

# Fence Permit Procedures

A fence permit is required prior to the construction of a fence on any property within the Omro city limits. An application for a fence permit requires the following additional information:

A site plan depicting the entire property, the proposed location(s) of the area to be fenced, the proposed length of each section of fence and the proposed height of each section of fence.

In addition, the applicant must meet one of the following requirements:

1. The lot survey markers must be located and exposed for inspection by the neighboring property owner and the Building Inspector.
2. A document from all adjoining property owners where a fence is proposed must be provided that indicates they are all in agreement with the applicants proposed fence location and the fence does not extend onto an adjoining property.
3. Should the applicant not be able to locate the survey markers, or if there is a disagreement as to the validity of the location of a lot marker, the applicant shall be required to contract a licensed surveyor to establish the validity of the lot marker or to set a new lot marker, should the marker be absent or incorrectly placed.

Please note: It is recommended that the fence be constructed off the lot line if maintenance will need to be done to the fencing without going onto the neighboring property. Hedges shall be trimmed or confined to the property on which they are planted.

Failure to comply with these provisions shall be considered a violation of the City of Omro Municipal Code and may result in citations, additional fees or fines.

Sincerely,

A handwritten signature in black ink, appearing to read "Martin Johnson". The signature is fluid and cursive, with the first name "Martin" and last name "Johnson" clearly distinguishable.

Martin Johnson  
Building Inspector



## Fence Permit Application

Permit # \_\_\_\_\_

Parcel #265- \_\_\_\_\_

Owner's Name \_\_\_\_\_ Phone \_\_\_\_\_

Project Address \_\_\_\_\_

Contractor's Name \_\_\_\_\_ Phone \_\_\_\_\_

Contractor's Address \_\_\_\_\_

Project Cost \_\_\_\_\_

Fence Footage:      Front Yard \_\_\_\_\_      Side Yard \_\_\_\_\_      Rear Yard \_\_\_\_\_  
(FENCING GOOD SIDE IS TO BE INSTALLED TOWARD NEIGHBORING LOT)

*Please Include:*

Plot plan indicating entire lot, locations and measurements of building and setbacks.

Plot plan indicating location, height, and construction material of proposed fencing.

*Fences Shall Not Exceed:*

Two (2) feet in height in the vision triangle

Four (4) feet in height in a front yard; no more than 50% opaque

Six (6) feet in height in a side or rear yard

**\*SEE ATTACHED ORDINANCE FOR FURTHER DETAILS ON FENCE REQUIREMENTS**

**Possess and post building permit prior to beginning construction. Work shall comply with all applicable codes.**

Owner/Contractor (Print & Sign) \_\_\_\_\_ Date \_\_\_\_\_

Total Fees      \$ \_\_\_\_\_      Payable to: City of Omro, 205 S Webster Ave., P.O. Box 399, Omro, WI 54963

**FOR OFFICE USE ONLY**

\_\_\_\_\_ Final Inspection Required

Inspector \_\_\_\_\_ Date \_\_\_\_\_

**For Inspections Call: Marty Johnson at 920-410-6756**

17.72.030 - Fences.

- A. Fence Permit. No person shall erect a fence in the city unless a permit is first obtained by the owner or his agent from the building inspector. The applicant shall submit design specifications for approval and pay required permit fees at the time of making application.
- B. Fences Defined. For the purpose of this section, a "fence" is herein defined as a structure serving as a barrier, enclosure or boundary, consisting of materials including, but not limited to, vegetation, wood, stone, vinyl, brick, fieldstone, wrought iron, or metal intended to prevent ingress or egress. For the purpose of this section, the term "vegetation" shall include plantings, such as hedges and shrubbery, that when closely placed, grow to form a barrier, enclosure or boundary.
- C. Vision Triangle Defined. For the purposes of this section, a "vision triangle" is defined as a triangle formed by connecting the following three points:
  - 1. The point of intersection of the property lines adjacent to the lot of the intersecting streets;
  - 2. A point twenty (20) feet from said point of intersection along one lot line; and
  - 3. A point twenty (20) feet from said point of intersection along one lot line.
- D. Fences Categorized. Fences shall be categorized into seven classifications:
  - 1. Boundary Fence. A fence placed along or within seven feet six inches of the border of the property line.
  - 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 grows to 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.
  - 6. Dog Kennel Fence. A chainlink enclosure allowed in the side or rear yard of the property to secure canine animals.
  - 7. Sport Safety Fence. Fences erected surrounding baseball, softball, or tennis facilities to prevent the projectile balls from injuring spectators.
- E. Fences Permitted Without a Permit. The following types of fences are permitted, as specified, without a permit, subject to the following restrictions and providing that said fence does not in any way interfere with traffic visibility, or block, redirect or cause a drainage problem for the adjacent or downstream properties.
  - 1. Temporary 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-foot intervals. Such fences shall comply with the setback and height requirements set forth in this section. Such fences shall not be erected for more than forty-five (45) days or, in the case of a construction project, shall only be for the duration of said construction project.
  - 2. Snow fencing shall be permitted in all districts not exceeding four feet in height provided it is removed between May 1 and November 1 of each year. No snow fence shall extend into the street right-of-way unless installed by the city or a contractor having a permit from the city.
  - 3. Underground fences are permitted in all districts.
- F. 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, that barbed wire may be used in agriculturally or industrially zoned areas if the devices securing the barbed

wire to the fence are eight feet above the ground in height and project toward the fenced property and away from any public area.

1. No person shall construct or install:
  - a. Any wire or chainlink-type fence with the cut or salvage end of the fence exposed at the top.
  - b. A fence which creates a hazard to users of the street, sidewalk or to nearby property.
  - c. An incomplete fence, consisting only of posts and supporting members.
  - d. A fence on a vacant lot or parcel, except when connected to a lot owned by the same property owner.
  - e. A dog kennel fence in a front yard.
- G. Fencing Materials Suitable. Fences shall be constructed using materials suitable for residential-style fencing, including, but not limited to, vegetation, stone, vinyl, brick, fieldstone, wrought iron, metal, stockade or board-on-board wood.
  1. No chainlink or galvanized steel fencing shall be constructed of less than a minimum of nine-gauge tensile strength and without top rail supports and post caps.
  2. No fence or fence panels shall be constructed with multiple building materials or more than one pattern of the same materials on any given lot line with the exception of a fence that sits atop decorative retaining wall or decorative stone wall which is a part of the fence, For example, a wooden stockade fence cannot be constructed with a wooden picket fence as part of the same fence.
    - a. This shall not prohibit two intersecting fences from having different materials if the fences are owned by different property owners.
  3. No fence shall be constructed with used or discarded materials in disrepair, including, but not limited to, pallets, tree trunks or limbs, trash, tires, junk, or other similar items.
  4. No fence shall be constructed of materials not specifically manufactured for fencing, such as, but not limited to, railroad ties, doors, landscape timbers or utility poles.
  5. No fence shall be constructed of unsightly or dangerous materials which would constitute a nuisance.
- H. Construction of Fences.
  1. The height of the fence shall be measured from the established grade.
  2. Wooden fences shall be constructed with vertical members, or horizontal members of rail-type fences, placed on the side of the supporting members facing the adjoining property.
  3. Fences shall not have sharp or pointed pickets, which can be dangerous to personal safety.
  4. Fences can be placed so that the face is toward the neighboring property and is flush with the lot line. The dress side of the fence, or "face" shall be on the outside. All parts of the fence shall be erected on the owner's property.
  5. Obstruction of ingress/egress area of a dwelling. No fence shall be installed in any yard that will shield any window or opening in a habitable space of a dwelling. A minimum distance of six feet shall be maintained between any solid fence and any such window or opening in a dwelling.
    - a. The fire department may grant a waiver to the building inspector to approve a fence adjacent to a required ingress/egress opening of a dwelling between four and six feet if the fence has one of the following features:
      - i. For basement ingress/egress openings, the fence opening or gate shall be the width of the ingress/egress opening or four feet whichever is greater with no ability to lock or secure said gate, or a four-foot wide approved breakaway fence panel and the area on

both sides of the gate/fence shall continuously be free from all obstruction including vegetation and snow and ice buildup and shall swing or break away in the direction of egress.

- ii. For ingress/egress opening above grade, the fence opening or gate shall be the width of the ingress/egress opening or four feet whichever is greater with no ability to lock or secure said gate, or a four-foot wide approved breakaway fence panel, or the top of the fence shall be no taller than the bottom of the sill of the ingress/egress opening and the area on both sides of the gate/fence shall continuously be free from all obstructions including vegetation and snow and ice buildup and shall swing or break away in the direction of egress.

6. Fences Placed on Property Lines.

- a. Property Boundary Determinations. Fences shall be erected on the owner's property and responsibility for establishing the property line shall rest with the property owner erecting the fence.
  - i. The lot survey markers indicating the property line must be located and exposed for inspection by the neighboring property owner and the building inspector.
  - ii. A document from all adjoining property owners where a fence is proposed must be provided that indicates that they are in agreement with the applicants proposed fence location and that the fence does not extend onto any of their adjoining property.
  - iii. Should the applicant not be able to locate the lot survey markers indicating the property line location, or if there is a disagreement as to the validity of the location of the lot survey markers, the applicant shall be required to contract a licensed surveyor to establish the validity of the lot survey markers or to set new lot survey markers should the markers be absent or incorrectly placed.
  - iv. It is recommended that the fence be constructed off the lot line if maintenance will need to be done to the fencing without going onto the neighboring property. Hedges shall be trimmed or confined to the property on which they are planted.

7. Height of Fences Regulated.

- a. Non-residential.
  - i. Commercial or Industrial. An industrial or commercial fence shall be no higher than eight feet in height and shall be compliant with the vision triangle height restrictions designated in subsection (H)(2)(iv) of this section. Fences may not exceed forward of the city right-of-way line. Arms or extensions which project from the fence on commercial and industrial properties shall project into the lot proper.
  - ii. Agricultural. Fences allowed on agricultural zoned property shall not exceed eight feet in height.
  - iii. Park. Fences associated with baseball and/or softball fields and surrounding tennis courts may be erected in conformance with accepted industry standards for height.
- b. Residential. The maximum height of fences, where permitted in the yard of or along the following lot lines shall be as follows:
  - i. Rear Yard. Six feet in height or less may be located within the rear yard or along the rear lot line.
  - ii. Side Yard. Six feet in height or less may be located in the side yard or along the side lot line for a distance measured from the rear lot line to any part of the lot that is at least twenty-five (25) feet from the front lot line. If a house/principal structure is closer than twenty-five (25) feet to the front lot line, then a six-foot high fence may be installed on any part of the lot that is as far back from the front lot line as the front of the house, except in the case of a corner lot resulting in a need for a vision triangle restriction.

- iii. Front Yard. Fences four feet or less may be located within the required front yard, except fences that are more than fifty (50) percent solid shall not be permitted within twenty-five (25) feet of the front lot line. If the house/principal structure is closer than twenty-five (25) feet to the front lot line, then the four-foot fence height limitation applies only to the area between the front plane of the house and the front property line.
  - iv. Vision Triangle. Exception for corner lot properties requiring intersection sight distance. Fences may only be a maximum of thirty (30) inches in height and be no more than thirty (30) percent solid, when located in the vision triangle as described in subsection (B) of this section.
- I. Fences to Be Repaired and Maintained. 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. Hedges shall be trimmed and maintained at a height that does not violate the height restrictions for its permitted location.
  - J. Nonconforming Fences. Any fence existing on the effective date of this code and not in conformance with this section may be maintained, but no alteration, modification, enlargement, extension, replacement or improvement of the fence shall be made except in strict compliance with all the requirements of this chapter.

(Ord. 346 § 1 (part), 1997: prior code § 13-1-202)

(Ord. No. 472, 8-4-2015)