



# Ordinance 16-2024

Amending Mount Pleasant Code of Ordinances Division 90-435: Fences and Walls.

The Mount Pleasant Village Board ordains that:

1. The adoption of this text amendment followed the procedures outlined in [Division 90-520: Text Amendments](#);
2. The Village Board amends Division 90-335: Fences and Walls as shown in **EXHIBIT A**; and
3. This ordinance shall take effect upon adoption and publication as provided by law.

*Adopted July 22, 2024.*

**THE VILLAGE OF MOUNT PLEASANT, WISCONSIN**

By: \_\_\_\_\_

David DeGroot  
President

Attest: \_\_\_\_\_

Jill Firkus  
Clerk

# Division 90-435: Fences and Walls

## § 90-435.10 Applicability

[ORD. NO. 19-2020, 6-8-2020]

This division applies to all fences and walls. See [§ 90-430.70](#) for the specifications governing fences and walls used to satisfy the landscape and screening regulations of [Division 90-430](#).

## § 90-435.20 Prohibited locations

[ORD. NO. 19-2020, 6-8-2020]

- (a) Fences and walls may not encroach upon public property or rights-of-way.
- (b) Solid or opaque fences and walls may not violate the intersection visibility regulations of [Division 90-437](#).

## § 90-435.30 General regulations

[ORD. NO. 19-2020, 6-8-2020]

- (a) All fences' finished or more aesthetically pleasing sides must face the adjacent neighbor, public right-of-way, or Village-approved private drive.
- (b) Shrubs, coniferous trees, or hedges planted to function as an opaque fence or wall are subject to the applicable fence and wall height regulations of this division.
- (c) Fence heights are measured per [§ 90-610.160](#).

## § 90-435.40 Fences and walls in residential districts

[ORD. NO. 19-2020, 6-8-2020]

- (a) Fences and walls in the front yard of a lot in an R District may not exceed three-and-a-half feet in height.
- (b) On corner lots, only one street yard qualifies as a front yard for purposes of this division.
- (c) Fences or walls erected along the interior side lot line, in the interior side yard between abutting properties, along the rear lot line, or in the rear yard may not exceed six feet in height.

## § 90-435.50 Fences and walls in districts other than residential districts

[ORD. NO. 19-2020, 6-8-2020]

Fences and walls in districts other than R Districts may not exceed eight feet in height. However, the Community Development Director may approve taller fences and walls using the administrative site plan procedures of [Division 90-540](#) under [§ 90-430.100: Alternative compliance](#).

## § 90-435.60 Materials

[ORD. NO. 19-2020, 6-8-2020]

- (a) Unless otherwise expressly stated in this zoning chapter, fences, walls, screens, and retaining walls may be constructed of wood, masonry, concrete, wrought iron, or chain-link. The Community Development Director is authorized to approve the use of alternative materials, provided that the material is equivalent to the above-prescribed materials in suitability, strength, and durability.

EXHIBIT A

(b) No electrified, barbed wire, razor wire, or any other type of fence designed to cause bodily harm is allowed in any district except:

[AMENDED 4-25-2022 BY ORD. NO. 17-2022]

- (1) The Community Development Director is authorized to approve such fencing in A2, C-4, C-5, or P2 Districts, subject to administrative site plan approval.
- (2) For this division, considering Wis. Stats. 66.0440, the Village designates any property zoned RE, RL, RM, RH, MX, C-1, C-2, or C-3 containing dwelling units or any property, including where current residential use is a nonconforming use, whose current primary use is residential as determined by the Village Assessor or the Community Development Director as an “exclusively residential use.”

# Division 90-435: Fences and Walls

## § 90-435.10 Applicability-

[ORD. NO. 19-2020, 6-8-2020]

~~The fence and wall regulations of t~~This division ~~apply~~ applies to all fences and walls. See ~~also~~ § 90-430.70 for the specifications governing fences and walls used to satisfy the landscape and screening regulations of Division 90-430.

## § 90-435.20 Prohibited locations-

[ORD. NO. 19-2020, 6-8-2020]

- (a) Fences and walls may not encroach upon ~~any~~ public property or rights-of-way.
- (b) Solid or opaque fences and walls may not ~~be constructed or remain in a position in violation~~ e of the intersection visibility regulations of Division 90-437.

## § 90-435.30 General regulations-

[ORD. NO. 19-2020, 6-8-2020]

- (a) ~~All fences' The~~ finished or ~~more more~~ aesthetically pleasing sides ~~of all fences~~ must face the adjacent neighbor, public right-of-way, or Village-approved private drive.
- (b) Shrubs, coniferous trees, or hedges planted to function as an opaque fence or wall are subject to the applicable fence and wall height regulations of this division.
- (c) Fence heights are measured ~~per in accordance with~~ § 90-610.160.

## § 90-435.40 Fences and walls in residential districts-

[ORD. NO. 19-2020, 6-8-2020]

- ~~(a) Front yard-~~ Fences and walls ~~are permitted~~ in the front yard ~~area~~ of a lot in an R District ~~only if such fence or wall does~~ may not exceed ~~3.5~~ three-and-a-half feet in height. ~~All other front yard fences and walls in R Districts are prohibited. For purposes of this provision, the front yard area is considered the area forward of the street-side-facing wall of the principal building (between the principal building and the street).~~
- ~~(a)(b)~~ (b) -On corners lots, only one ~~of the~~ street yards ~~is required to be designated~~ qualifies as a front yard ~~area~~ for purposes of ~~these fence and wall regulations~~ is division.
- ~~(b)(c)~~ (c) ~~Side and rear yards-~~ Fences or walls erected along the interior side lot line, in the interior side yard ~~(between abutting properties)~~, along the rear lot line, or in the rear yard may not exceed six feet in height.

## § 90-435.50 Fences and walls in districts other than residential districts-

[ORD. NO. 19-2020, 6-8-2020]

Fences and walls in districts other than R Districts ~~are subject to a maximum height limit of~~ may not exceed eight feet in height. ~~However, t~~The ~~Plan Commission~~ Community Development Director ~~is authorized~~ may approve taller security fences and walls ~~up to 10 feet in height in accordance with~~ using the ~~Plan Commission~~ administrative site plan procedures of Division 90-540 under § 90-430.100: Alternative compliance.

## § 90-435.60 Materials-

[ORD. NO. 19-2020, 6-8-2020]

EXHIBIT A

- (a) Unless otherwise expressly stated in this zoning chapter, fences, walls, screens, and retaining walls may be constructed of wood, masonry, concrete, wrought-iron, or chain-link. The Community Development Director is authorized to approve the use of alternative materials, provided that the material offered is at least the equivalent of the above-prescribed materials in suitability, strength, and durability.
- (b) No electrified, barbed wire, razor wire, or any other type of fence designed to cause bodily harm is allowed in any district, except:

[AMENDED 4-25-2022 BY ORD. NO. 17-2022]

~~(1)~~ The Community Development Director is authorized to approve such fencing in A2, ~~M2, M3~~C-4, C-5, or P2 Districts, subject to administrative site plan approval.

~~(1)~~

~~(2) For this division, Battery-powered, alarmed electric security fences on property not designated exclusively for residential use per Wis. Stats. 66.0440.~~

~~(3) When considering Wis. Stats. 66.0440, the Village designates the following properties any property zoned RE, RL, RM, RH, MX, C-1, C-2, or C-3 containing dwelling units or any property, including where current residential use is a nonconforming use, whose current primary use is residential as determined by the Village Assessor or the Community Development Director as an "exclusively residential use."~~

~~(4) Any property zoned Residential (RE, RL, RM, RH).~~

~~(5) Any property zoned Mixed Use (MX).~~

~~(6) Any B1, B2, or B4-zoned property that contains dwelling units.~~

~~(7)(2) Any property, including where a current residential use is a nonconforming use, whose current primary use is residential as determined by the Village Assessor. For cases with no available Assessor determination, the Community Development Director may designate a primary residential use.~~