER 229, FENCES, OF THE VILLAGE OF ALLOUEZ MUNICIPAL CODE

THE VILLAGE BOARD OF THE VILLAGE OF ALLOUEZ, BROWN COUNTY, WISCONSIN, DOES ORDAIN THAT CHAPTER 229 BE AMENDED TO READ AS FOLLOWS:

SECTION 1.

Chapter 229. Fences

§ 229-1 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 all development of the Village, but shall not cause discomfort or diminishment of the enjoyment of property to his neighbor or neighborhood.

§ 229-2 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

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

FENCE

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

That side of a lot which abuts the right-of-way of the street or highway on which a lot fronts.

REAR LOT LINE

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

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

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.

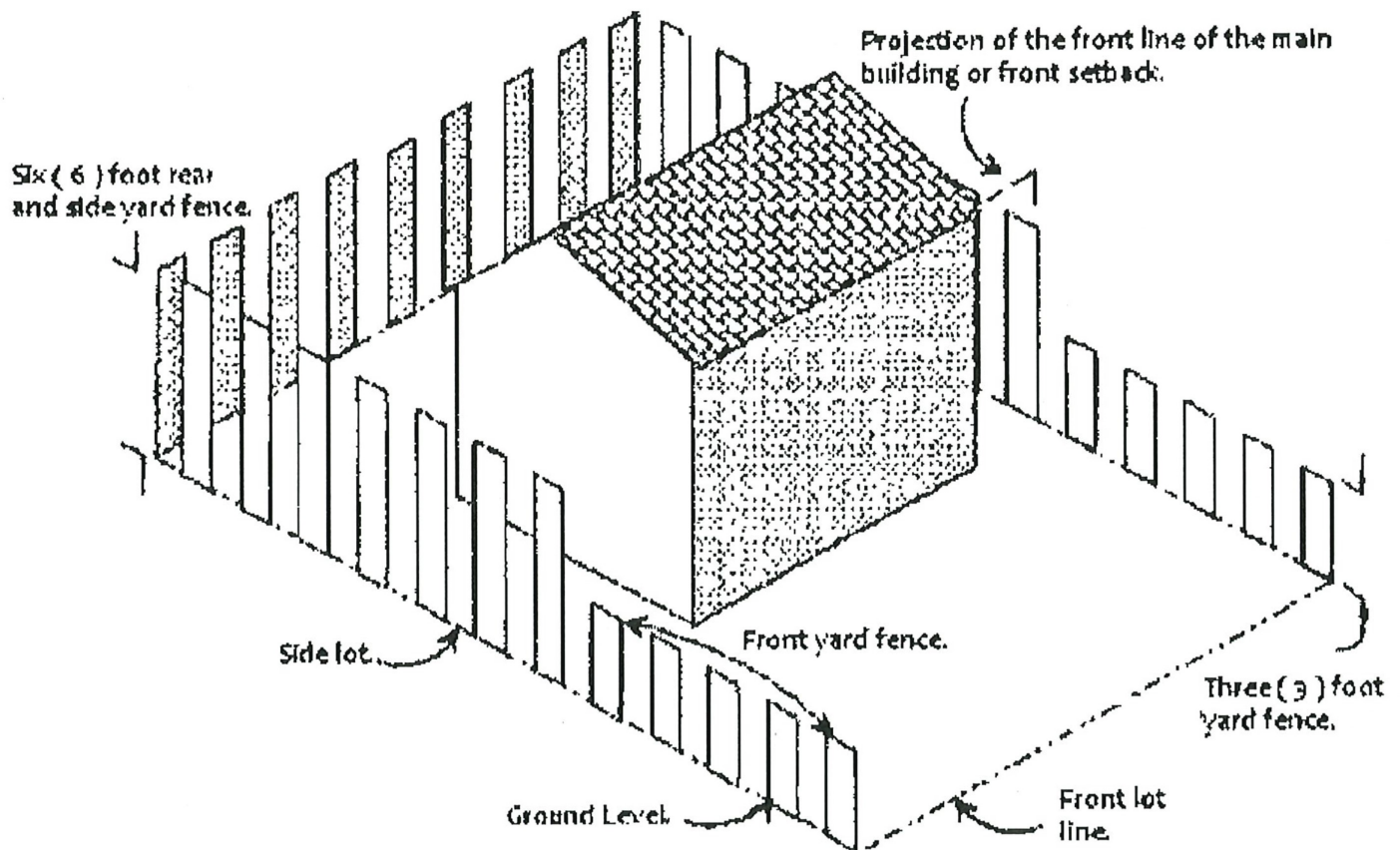
§ 229-3 Permit required; exceptions.

- A. No fence exceeding 30-36 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 chapter 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 limited purpose of excavating and filling as may be necessary for such construction or maintenance.
- C. A permit is not required for other temporary fences used for pedestrian, crowd or animal containment or control, but they must adhere to the established standards set forth in this chapter. Temporary fences may not be in place more than 14 days unless permission is granted by the Village of Allouez for an extension.
- D. No fence shall be erected, planted, permitted, or maintained within the dedicated street right-of-way.
- E. This section does not apply to underground pet containment systems.
- F. Refer to Chapter 225, Fees and Charges, for permit fee.

§ 229-4 Height.



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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 **natural** ground level exceeds the following limits, along or within the setbacks established by:

- A. Front lot line: three feet, **except that fences erected adjacent to or abutting driveways or street intersections shall conform to the sight triangle requirements provided in § 229-9.**
- B. Rear lot line: six feet, except that hedges or shrubbery shall be allowed to attain their natural full growth.
- C. Side lot line (other than corner lots):
 - (1) Six feet from the rear lot line to the point of intersection with the projection of the front line of the main building.
 - (2) Three 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 Subsection C, except that fences erected adjacent to or abutting driveways or street intersections shall conform to the sight triangle requirements provided in § 229-9.
- E. Rear and side lot lines: eight feet when such lot line is adjacent to or lies within nonresidentially zoned property, the provisions of Subsections B, C and D above notwithstanding.

§ 229-5 Materials and construction.

- A. 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.
- B. Fences shall be constructed so that the structural supporting elements are located on the inside (facing away from the street or adjoining properties), unless the fence is designed to show part of the support element whereas only half of the support element may show per side.
- C. Galvanized steel chain-link fencing or vinyl-coated chain-link fencing may be used. This type of fencing shall not be used in the front yard or past the front setback of the home.
- D. Agricultural mesh fencing and poles may be used for the protection of gardens, trees, shrubs and other plants that may be endangered by animals.
- E. Fences may be located on the property line on any side or rear yard not abutting a street, provided that all maintenance, including staining or painting, can be performed without trespassing on neighboring property either as a function of fence design or through a maintenance easement agreement with the neighboring property owner which shall be recorded with the County Register of Deeds.
- F. Architectural designed fences must be approved by the Building Inspector.
- G. No person shall use rope, string, wire products, including but not limited to chicken wire, hog wire, wire fabric, barbed wire (except as allowed in other sections of this Code), razor ribbon wire, field wire, barbless wire, agricultural mesh, and similar welded or woven wire fabrics, chain, netting, cut or broken glass, paper, metal panels, plywood, fiberglass panels or plastic panels in any fence or any other materials that are not manufactured specifically as fencing materials. The Building Inspector may require the applicant to provide the manufacturer's standards to establish the intended use of a proposed fencing material.
- H. No person shall construct a fence of wood, metal or plastic products that are designed specifically for uses other than fence construction.
- I. No person shall construct a fence of used, damaged or unsafe materials.

- J. No person in residential zones shall **attach fabric or mesh material or** weave or use slats of any material, including but not limited to metal, fiberglass, or bamboo, through a chain-link fence to create a blind fence, screening fence or any other type of fence addressed in this chapter.
- K. Used materials, equipment and devices shall not be reused unless it can be determined by the Building Inspector that they meet the requirements of the Building Code for new materials.
- L. No person shall place, erect, install, build, construct, add as a repair item, use and/or maintain any fence or barrier consisting of, or made of what is commonly known as, railroad ties, blocking lumber, pallets, or similar materials.
- M. No barbed wire or electrically charged fence shall be erected, permitted, or maintained. 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.
- N. No fence shall be erected, permitted or maintained which has sharp or pointed pickets, nails, spikes or other sharp objects or is otherwise dangerous to life or limb.
- O. No fence shall be erected, permitted or maintained with excluded materials or which shall not comply with any other applicable ordinance of the Village, or for which a permit has not been obtained as required under § 229-3.

§ 229-6 Outdoor storage, dumpster and commercial garbage screening fences.

- A. All premises or areas which are permitted outdoor storage of materials, including but not limited to bulk storage, inoperable vehicles, automobile parts, scrap metal, lumber, and building materials, which use garbage cans, dumpsters or other permitted outdoor refuse collection and storage shall be completely enclosed by a fence not less than six feet nor more than eight feet in height to screen such areas from ordinary public view. Such fence shall be 90% opaque.
- B. No materials or refuse stored may protrude above the height of the fence.
- C. All screening fences required under this section shall be required to be constructed of materials of a similar or complementary texture, color and style as any principal structure located on the premises.
- D. All fences under this section shall comply with Chapters 318, 345, **and 432, and § 432-4B(3), and 475,** Enclosures (commercial).

§ 229-7 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 to the provisions of this chapter shall not be altered, enlarged or replaced without making the entire fence conform to the provisions of this chapter and all other applicable Village ordinances.

§ 229-8 Swimming pool fences.

- A. Barriers around a swimming pool are deemed to be necessary for the safety of children, 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. All outdoor swimming pools, hot tubs, wading pools, ponds, and spas having a depth of 18 inches or greater, existing and hereafter constructed, shall be isolated from adjoining properties by a fence no less than 48 inches in height, with a maximum gap of four inches, 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 aboveground pool with self-provided fencing is deemed to comply with the provisions of this section, provided 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. No fence shall be required for spas or hot tubs with a safety cover complying with ASTM F1346 which is closed when not in use.

- C. Where an on-ground residential pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, the following shall apply:
- (1) An on-ground pool wall, itself, shall be permitted to be the barrier where the pool structure is on grade and the wall is at least 48 inches above grade for the entire perimeter of the pool and complies with the requirements of Subsection B.
 - (2) Where the means of access is a ladder or steps, the ladder or steps shall be capable of being secured, locked or removed to prevent access or the ladder or steps shall be surrounded by a barrier that meets the requirements of this section.
 - (3) When the ladders or steps are secured, locked or removed, any opening created shall not allow the passage of a four-inch-diameter sphere.
 - (4) The barrier shall be installed in accordance with the manufacturer's instructions.
- D. Exceptions. The Village encourages multiple layers of protection for the public safety, such as the fencing required above, and use of any of the following exceptions. It is the homeowner's responsibility to insure the safety of all pools on private property so as to mitigate against the risk of injury or drowning death. Fencing, however, shall not be required if the:
- (1) Pools, ponds or spas with locking and solid structural covers meet the following criteria:
 - (a) Upon the submission of the building permit for such locking and solid structural covers, the property owner shall provide signed letters (including name, address and phone) from all property owners within 100 feet of the property line indicating that they have been notified of the exception.
 - (b) Such locking and solid structural covers shall be installed in accordance with all manufacturer's requirements and recommendations.
 - (c) Such locking and solid structural covers shall be inspected annually by a professional pool company. Evidence of such inspection shall be submitted to the Zoning Department.
 - (d) Such locking and solid structural covers shall be insured. Evidence of insurance shall be submitted to the Zoning Department upon request.
 - (e) Such locking and solid structural covers shall be in place and locked whenever the pool, pond or spa is not in use and/or unsupervised by an adult.
 - (2) Pools, ponds or spas completely enclosed within a building.
 - (3) As determined by the Zoning Department that the pool, pond or spa does not affect the safety, health, or welfare of the residents or the community and does not annoy, disturb, injure, or endanger the comfort, repose, health, peace or safety of others.

§ 229-9 Sight triangles.

- A. **Primary sight triangle.** Primary 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 four inches in diameter, in the area from a line 30 inches above to the line 12 feet above the sidewalk line.

B. Non-primary sight triangle. Non-primary sight triangles shall be a vision clearance triangle in each segment of land at each intersection of a driveway, an alley, a pedestrian corridor, or other points of intersection with a street as determined by the Building Inspector. Such vision clearance triangle shall be bounded by the street right-of-way line and the edge of pavement line or other right-of-way line as determined by the Building Inspector. A vision clearance setback line connecting points on each line which are located a distance of 15 feet back from the intersection of the 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 four inches in diameter, in the area from a line 30 inches above to the line 12 feet above the sidewalk line.

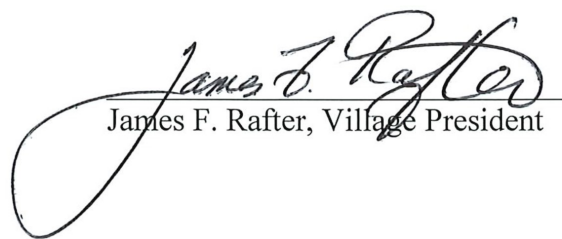
§ 229-10 Maintenance of fences.

- A. 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 30 days from the date of damage.
- B. Every fence shall be maintained free of minor structural impairment and minor surface defects or shall be removed at the fence owner's expense. Repairs required to correct any such deficiency shall be performed within 15 days from the date of damage.
- C. Hedges shall be trimmed or confined to the property on which they are planted.

SECTION 2. All ordinances or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall take effect upon its adoption and publication.

Approved and adopted this 4th day of June, 2024.


James F. Rafter, Village President

ATTEST:


Carrie C. Zittlow, Village Clerk-Treasurer