

**ORDINANCE 2023-6**  
**AMENDING § 575-86: PERTAINING TO THE PERMITTING OF FENCES**

The Village Board of the Village of Fredonia does ordain as follows:

§ 575-86 is hereby amended to read as follows:

§ 575-86 Fences.

**A. Fences defined.**

For the purpose of this section:

FENCE: An enclosed barrier consisting of wood, stone or metal intended to prevent ingress or egress. A fence is a barrier intended to prevent intrusion or to mark a boundary; such a barrier is constructed of posts and boards or rails, or posts and wire mesh. No fence shall be constructed of unsightly or dangerous materials, which could constitute a nuisance. A "decorative fence" is a fence that does not restrict access to the yard. Fence posts and supports must be installed on the side of the fence that faces the fenced property.

[Amended 9-21-2017 by Ord. No. 2017-03]

**B. Residential fences.**

**(1) Side yard and back yard fences.**

(a) Side yard and backyard fences may be placed on the lot line with the agreement of neighboring property owners; otherwise the fence must be set back two feet. The owner of the fence shall be responsible for all maintenance of the fence, including the clipping of grass or weeds under the fence.

(b) Side yard and backyard fences shall not exceed six feet in height, regardless of abutting zoning district.

(c) Side yard and backyard fences shall not be permitted closer than two feet to any public right-of-way. [1]

[1]Editor's Note: Former Subsection B (1) (d), regarding corner lot side yard fences, which immediately followed, was repealed 5-16-2019 by Ord. No. 2019-05.

**(2) Street yard fences.**

Street yard fences are not allowed except decorative fences (see below) and corner lots on the nonaddress side of the house.

[Amended 5-16-2019 by Ord. No. 2019-05]

**(3) Decorative fences.**

(a) A decorative fence may be constructed to decorate the corner of a lot or to facilitate the planting of shrubs or flowers but cannot restrict access to the yard.

(b) When a decorative fence is used as a corner accent, the length of the fence shall not exceed 10 feet in either direction from the corner post. A decorative fence shall not exceed 42 inches in height.

[Amended 9-21-2017 by Ord. No. 2017-03]

(c) Decorative fences must be located a minimum of two feet from the lot line or from any public right-of-way, whichever is greater.

### **C. Security fences.**

Security fences are permitted on the property lines in all nonresidential districts but shall not exceed 10 feet in height and shall be of an open type similar to woven wire or wrought iron fencing.

### **D. Allowable and prohibited fences.**

(1) Allowable fences: The following fences are allowed in the Village in all zoning districts: Split rail, dog eared, dog eared shadow box, wrought iron, picket, chain link, slats, vinyl, and aluminum. All fences, unless further mentioned in this Ordinance to state otherwise, may have any percentage of openness to light.

(2) Prohibited fences: No fence shall be constructed which is in a dangerous condition, or which conducts electricity or is designed to electrically shock or which uses barbed wire; provided, however, that barbed wire may be used in industrially zoned areas if the devices securing the barbed wire to the fence are 10 feet above the ground or height and project toward the fenced property and away from any public area.

### **E. Fences to be repaired.**

All fences shall be maintained and kept safe and in a state of good repair, and the finished side or decorative side of a fence shall face adjoining property.

### **F. Temporary fences.**

Fences erected to warn of construction hazard, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four-foot intervals. Such fences shall comply with the setback requirements set forth in this section. The issuance of a permit shall not be necessary for temporary fences as described herein, but said fences shall not be erected for more than 45 days unless requested, in writing, and approved by the Director of Public Works.

### **G. Nonconforming fences and hedges.**

Any fence or hedge existing on the effective date of this Code of Ordinances and not in conformance with this section may be maintained, but any alterations, modifications or improvements shall comply with this section.

H. Permits required; process for approval.

No person shall construct or maintain any fence without first obtaining a fence permit from the Building Inspector. Application for such a permit shall be made on the form prescribed for that purpose, which shall require the applicant to provide a site plan showing property lines, fence location, any structures on the property, and details of fence construction including materials and color.

If the Building Inspector is satisfied the proposed fence conforms with this section, the Building Inspector shall issue the fence permit. If the Building Inspector is not so satisfied, the Building Inspector shall refer the permit application to the Architectural Control Board, which shall decide whether the permit may be issued. The Clerk shall make any necessary notifications to the applicant.

PASSED AND ADOPTED by the Village Board of the Village of Fredonia, Ozaukee County, Wisconsin this 6<sup>th</sup> day of July, 2023.

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Daniel Gehrke, Village President

ATTEST:

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Michelle Johnson, Village Clerk