

**TOWN OF SUN PRAIRIE  
ORDINANCE 2022-2  
FENCE ORDINANCE  
Section 15-1-7 Fences**

The Town Board of Supervisors of the Town of Sun Prairie do hereby ordain as follows:

**Purpose**

The Town Board of the Town of Sun Prairie has by adoption of this ordinance established authority, to regulate materials, location, height and maintenance of fences, hedges, landscaping walls and decorative posts in order to prevent the creation of nuisances and to promote the general welfare of the public.

**Permit Required**

Before any work is commenced on the construction or erection of a residential or commercial fence or any major alterations, additions, remodeling or other improvements a building permit for a fence must be submitted to the Building Inspector along with the fee. A site plan and specifications including type of construction and materials shall be included. The Building Inspector may refuse to issue a fence permit if the proposed material or design is unsightly, hazardous or would create a nuisance.

**Definitions**

***Fence.*** A barrier intended to prevent escape or intrusion or to mark a boundary, which forms an enclosure.

***Protective Fence.*** A fence constructed to enclose a hazard to the public health, safety and welfare.

***Architectural or Aesthetic Fence.*** A fence constructed to enhance the appearance of the structure or the landscape.

***Hedge.*** A row of bushes or small trees planted close together which may form a barrier, closure or boundary.

***Security Fence.*** Security fences are permitted on the property lines in all districts except residential district, but shall not exceed ten (10) feet in height and shall be of an open type similar to woven or wrought iron fencing.

***Landscaping Walls.*** A wall incorporated into the landscaping of a property, including walls constructed to retain or prevent soil movement.

***Temporary Fence.*** Fences erected for the protection of planting, limiting snow drifting, protection of excavation and construction sites, or to warn of construction hazard, or for similar purposes.

**Fence Materials**

***Residential Districts.*** Acceptable materials for constructing fences, landscape walls, and decorative fences and posts include wood, stone or other landscaping blocks, vinyl, brick, wrought iron, chain link with a top rail and wire mesh with a top rail.

***Non-residential District.*** Acceptable materials for constructing a fence, landscape walls and decorative fence or posts include wood, stone or other

landscaping blocks, brick, wrought iron, chain link with a top rail, wire mesh with a top rail. Up to three (3) strands of barbed wire is permitted on top of security fences at height equal to or greater than five and one-half (5 ½) feet; coiled barbed wire is prohibited.

**Temporary Fence.** Fences constructed of wood and wire (such as snow fences) and or plastic shall be permitted only as temporary fences.

### **Height of Fences**

A fence, hedge, temporary fence or landscaping wall may be erected, placed or maintained along a side or rear lot line in residential districts or adjacent thereto to a height not exceeding six and one-half (6 ½) feet above the ground level.

No fence, hedge, temporary fence or landscape wall that is located in a front or corner side yard shall exceed a height of four and one half (4 ½) feet. Where such lot line is adjacent to a non-residential zoned property, there shall be an eight (8) foot limit on the height of the fence, hedge, or landscaping wall.

No fence, hedge, temporary fence or landscape wall shall be erected, constructed, maintained or grown to a height exceeding three (3) feet above the street grade nearest thereto, within twenty-five (25) feet of any intersection.

Decorative fences or posts shall not exceed a height of eight (8) feet.

### **Setbacks**

**Residential Fences.** Fences and hedges in or adjacent to a residential property shall have a minimum six (6) inch side and rear yard setback. If a fence or a hedge is being placed on a street side of a corner lot a minimum of fifteen (15) feet setback from the lot line is required.

**Security Fences.** Security fences are not allowed in residential districts. They shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire or wrought iron fencing.

**Temporary Fence.** Such fences may be erected at any location on a property; however, the fence shall not be erected for more than one hundred and twenty days (120) days.

**Decorative Fence or posts.** Decorative fences or posts are permitted in the front yards in residential districts, but shall have a minimum of three (3) feet front and side yard setback.

**Landscaping Walls.** At the discretion of the Building Inspector, landscaping walls may be erected at any location on a property, provided the Building Inspector determines that the location does not pose a threat to the health, safety or welfare of any person.

### **Fences to be Repaired**

All fences, hedges, temporary fences, landscaping walls and decorative fences or posts shall be maintained and kept safe and in a state of good repairs. The finished or decorative side of a fence shall face the adjoining property.

**Non-Conforming Fences and Hedges**

Any fence, hedge, landscaping wall, decorative fence or post existing on the effective date of this ordinance and not in conformance with this ordinance may be maintained, but any alteration, modification or improvement of said fence shall comply with this ordinance.

**Penalty**

If an inspection reveals a noncompliance with this ordinance, the Building Inspector shall notify the applicant and the owner, in writing, of the violations to be corrected. All cited violations shall be corrected within thirty (30) days after written notification unless an extension of time is granted.

If after written notification, the violation is not corrected within thirty (30) days, a stop work order may be served on the owner or his representative and copy thereof shall be posted at the construction site. Such stop-work order shall not be removed except by the Building Inspector after satisfactory evidence has been supplied that the cited violation has been corrected.

**No exclusivity**

Other ordinance – adoption of this ordinance does not preclude the Town Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.

**Severability**

If any portion of this ordinance is determined to be unlawful or invalid, the remaining portion shall stand.

**Exclusion**

Fences for livestock are excluded from all of the above regulations.

**Effective Date**

This ordinance shall take effect upon publication or posting.

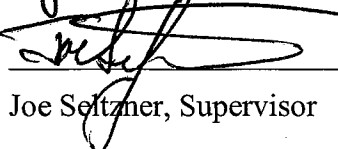
Adopted: August 8, 2022

Posted: August 9, 2022

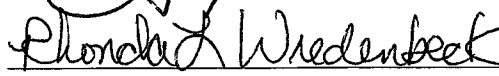
Dated this 8<sup>th</sup> day of August, 2022

Town of Sun Prairie Town Board

  
\_\_\_\_\_  
Dyle Updike, Town Chairman

  
\_\_\_\_\_  
Joe Seltner, Supervisor

  
\_\_\_\_\_  
Doug Yelk, Supervisor

  
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Attest: Rhonda L Wiedenbeck, Clerk