

SEC 13-1-143**FENCES AND HEDGES**

- (a) **Fences Defined.** For the purpose of this Section, a “fence” is herein defined as an enclosed barrier consisting of vegetation, wood, stone or metal intended to prevent ingress or egress. For the purpose of this Section, the term “fence” shall include planting, such as hedges and shrubbery. No fence shall be constructed of unsightly or dangerous materials which would constitute a nuisance.
- (b) **Fences Categorized.** Fences shall be categorized into five (5) classifications.
- (1) Boundary Fence. A fence placed on or within three (3) feet of the property lines of adjacent properties.
 - (2) Protective Fence. A fence constructed to enclose a hazard to the public health, safety and welfare.
 - (3) Architectural or Aesthetic Fence. A fence constructed to enhance the appearance of the structure or the landscape.
 - (4) Hedge. A row of bushes or small trees planted close together which may form a barrier, enclosure or boundary.
 - (5) Picket Fence. A fence having a pointed post, stake, pale or peg laced vertically with the point or sharp part pointing upward to form a part of the fence.
- (c) **Height of Fences Regulated.**
- (1) Residential fences less than six (6) feet in height are permitted on rear and side lot lines. Residential fences less than or equal to four (4) feet in height are permitted in the street yard but shall not be closer than two (2) feet to any public right-of-way and shall be subject to the requirements of Section 13-1-90. Residential fences equal to or greater than six (6) feet shall require a conditional use permit. All fences must be constructed and maintained in a good state of repair and appearance.
 - (2) No fence, wall, hedge or shrubbery shall be erected, placed, maintained or grown along a lot line on any non-residentially zoned property, adjacent to a residentially zoned property, to a height exceeding eight (8) feet.
- (d) **Setback for Residential Fences: Amendment by Agreement.**
- (1) Fences in or adjacent to a residential property shall have minimum three (3) foot side and rear yard setback unless otherwise agreed in accordance with Subsection (2). Fences may be constructed alongside lot lines but shall not extend into the front setback area as extended to the side lot lines.
 - (2) Residential fences may be constructed closer than three (3) feet to the lot line if the owners of the residential property and the owners of the adjacent property or properties so agree, in writing. The agreement must be prepared in a form which permits it to be recorded in the Trempealeau County Register of Deeds, shall be signed by all of the owners of the residential property and the adjacent property or properties and shall contain, at a minimum, the legal descriptions of the residential property and the adjacent properties, the specific agreement as to the location of the fence, the duration of the agreement and whether the agreement is personal to the residential owners or shall run with the land. The original agreement shall be recorded in the Trempealeau County Register of Deeds and a photocopy of the recorded original shall be filed with the

City Clerk. All of the requirements of this Subsection shall be conditions precedent to the issuance of a building permit for the construction of the fence or the actual construction of the fence.

- (d) **Security Fences.** Security fences are permitted on the property lines in all districts except residential districts, but shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire or wrought iron fencing.
- (e) **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, the 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.
- (f) **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.
- (g) **Temporary Fences.** 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 forty-five (45) days.
- (h) **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 no alteration, modification, or improvement of said fence shall comply with this Section.