

## ORDINANCE NUMBER 6.04

### AN ORDINANCE OF THE TOWN OF BLOOMING GROVE RELATING TO THE BUILDING AND MAINTENANCE OF FENCES

The Town Board of the Town of Blooming Grove, Dane County, Wisconsin, does hereby ordain as follows:

#### **Section 1. Residential Fences**

##### (a) Definitions.

- (i) "Fences" are defined for the purpose of this Ordinance as an independent structure forming a barrier at grade between lots, between a lot and a street or an alley, or between portions of a lot or lots, and includes but is not limited to a wall or latticework screen, but excludes a hedge or natural growth, and excludes a barrier that is fewer than 18 inches in height that is used to protect plant growth.
- (ii) "Residential" is defined for the purpose of this Ordinance as land which is used primarily for residential living, and includes single family residences, multiple family residences, and apartments.

##### (b) Requirements and Restrictions.

- (i) The maximum dimension of wood posts shall be six (6) inches nominal.
- (ii) The maximum dimension of boards shall be one (1) by eight (8) inches nominal.
- (iii) The maximum diameter of individual poles of a stockade fence shall be three (3) inches nominal.
- (iv) The use of doors or plywood sheets is prohibited.
- (v) Subject to terms of this Section, all structural elements of the fence shall face the interior of the lot on which the fence is erected unless otherwise exempted by the Building Inspector. (In other words, the more aesthetic side of the fence shall face the neighbor's property).
- (vi) Barbed wire and electrical fences are prohibited.
- (vii) Front yards, side yards, and rear yards for purposes of this Section are determined as provided by Dane County's Zoning Code.

##### (c) Fence Height.

- (i) Fences in side and rear yards shall not exceed six (6) feet in height. Fences on side yards shall not extend beyond the front building line of the dwelling.
- (ii) Fences on lots with water frontage shall comply with all requirements of this Section except that on the yard which abuts the water frontage, the fences shall be limited to a maximum height of forty-two (42) inches and shall not be closer than ten (10) feet from the ordinary high water mark.

- (d) Fences in Front Yards. Only decorative fences may be erected in front yards, subject to the following requirements:
- (i) Decorative fences shall be defined as a barrier which utilizes natural materials such as wood or stone.
  - (ii) In no case may a fence be closer than six (6) inches to the property line, so that both sides of the fence can be properly maintained by the owner or caretaker of the fence. No fencing shall be allowed in a right-of-way or easement. No fence shall be erected on any corner lot less than ten (10) feet from the traveled portion of any public highway. Fences are also prohibited in any location where such barrier creates a potentially hazardous site-line situation, as determined by the Building Inspector.
  - (iii) No such decorative fence shall exceed forty-eight (48) inches in height.
- (e) Fence Permit Required. No fence shall be erected in the Town until a permit for the same has been granted by the Building Inspector. A permit fee, and specifications or a design sketch of the fence, shall be submitted along with the application for permit to the Building Inspector.
- (f) Maintenance. All fences shall be maintained in a neat, sightly manner, in accordance with Town of Blooming Grove Ordinance 6.01.5(c).
- (g) Nonconforming Fences. All non-conforming fences existing on the effective date of this Section or any amendment of this Section may be continued provided that only fences that are in actual use, maintained, and do not create or continue a hazard may be so continued. No nonconforming fence shall be extended, enlarged, reconstructed, or altered.
- (h) Fence Gates. All gates shall swing in toward the lot on which the fence is erected.

## **Section 2. Business, Commercial, or Industrial Fences**

- (a) Definitions. "Business, Commercial, or Industrial" is defined for the purpose of this Ordinance as land which is used primarily for non-agricultural business, commercial or industrial purposes.
- (b) Requirements and Restrictions. All of the requirements and restrictions in Section 1 apply to this Section, except that barbed tops are permitted on fences not less than six (6) feet in height. Rolled or concertine type barbed wire is prohibited. The Building Inspector shall consult with the Town of Blooming Grove Plan Commission, as necessary, in determining whether to issue a permit for a fence on a business, commercial, or industrial property.

**Section 3. Effective Date**

This ordinance shall take effect the day after posting or publication.

The above and foregoing Ordinance was duly adopted by the Town Board of the Town of Blooming Grove at a regularly scheduled board meeting held on April 27, 2004.

TOWN OF BLOOMING GROVE

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Tom Anderson, Chair

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Arnie Berg, Supervisor

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Dwight Johnson, Supervisor

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Kathie Linzmeier, Supervisor

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Jean Stube, Supervisor

ATTEST:

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Audrey Rue, Clerk/Treasurer/Administrator

Posted: April 28, 2004