

**CHAPTER 23: FENCES (07/08/2025)**

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## 23.01 FENCES

### (1) DEFINITIONS

- (a) **FENCE:** A barrier enclosing or bordering a field, yard, etc., usually made of posts and wire or wood, used to prevent entrance, to confine, or to mark a boundary.
- (b) **AGRICULTURE FENCES:** A fence constructed to confine animals or to define boundaries of fields or pastureland. All agricultural fences must comply with Chapter 90 of Wisconsin State Statutes and any amendment thereto (See Appendix).
- (c) **ARBOR OR TRELLIS:** A latticework bower or structure which may be intertwined with climbing vines and flowers.
- (d) **BOUNDARY FENCE:** A fence placed on or within three (3') feet of the property lines of adjacent properties.
- (e) **DECORATIVE FENCE:** A fence not exceeding a height of thirty-six (36") inches from ground level, made of material other than wire, metal, chain, or poured concrete, and constructed in a substantially open pattern (such as weave or board and space pattern) and not solid pattern (such as block, concrete or privacy pattern) and meant to enhance the appearance of the structure or the landscape.
- (f) **HEDGE FENCE:** A row of bushes or small trees planted close together which may form a barrier, enclosure or boundary.
- (g) **PET FENCING:** Any partial yard enclosure (in ground or above ground) for a pet with a twelve (12') foot setback from all property lines.
- (h) **PICKET FENCE:** A fence having a post, stake, or peg laced vertically.
- (i) **PRIVACY FENCING:** A fence constructed adjacent to a side or rear yard along a patio or deck, not to exceed six (6') feet in height.
- (j) **PROTECTIVE FENCE:** A fence constructed to enclose a hazard to the public health, safety and welfare.
- (k) **RETAINING WALL:** A solid barrier of any material constructed to hold back a mass of earth. A retaining wall shall be considered a fence for the purposes of this section.
- (l) **SECURITY FENCE:** An open weave fence, not exceeding ten (10') feet in height and placed on the property line.

### (2) Conforming Fences.

- (a) **Placement of Fences Regulated.** Fences and walls shall be permitted in all yards subject to the following limitations: no fences are allowed within highway right of way.

- (b) **Single Family Residential Fences:** (R-1). Permitted on property lines but shall not in any case exceed a height of six (6') feet in side and rear yards. The front setback area shall be that area between the primary building on the lot and the street (except for lake lots – Crystal, Elkhart and Little Elkhart Lakes, where the front yard is considered the nearest distance between the lake and the main structure). No fence or portion of a fence shall be constructed within the front setback area and within 25 feet (25') from the edge of the hardened road surface.
  - (c) **Multi-family Residential Fences:** (R-2, C-1, C-2). Permitted on property lines but shall not in any case exceed six (6') feet in side and rear yards. The front setback area shall be that area between the primary building on the lot and the street (except for lake lots – Crystal, Elkhart and Little Elkhart Lakes, where the front yard is considered the nearest distance between the lake and the main structure). No fence or portion of a fence shall be constructed within the front setback area of a building with the exception of lots abutting roadways with speed limits in excess of 25 (twenty-five) mph.
  - (d) **Commercial Fences:** (B1, B2). Security and protective fences only shall be permitted on property lines, but shall not in any case exceed ten (10') feet.
  - (e) **Agricultural Fences:** Refer to Wisconsin State Statutes, Chapter 90. (See Appendix)
  - (f) **All Other Districts:** By special approval by the Town Board.
- (3) **Prohibited Fences.** No fence shall be constructed which has a pointed top or which is of an otherwise 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 commercial districts if the devices securing the barbed wire to the fence are ten (10') feet above the ground or higher and project toward the fenced property and away from any public area.
  - (4) **Fences to be Repaired.** All fences shall be maintained and kept safe and in a state of good repair, and the finished side or a decorative side of a fence shall face adjoining property.
  - (5) **Temporary (Silt) Fences.** Fences erected for the protection of planting or to warn of construction hazard, or similar purposes, shall be clearly visible. 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.
  - (6) **Non-Conforming Fences and Hedges.** Any fence or hedge existing on the effective date 07/08/2025 of this chapter of the Town Rhine ordinances and not in conformance with this article may be maintained, but no alteration, modification or improvement of same shall be permitted unless as a result of such alteration, modification or improvement of said fence shall comply with this section.
  - (7) **Administration and Permit Requirements.** All fences shall require a permit to be issued by the Building Inspector prior to construction or planting.