

ORDINANCE 2-2016

To Amend the Code of the City of Amery Chapter Amendments to Sections 13-1-142 Fence Zoning Regulations

The City Council of the City of Amery, Polk County, Wisconsin, do ordain as follows:

1. **Fences Defined.** For the purpose of this Section, a "fence" is herein defined as a barrier consisting of wood, stone, cement, masonry, plastic or vinyl, composite materials, metal or vegetation, such as hedges or shrubbery, intended to prevent ingress or egress. No fence shall be constructed of unsightly or dangerous materials which would constitute a nuisance.
 - a. Split Rail Fence: If installation of split rail fence is less than 50% of the area on a side it will be considered landscaping and no permits will be required.
2. **Location of Fence.** A fence shall be placed on the property line unless the adjoining property owners agree in writing to place fence 3 foot from the property line. In industrial and commercial zoning districts, fence must be placed on the property line unless there is an issue with a public utility easement. No fence shall be installed in flood plain areas per the City of Amery floodplain Ordinance.
3. **Height of Fence in Residential Zoned Areas.** Except as provided in Section 13-1-90 and Subsection (e) below, fences may be erected, placed, maintained or grown on residentially-zoned property to a height not exceeding six (6) feet above the ground level except that a fence which is located in a required front yard shall not exceed a height of three (3) feet. Where residentially-zoned property is adjacent to non-residentially-zoned property, the height limit of a fence shall be increased to eight (8) feet.
4. **Height of Fence for Industrial/Commercial Zoned Property.** Any property located in an industrial district shall have fencing consisting of effective solid vegetation along all lot lines adjoining any residential district unless waived by the Plan Commission. Said fencing shall not be less than eight (8) feet in height. In a commercial zoning district's, the fence can be a minimum of (6) feet in height with a maximum of (8) feet.
5. **Vision Clearance.** On a corner lot in any district, no fencing shall be erected, placed, maintained or grown at a height exceeding three (3) feet above the curb level or its equivalent within twenty (20) feet of the corner of such lot that is at the street intersection.

6. Prohibited Fences.

(1) No fence shall be constructed which is of a dangerous condition, 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 ten (10) feet above the ground or height and project toward the fenced property and away from any public area.

(2) Although fences which conduct electricity or are designed to electrically shock are generally prohibited, such fences using smooth wire are allowed for the limited purpose of deer control.

(g) Fences to be Repaired.

(1) 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.

(2) Any existing fences which do not conform to the requirements of this Section and which are damaged, or in need of repair to the extent that exceeds fifty percent (50%) of the then value of the fence, said entire fence shall either be completely dismantled or reconstructed in compliance with the provision of this Section.

(3) All new and existing fences shall be maintained in such a manner so as not to allow rust, dents or deterioration to take place. If a fence needs repair and maintenance, said fence shall be painted or stained in only neutral colors. Failure to maintain a fence in good condition and repair will result in the City issuing an order to the property owner to take whatever steps are necessary to correct the condition. Said notice shall set forth a reasonable time for compliance and shall set forth a notice that failure to comply will result in a violation and with a penalty set forth in Section 1-1-7,

(h) Temporary Fences.

(1) No permit is needed for a temporary fence. Fences erected for the protection of planting or 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 (4) 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 one hundred fifty (150) days.

(i) Visibility; Open Spacing Requirement.

(1) In any non-residential area, fences shall be of such type and construction that shall allow people outside the fence to see through it without hindrance. However, if a residence exists in a non-residential zone, a fence may be constructed pursuant to the requirements of Subsection (i)(2) below. In an industrial area where barbed wire is used, the lowest strand shall be a minimum

of six (6) feet above the grade.

(2) All fences hereafter erected or constructed shall provide openings for a passage of air equivalent to twenty-five percent (25%) of the surface area of the fence and shall have the structural components thereof facing the side of the property for and on which the same are erected. In residential areas where privacy is desired, privacy fences with less than such twenty-five percent (25%) open spacing may be erected, provided such fence may not extend farther than twenty-five percent (25%) from the main rear line of such residence. A fence situated in a residential area shall be constructed only of wood or chain link type fencing. Fences shall not be constructed of luminous materials or smooth, or corrugated metal materials. All fences, including privacy fences, if said fence is to be stained or painted by the property owner or on his/her behalf, shall be stained or painted in only neutral colors.

(j) **Special Purpose Fences.** Fences for Swimming pool and hot tub fences shall comply with the requirements of Section 13-1-143. Fences located in Amery's Downtown Design Standards Adopted July 6, 2011.

(k) **Height Determination.** The height of any fence erected under this Section shall be determined by the measurement from the uppermost point of the fence to the existing ground level of the property.

(l) **Nonconforming Fences.** Any fence existing on the effective date of this Chapter and not in conformance with this Section may be maintained, but alterations, modifications or improvements of more than fifty percent (50%) of said fence shall require the owner to bring the fence into compliance with this Section.

(m) **Fence Permit Required.** No person shall erect a fence in the City without first obtaining a zoning and building permit. The applicant shall provide the Zoning Administrator with accurate design information for the proposed fence. Permits may only be issued for proposed fences complying with this Section.

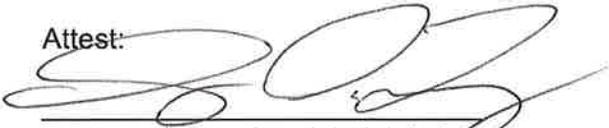
(n) **Location Determination.** The property owner erecting a fence is solely responsible for ensuring that the fence is located properly on his/her property or on the property line.

Passed this day Wednesday, June 1, 2016

This amendment to sections shall take effect upon passage and publication as required by law.



Kay Erickson, Mayor

Attest:


Darcy D. Long, City Administrator