

**Village of Bloomington
Ordinance No. 2022-01**

**AN ORDINANCE TO AMEND CHAPTER 13 ENTITLED "BUILDING REGULATIONS"
TO CREATE AND ADD SECTION 13.05 "RESIDENTIAL FENCING" TO THE
VILLAGE OF BLOOMINGTON MUNICIPAL CODE.**

NOW, THEREFORE, the Village Board of the Village of Bloomington, Grant County, Wisconsin, does ordain as follows:

Section I: Chapter 13 entitled "Building Regulations" to be amended and add subsection 13.05 entitled "Residential Fencing" shall be and hereby is incorporated into the Village of Bloomington Municipal Code to read as follows:

13.05 RESIDENTIAL FENCING

1. Definitions

- A. The term "fence" is defined as any vegetation or structure constructed, erected, assembled, planted or arranged to serve as a permanent enclosure, barrier or boundary.
- B. The term "temporary fence" is defined as any vegetation or structure constructed, erected, assembled, planted or arranged to serve as a temporary enclosure, barrier or boundary for a period not to exceed 180 consecutive days per calendar year.
- C. The term "vegetation" is defined as any plants, shrubbery, or hedges planted, buried or arranged in such a manner as to create a fence.
- D. The term "pet containment system" is defined as an electronic containment device that utilizes underground wires that are used to keep a dog or other animal inside the boundary of a property without the construction of a fence. Pet containment systems shall comply with the location requirements within Subsection 5 and maintenance requirements within Subsection 6 below.
- E. For the purpose of this Section, the term "front yard" is defined as a yard extending along the full width of the front lot line between the side lot lines and extending inward from the front lot line to the front face of the building.
- F. For the purpose of this Section, the term "street-side yard" is defined as a yard extending along the street-side lot line between the front yard and the rear lot line and extending inward from the street-side lot line to the street-side face of the building.

- G. For the purpose of this Section, the term "interior-side yard" is defined as a yard extending along the interior-side lot line between the front yard and rear lot line and extending inward from the interior-side yard lot line to the interior-side face of the building.
- H. For the purpose of this Section, the term "rear yard" is defined as a yard extending along the rear lot line between the side yards and extending inward from the rear lot line to the rear face of the building.

2. Materials

- A. **Approved Materials.** Residential fences shall be constructed only of materials manufactured for use as residential fencing and never opaque metal of any kind. Approved materials for fencing include, but are not limited to, wood, stone, brick, wrought iron, chain link, woven wire, wire mesh, composite materials, plastic, or vegetation. Snow fences constructed of wood, wire, plastic or any combination thereof shall be permitted only as a temporary fence.
- B. **Prohibited Materials.** No residential fence shall be constructed of dangerous materials or materials that would constitute a nuisance. No fence shall be constructed of barbed wire, razor wire or be constructed that conducts electricity or that is designed to shock with electricity.

3. Permit Requirement.

No person shall erect a fence in the Village of Bloomington unless a permit is first obtained from the Village Office by the property owner or his/her agent. A permit fee, as established annually by the Village Board, shall be paid upon application for the permit. Failure to obtain said permit and pay required fee will permit the removal of the fence upon demand the Building Inspector.

4. Responsibility of Owner.

Any person erecting a fence shall do so on his/her own property. The responsibility for establishing a property line shall rest with the property owner erecting the fence.

5. Location.

- A. Fences are permitted on the property lines in residential districts but shall not exceed a height of 6 feet (1.83 meters), in the side and rear yards; shall not exceed a height of 4 feet (1.22 meters), in the front yard; and shall not be closer than 2 feet (0.61 meters) to any public right-of-way in the front or side yards of the lot.
- B. All fences, landscaped walls or decorative posts shall be erected so as to locate the visible supports and other structural components toward the subject property, except for structures that are finished equally toward adjoining properties.
- C. Residential fences may not be located in any vision triangle. No solid fence or segment of a fence more than three (3) feet high is allowed within the vision clearance required for corner lots abutting a street or alley.

- D. A corner lot is deemed to have two front yards.
- E. No fence or segment of a fence shall be constructed nearer than four (4) feet to any alley line.

6. Maintenance.

- A. The owner of a fence shall be responsible to maintain said fence in a safe, structurally sound and attractive manner.
- B. All exterior surfaces shall be treated with paint or other preservative and shall be maintained so as to prevent chipping, peeling, cracking or other deterioration of the exterior surfaces so as to present an attractive appearance and to maintain safety.
- C. Any fence in a dilapidated or deteriorated condition and further improper state of repair that causes a safety or health concern is considered a Public Nuisance and is in violation of the Public Nuisance chapter of this Municipal Code and therefore subject to the penalties and abatement procedures set forth in said chapter.

7. Temporary Fences.

Fences erected for the protection of planting or to warn of a 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 described herein.

8. Existing Fences.

Fences in existence upon the adoption of this Section are legal non-conforming uses. Any modification or alteration to an existing fence will, however, require a permit as set forth in Subsection 3 above and shall also need to comply with all other requirements as set forth in this Section.

9. Penalties.

The penalty for violation of any provision of this Section of the Code will be a penalty as provided in Section 15.04. A separate offense shall be deemed committed for each day of which a violation of this Section occurs or continues.

Section II: This Ordinance shall take effect upon its passage and publication or posting as required by law.

Adopted and approved this 7 day of February, 2022, by the Village Board of the Village of Bloomington, Grant County, Wisconsin.

VILLAGE OF BLOOMINGTON by:

Robert E. McLimans
Robert McLimans, President

ATTEST: I, Mary Culligan, Village Clerk-Treasurer, do hereby certify that the amendment to Chapter 13 "Building Regulations" to add Subsection 13.05 entitled "Residential Fences" to the Village of Bloomington Municipal Code has been approved by the Village Board of the Village of Bloomington, Grant County, Wisconsin, at a meeting held on February 7, 2022.

Mary A. Culligan
Mary Culligan, Village Clerk-Treasurer

Date Adopted: Feb. 7, 2022

Effective Date: Feb. 7, 2022