

ORDINANCE NO. 2017-4

AN ORDINANCE RELATING TO FENCES AND FENCE PERMITS IN THE VILLAGE OF BOAZ, RICHLAND COUNTY, WISCONSIN, AND ESTABLISHING A PENALTY FOR VIOLATION THEREOF

THE VILLAGE BOARD OF THE VILLAGE OF BOAZ, RICHLAND COUNTY, WISCONSIN, DO HEREBY ORDAIN AS FOLLOWS:

Section I: Materials. Any fencing within the village must be made from wood, plastic, vinyl or metal chain link materials. No other materials are permitted except that barbed wire, electric, chicken wire and other fences described in Wis. Stat. sec. 90.02 may be constructed on property assessed as agricultural land.

Section II: Function or purpose. Fences within the village existing or proposed for the purpose of masking or disguising the storage of illegal debris such as old building material, junk, inoperable or unlicensed vehicles or equipment or any parts or pieces of the same are prohibited.

Section III: Maintenance. All fences must have a suitable finish. Wood and metal fences must be kept painted or stained to an even and consistent color. Pre-colored or pre-finished fences must be kept clean of dirt and or replaced once the fencing becomes unsightly.

Section IV: Size and placement.

(a) Fences may not exceed 7 feet in height and what is typically called the bad or back side of the fence must face the fence owner's property and not the neighbor's.

(b) Except for agricultural line fences under Section I, no fence may be placed within any street right of way or within one foot of any lot line.

(c) A "clear vision triangle" is the triangle formed on corner lots between points on the front, side or rear lot lines 35 feet from the intersection of the right-of-way lines. Within that area no fence shall be permitted higher than two feet above the average finished grade of the lot.

Section V: Inspections. Any fence within the village may be subject to an inspection by the Village Board or its designee to ensure that the fence is compliant with the ordinance. This inspection may be initiated as a result of a complaint made by any Village resident.

Section VI: Exceptions. The provisions of this ordinance shall not apply to the following:

(a) Ornamental fences. "Ornamental fence" shall mean a fence designed in such a manner, and of such material, that the main purpose is to decorate or enhance the appearance of the front or side yard. Ornamental fences shall include hedges. Fences consisting of chain link mesh, welded or woven wire or sheet metal or that are

20 feet in length or longer are excluded under this definition.

(b) Garden fences. A "garden fence" is any structure in the nature of a fence, which defines the boundary of a garden or planting bed, does not exceed 36 inches in height nor enclose more than 500 square feet, which is intended to impede access by wildlife to the planted area. A garden fence may be constructed of wire-type materials, except for razor or barbed wire or chain-link-type fence.

Section VII: Permit Required. No person may construct a fence except an ornamental or garden fence without a permit having been issued.

Section VIII: Enforcement and penalty. A fence that fails to comply with the requirements of this section is a public nuisance. Upon a determination being made by law enforcement that a violation exists, the property owner will be informed of the violation and given 30 days to bring the fence into compliance with the ordinance. If the property owner fails to do so, the penalty for violation of this ordinance shall be as follows:

(a) After 30 days, the owner will be subject to a forfeiture of \$150.00.

(b) After 60 days owner will be subject to a forfeiture of \$300.00.

(c) In addition to or in lieu of the forfeitures provided here, the Village may seek an order abating the nuisance and requiring that any fence constructed in violation of this section be removed or, should the owner fail to do so within the time required by the court, permitting the Village to remove the fence and place the cost of doing so on the tax roll as a special tax or charge.

Section IX: This Ordinance is effective on adoption and posting. The Village Clerk shall properly post this ordinance or a notice of adoption of this ordinance as required by law.

Adopted this 11th day of July 2017.


Jean Nicks, Village President

COUNTERSIGNED:


Susan Hauri, Village Clerk

Date Adopted:	<u>7-11-17</u>
Date Recorded:	<u>7-13-17</u>
Date Posted:	<u>7-13-17</u>
Date affidavit filed:	<u>7-13-17</u>
Effective Date:	<u>7-13-17</u>

CERTIFICATE

STATE OF WISCONSIN)
)
COUNTY OF RICHLAND) SS

I, Susan Hauri, do hereby certify that I am the duly appointed, qualified and acting Village Clerk of the Village of Boaz, Richland County, Wisconsin, and as such have charge of all of the records and proceedings of the Village Board of said Village as well as the records and files of said Village together with the official seal thereof. I further certify that attached hereto is a true, correct and compared copy of an ordinance entitled

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and that said copy is a true, correct and compared copy of said original ordinance as adopted by the Village Board of the Village of Boaz on July 11, 2017, and as the same now appears and is recorded in the official ordinance book of the Village of Boaz in my office as Clerk of the Village of Boaz.

IN WITNESS WHEREOF, I have hereunto set my hand as the Village Clerk of the Village of Boaz, Richland County, Wisconsin on this 13th day of July, 2017, and affixed an impression of the official seal of said Village.



(Village Seal)



VILLAGE CLERK in and for the Village of Boaz,
Richland County, Wisconsin