

TOWN OF JEFFERSON
ORDINANCE NUMBER 016-2
REGULATING FENCES

The Town Board of the Town of Jefferson, Jefferson County does ordain as follows:

SECTION 1: Purpose

The purpose of this ordinance is to regulate the materials, location, height, and maintenance of fencing, landscaping walls, and decorative posts in order to prevent the creation of nuisances and to promote the general welfare of the public. In all zoning districts except agricultural districts, fences and landscape walls are permitted only in the manner outlined below.

SECTION 2: Definitions

- A. Fence: An enclosed barrier consisting of wood, stone, metal, or other materials intended to prevent ingress or egress.
- B. Landscape wall: A vertical structure or partition that encloses an area or separates two areas.

SECTION 3: Applicability

The requirements of the ordinance apply to all fencing, landscape walls, and decorative posts equal to, or exceeding thirty (30) inches in height, for all non-agricultural land uses and activities.

SECTION 4: Permit Required

No fence or walls shall be installed without obtaining a permit. The permit fee shall be as set by the Town Board, currently Fifty Dollars (\$50.00).

SECTION 5: Standards

- A. Materials
 - 1. Residential Districts. Acceptable materials for constructing fencing, landscape walls, and decorative posts include wood, stone, pre-formed concrete block, concrete, brick, wrought iron, chain link, and wire mesh, except that wire mesh fencing is not permitted within required front yard or street yard set-backs. Any fence with a street yard, including along property lines that intersect the right-of-way, shall be a maximum of sixty percent (60%) opaque.
 - 2. Non-residential/Non-agricultural Districts. Acceptable materials for constructing fencing, landscape walls, and decorative posts include wood, stone, pre-formed concrete block, concrete, brick, wrought iron, chain link, and wire mesh. Except for industrial security fences, barbed wire fencing shall not be permitted except in agricultural zones. Any fence within a street yard, including along

property lines that intersect a right-of-way, shall be a maximum of sixty percent (60%) opaque. Industrial security fencing shall be an open type fencing (e.g. chain link, woven wire, or wrought iron) and may be topped with barbed wire.

3. Temporary Fencing. Temporary fencing including the use of wood or plastic snow fences for the purposes of limiting snow drifting between November 1 and April 15, protection of excavation and construction sites, and the protection of plants during grading and construction during special events is permitted for up to six (6) months.
4. Snow Fences. Snow fences constructed of wood and wire, and/or plastic shall be permitted only as temporary fences.

B. Location

1. On all properties, no fence, landscape wall, or decorative post shall be located closer than two (2) feet to the front yard or street yard property line. Fences may be located on a property line abutting a side or rear yard. The property owner is responsible for finding and exposing or establishing through a survey that corner location (property/lot stakes).
2. No fence shall be placed in the traffic visibility triangle.

C. Maximum Height

The maximum height of any fence, landscape wall, or decorative post shall be the following:

1. Fences in excess of thirty-six (36) inches tall shall not be permitted within a front yard, set-back, or equal to building set-back;
2. Eight (8) feet when located on any residentially zoned property, but not within a required front yard set-back or a required street yard set-back; and
3. Ten (10) feet when located on any non-residentially zoned property other than an agriculturally zoned property, but not within a required front yard or a required street yard.

D. Orientation

Any and all fences, landscape walls, or decorative posts shall be erected so as to locate visible supports and other structural components toward the subject property.

E. Maintenance

Any and all fences, landscape walls, or decorative posts shall be maintained in a structurally sound and attractive manner as determined by the Town Board.

F. Swimming Pools

Fencing for swimming pools shall be provided per the model swimming pool enclosure code established by the National Spa and Pool Institute (NSPI).

SECTION 6: Penalties

Any person who fails to abide by this ordinance shall be fined up to One Hundred Dollars (\$100.00) per day for each day of violation. Further, the fine if not paid shall be placed upon the offending landowner's real estate tax bill and collected as a special charge. Further, the Town shall have the right to pursue injunctive relief to require the removal of the offending fence. The Town Board or its designee appointed by the Board shall have authority to enforce this ordinance.

SECTION 7: Non-conforming Fences, Landscape Walls, Decorative Posts

Fences, landscape walls, and decorative posts in existence at the time of the adoption of this ordinance shall be considered legal-nonconforming except for maintenance standards contained in Subsection E, above.

SECTION 8: Effective Date

This Ordinance shall be effective after adoption and publication by the Town Board of the Town of Jefferson.

Harold Bockmann
Harold Bockmann, Chairperson

Raymond V. Miller
Raymond Miller, Supervisor

Don Bigelow, Supervisor

Eugene Haag
Eugene Haag, Supervisor

Tyson Barnes
Tyson Barnes, Supervisor

ATTEST TO:

Bonnie L. Ames
Bonnie L. Ames, Clerk

Date adopted: September 5, 2006

Date published: _____

Effective date: _____