

ORDINANCE NO. 23- 11

AMENDMENT TO THE TOWN OF ROME CODE CHAPTER 360

ARTICLE XXVII, FENCES, WALLS AND HEDGES

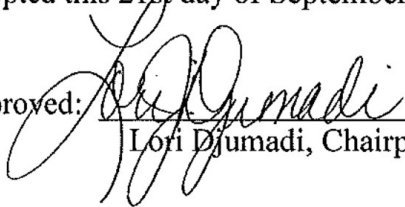
SECTION 360-139 REQUIREMENTS FOR CERTAIN FENCE TYPES

---

The Town Board of the Town of Rome, Adams County, Wisconsin, hereby amends the Town of Rome Code of Ordinances as set forth in Exhibit A, which is attached hereto and incorporated herein by reference. The amendment shall be published or posted pursuant to section 60.80 Wis. Stats. and shall take effect the day after such posting or publication.

Adopted this 21<sup>st</sup> day of September, 2023.

Approved: \_\_\_\_\_

  
Lori Djumadi, Chairperson

Attested: \_\_\_\_\_

  
Melissa Rhodes, Town Clerk/Treasurer

**Chapter 360, Zoning**  
**Article XXVII, Fences, Walls and Hedges**  
**[Amended 2-14-2019 by Ord. No. 19-04]**

**§ 360-134 Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them as follows, except where the context clearly indicates a different meaning.

**FENCE, AGRICULTURAL**

A fence erected for the primary purpose of providing enclosure for agricultural animals or fields in any agricultural zoning district. An agricultural fence may be constructed of fieldstone, wood or wire and may be electric or may incorporate barbed wire, depending on terrain, location and animals to be confined.

**FENCE, OPEN**

A structure of rails, planks, stakes, strung wire, or similar material erected as an enclosure, barrier, or boundary. Open fences are those with more than 50% of their surface area open for free passage of light and air. Examples of such fences include chain-link, picket, and rail fences.

**FENCE, ORNAMENTAL**

A structure whose only purpose is to decorate, accent, or frame a feature of the landscape. Ornamental fences are often used to identify a lot corner or lot line; or frame a driveway, walkway, or planting bed. Ornamental fences are those with more than 50% of their surface area open for free passage of light and air. Ornamental fences are often of the picket, rail, or wrought-iron type.

**FENCE, SECURITY**

A structure of rails, planks, stakes, strung wire, or similar material erected as an enclosure, barrier, or boundary. A security fence is erected for the purpose of preventing entry to a property by unauthorized persons and protecting equipment, materials, or products contained within the enclosure. A security fence may also be erected to screen equipment, materials, or products from unauthorized view.

**FENCE, SOLID**

A structure of rails, planks, stakes, strung wire, or similar material erected as an enclosure barrier or boundary. Solid fences are those with 50% or less of their surface area open for free passage of light and air and designed to conceal from view the activities conducted behind them. Examples of such fences are stockade, board-on-board, board-and-batten, basket-weave, and louvered fences.

**FENCE**

A structure forming an enclosure, barrier or boundary between properties, between a property and a street or an alley, or between portions of a property or properties, and includes a wall or latticework screen.

**HEDGE**

Vegetation forming a barrier, enclosure or boundary.

**§ 360-135 Permit required.**

- A. Except as provided in § 360-136 below, no person shall erect or construct any perimeter fence or wall or hedge on any property without having first obtained a permit for such fence from the Zoning Administrator and having paid the fee prescribed by the Town Board.
- B. Application for a fence permit shall be made in writing upon a form furnished by the Town.

- C. Plans and specifications including design and type of construction and materials, and a site plan or plat map displaying the proposed fence, wall or hedge location in reference to lot lines and structures on the property shall be submitted at the time of the application.
- D. The Zoning Administrator shall review, approve, and issue the fence permit if the application complies with the standards of this article. The permit may contain reasonable conditions stated in the permit.
- E. Upon the destruction of any perimeter fence, wall or hedge no perimeter fence, wall or hedge may be constructed or reconstructed in place of such destroyed or deteriorated fence without having first obtained a permit and complying with the terms and requirements of this article.

**§ 360-136 Fences not requiring a permit.**

- A. Ornamental fences measuring less than 20 feet in total length, freestanding, and not connected to a structure shall not require a permit.
- B. A fence surrounding a garden that conforms to the open fence standards and is not located closer than three feet to any property line shall be exempt from the permit and permit fee requirement. Such fencing shall be limited to the garden area only.
- C. Agricultural fences shall not require a permit. Such fences shall be allowed only in the A-1 General Agriculture District and the A-2 Secondary Agriculture District. Any other type of fence constructed in any Agriculture District shall follow the regulations contained herein.

**§ 360-137 General requirements.**

- A. Location.
  - (1) Fences, walls or hedges may be located at the property line. Property owners must maintain their fences as noted in § 360-141. Erecting a fence too close to property lines may cause difficulty in maintaining said fence.
  - (2) A nonornamental fence, wall or hedge on lots in residential districts shall not extend toward the front of the lot nearer than the street side of the house or the required minimum front yard, whichever distance is greater.
  - (3) No fence, wall or hedge shall be placed beyond the property lot lines.
  - (4) Lot line corner markers/pins or survey markers shall not be tampered with or moved when installing a fence.
  - (5) No fence, wall or hedge shall be erected in the waterfront setback.
  - (6) No fence, wall or hedge shall be erected within road right-of-way.
  - (7) No fence, wall or hedge shall be placed within a clear vision triangle area, as defined and measured in Chapter 320, Article III.
- B. Fences on lots in any residential district shall not contain barbed wire, electric current or charge of electricity.
- C. No fence, wall or hedge shall be constructed that would constitute a nuisance, pursuant to § 844.10, Wis. Stats.
- D. A hedge shall be continuously trimmed and all parts thereof confined to the property on which it was planted. Hedges may be permitted to grow to their natural height.

- E. Fence height limitations. There shall be no height limitation for fences that protect playgrounds, baseball backstops, tennis courts and like activities.

**§ 360-138 Construction standards.**

Fences shall be constructed in such a manner that the "finished" side shall face the neighboring property. Fence posts shall be on the side of the fence facing the permit applicant's property. No fence shall be constructed to have sharp or pointed pickets dangerous to life or limb.

**§ 360-139 Requirements for certain fence types.**

- A. Ornamental fences. A fence, including gates, which shall not exceed a height of four feet, and shall be more than 50% open for free passage of light and air. An ornamental fence may be permitted in any district. Ornamental fences include, but are not limited to, picket, rail or wrought-iron type. Chain-link fences are not considered ornamental fences.
- B. Open fences. A fence, including gates, which shall not exceed a height of eight feet in the R-4 Rural Residence District and R-5 Rural Estate Residence District, and shall not exceed a height of six feet in all other districts. An open fence's surface area shall be more than 50% open for free passage of light and air. An open fence shall be permitted in any district, but in all residential districts, may not extend toward the street side of the lot nearer than the street side of the house or the required minimum front yard, whichever distance is greater. Open fences include, but are not limited to, chain-link, picket or wrought-iron type.
- C. Solid fences. A fence, including gates, which shall not exceed a height of eight feet in the R-4 Rural Residence District and R-5 Rural Estate Residence District, and shall not exceed a height of six feet in all other districts. A solid fence's surface area may be more than 50% solid to conceal views from adjoining properties or streets. A solid fence shall be permitted in any district, but in all residential districts, shall not extend toward the street side of the lot nearer than the street side of the house or the required minimum front yard setback, whichever distance is greater. Solid fences include, but are not limited to, stockade, board-on-board, board-and-batten, basket-weave, and louvered type.
- D. Security fences. A fence, including gates, which shall not exceed 10 feet in height and may be of open or solid construction but shall be of open construction when located on the street side of a property. Security fences may include up to four strands of barbed wire on the top of the fence, provided that the barbed wire is at least eight feet above grade. A security fence shall be permitted in all nonresidential districts with the exception of the LA Lake Amenity District. Security fences may include any open or solid fence types.
- E. Agriculture fence. A fence, including gates, which shall not exceed 10 feet in height and may be of an open, solid or security type construction. Agriculture fences may contain barbed wire and shall only be permitted in the A-1 General Agriculture District and in the A-2 Secondary Agriculture District and only when the property is actively used for agriculture and/or farming. Agriculture fences may include any open, solid, or security fence type or fences constructed entirely of posts and barbed wire.

**§ 360-140 Completion of installation.**

A fence authorized by a fence permit shall be fully installed in accordance with this chapter and permit conditions, within 180 days of the date of permit issuance. A fence permit shall expire 180 days after the date of issuance. After a fence permit expires, no work requiring such a permit shall be commenced, resumed, or undertaken until a new permit is issued or the original permit is extended. The permit applicant may file a written request for an extension of the fence permit stating the reason for the request, for up to 180 additional days to complete the fence installation. The Zoning Administrator shall grant the request if good cause is shown

**§ 360-141 Maintenance.**

Fences shall be kept and maintained in good, sound, and presentable condition at all times. Fences not so maintained that become an eyesore or otherwise adversely affect property values in the neighborhood shall be removed upon order of the Zoning Administrator. The order shall provide 30 days minimum for such removal. Such orders shall be appealable to the Town Board of Appeals.

**§ 360-142 Variance.**

Any fence proposal at variance with the standards set forth in this article may, upon application, be considered by the Board of Appeals using the procedure and standards for the consideration of variances set forth in § **360-28** of this chapter.

**§ 360-143 Noncompliance; penalties.**

All fences constructed or maintained in violation of any of the provisions of this article are hereby declared public nuisances within the meaning of this Code. The Zoning Administrator may bring an action to abate the nuisance in the manner set forth in the Wisconsin State Statutes.