ORDINANCE NO. 2312-12
By the Legislative & Licensing Committee

AN ORDINANCE AMENDING SECTION 15.04.340 OF THE MUNICIPAL CODE REGARDING DECORATIVE FENCES

The Common Council of the City of Brookfield do ordain as follows:

PART I. Section 15.04.340 of the Municipal Code is amended as follows:

15.04.340 Fences

C. Prohibited Fences. No Person shall install:

1. An electric or razor wire Fence. No part of a fence structure may have these materials.

2. A Fence composed solely of Fence posts. Lot line posts shall be permitted at the intersections of lot lines only.

3. An incomplete Fence, consisting only of posts and supporting members.

D. Permit Required. No person shall construct, erect, install, enlarge or alter any fence unless a permit has first been obtained from the director and all other provisions of this section are complied with. Application for a permit shall be on forms provided by the director and shall be accompanied by the following:

1. The fee prescribed in Section 15.04.780;

2. As to manufactured fences, two copies of the manufacturer’s brochure and instructions which show the type, style, etc., of the fence to be constructed;

3. Plans drawn to scale showing the type and height of the fence, the size and location of the fence with regard to existing buildings and lot lines, and the general appearance and design of the fence;

4. Such other items required under Sections 15.04.140 through 15.04.260 as the director may deem applicable;

Provided, however, that no permit shall be required for decorative fences described in subsection (B)(1) of this section.

E. Permit Processing. All permit applications under subsection (B)(4), (8), (10) and (11) of this section shall be referred to the plan commission, which shall pass upon the purpose, appearance, materials, design, location, height, harmony with the principal structure on the subject lot and neighboring structures, and consistency with the stated
legislative purpose of this section. After approval by the plan commission is obtained, the
director shall issue such a permit.

F. Setback Areas. Fences or portions thereof within setback areas are prohibited
except for those described in subsection (B)(1) of this section. Structural and support
components of a Fence shall face away from adjacent properties.

G. Offset Areas. Fences are prohibited in offset areas except as provided in
subsections (B)(1), (3), (4), (7), (8), (10) and (11) of this section. Structural and support
components of a Fence shall face away from adjacent properties.

H. Maintenance. Fences shall be kept and maintained in good, sound and presentable
condition at all times. Fences not so maintained, which become an eyesore or otherwise
adversely affect property values in the neighborhood, shall be removed upon the order
of the director. Such order shall provide twenty (20) days minimum for such removal and
shall be appealable to the administrative review board.

I. Penalty. Violations of this section shall be subject to the penalties provided in
Chapter 1.12. (Ord. 1997-05 §§ 1-3, 2005; Ord. 1968-04, 2004; Ord. 1964-04 § 1; Ord
1836 § 1, 2001)

PART II. All ordinances and parts of ordinances contravening the provisions of this
ordinance are hereby repealed.

ADOPTED AND APPROVED December 4, 2012

Kelly Michaels, City Clerk

Steven V. Ponto, Mayor

Published: December 13, 2012