

## Town of Jefferson

### Ordinance 10-18

### Regulating Fences

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

- **Purpose:** This ordinance proposes to prevent nuisances and promote the general welfare of the public by regulating the installation of fences and landscape walls in all zoning districts except agricultural districts, and permits fence and landscape wall construction in the manner outlined in this ordinance.
- **Definitions:**
  - Fence: An enclosed barrier or structure consisting of wood, stone, metal or other materials intended to prevent view, ingress, or egress.
  - Landscape Wall: A vertical structure or partition that encloses an area or separates two areas.
  - Vegetative Fence: Fences composed partially or entirely of live vegetative materials.
- **Permit and Fee:** To locate and install a fence in the Town of Jefferson in any zoning district other than Agricultural (AT, A-1, A-2) the owner or resident shall make application and pay a fee set in the Town of Jefferson Annual Fee Schedule to obtain a fence permit. The Town shall notify the Plan Commission meeting and Town Board meeting where a decision will be made on the permit application.
- **Standards:**
  - **Residential, Community and Business Districts:** Acceptable materials include, wood, stone, pre-formed concrete block, wrought iron, and chain link. Wire mesh fence is not permitted. Visible supports and structural components must face the subject property. A front-yard fence shall be located three feet outside of the town road right-of-way. Side and rear yard fences may be located on the property line if no road right of way exists. The maximum fence height in a road facing yard shall be 36". A side or rear yard fence may not exceed 6 feet in height. Barbed wire and electrified fences are not permitted.
  - **Industrial:** Fences shall be of an open material type. Fences that face or intersect a town road right-of-way shall be 60% opaque. Security barb-wire is allowed at the top of a fence that exceeds 8 feet in height. Location of fences in an industrial zone shall conform to the permit requirements cooperatively developed between the Town and the property owner.
  - **Temporary:** Snow fencing is allowed only between October 15 and April 15 of any given year. Temporary fencing may be used for no longer than 6 months for any other application such as protection of construction and excavation sites, or shall be removed when the temporary fence no longer serves its intended function or purpose, or it is no longer maintained. There is no permit required for temporary fencing.

- **Vegetative Fence:** Fences composed partially or completely of live vegetative materials, shall be placed in a location that accommodates the mature horizontal width of the vegetation, tree, or shrub such that a three-foot minimum is maintained from all property lines and right-of-ways when located in a residential, community, or business district. This type of fencing for either barrier or decoration shall not impede a traffic visibility triangle. At such time as a vegetative fence exceeds these standards, the Town may require the removal or alteration of said fence.
  - **Swimming Pools:** Fencing for swimming pools shall be installed per the model swimming pool enclosure code of the National Spa and Pool Institute (NSPI) and applicable County Zoning regulations.
  - **Animal Enclosures:** Where animal units are allowable under Jefferson County Zoning, they shall be adequate to contain the animals and be located no closer than ten feet from a property line or right-of way.
  - **Traffic Visibility Triangles:** No fence may be placed within a roadway traffic visibility triangle as defined by the County of Jefferson zoning set back is 150 to 250 ft.
  - **Maintenance:** All components of fences and landscape walls shall be maintained in a structurally sound manner by the owner.
- **Shore-land Zoning:** When applicable, Jefferson County shore-land zoning requirements for fences take precedence over this ordinance
  - **Non-conforming:** Fences that are in existence at the adoption of this ordinance shall be considered legal, non-conforming. At the time repairs are made to the fence or components of the fence are replaced, and the repair or replacement exceeds 20% of the total fence length, the legal non-conforming fence must be made to meet the standards in this ordinance. Legal non-conforming fences that do not meet the standards of this ordinance may be subject to a removal or repair order from the Town of Jefferson if it impedes adjoining property rights or the general welfare of the public.
  - **Forfeitures:** Any person violating the provisions of this ordinance shall be subject to a forfeiture of \$100.00 plus costs for each offense and a separate offense shall be deemed committed on each day on which a violation occurs or continues. Unpaid forfeitures will be collected by the Town using any legal means of recovery. The Town Board or its agent shall have the authority to enforce this ordinance.
  - **Penalty:** Any person installing a fence without a permit shall be subject to a permit fee that is double the amount stated herein. Additionally, if the fence does not meet the standards of this ordinance, removal or replacement may be ordered by the Town of Jefferson or its agent.
  - **Severability:** Should any section or provision of this ordinance be declared unconstitutional or invalid, or be repealed, the constitutionality or validity of the remainder shall not be affected thereby.

- **Replacement:** This ordinance replaces Town of Jefferson Ordinance 06-02 in its entirety.
- **Effective Date:** This ordinance shall take effect after passage, and adoption by the Town Board, and posting and publication as required under s. 60.80 Wis. Stats.

Adopted this 1<sup>st</sup> day of October, 2018.

\_\_\_\_\_  
Michael Hollinger, Chair

\_\_\_\_\_  
Curtis Backlund, Supervisor

\_\_\_\_\_  
Gregg Hill, Supervisor

\_\_\_\_\_  
Jim Mode, Supervisor

\_\_\_\_\_  
Tracie Stammer, Supervisor

ATTEST TO:

\_\_\_\_\_  
Tina Barnes, Clerk

Date Adopted: \_\_\_\_\_

Date Posted: \_\_\_\_\_

Effective Date: \_\_\_\_\_