



# City of West Allis

7525 W. Greenfield Ave.  
West Allis, WI 53214

## Ordinance: O-2015-0045

**File Number: O-2015-0045**

**Final Action: 9/15/2015**

**Sponsor(s):** Safety & Development Committee

An ordinance to repeal and recreate subsections 13.05(1)(a), 13.04(45) and (46), and 13.31(1), (2) and (3); and repeal subsections 13.255(2)(i) and 13.255(3)(d) of the City of West Allis Revised Municipal Code, Chapter 13, Building Code relative to fence requirements.

The Common Council of the City of West Allis do ordain as follows:

PART I. Subsection 13.05(1)(a) of the City of West Allis Revised Municipal Code is hereby repealed and recreated to read as follows:

13.05 Permits

(1) Permits Required.

(a) Required. Any owner or authorized agent who intends to construct, alter, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, remove, convert or replace, except where otherwise a permit is specifically not required, any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the Department of Building Inspections and Neighborhood Services and obtain the required permit(s). The owner of a property is ultimately responsible for securing required permits and complying with the notice or order from the inspector pertaining to securing permits. The type of work requiring a permit includes, but is not limited to: new buildings or structures or additions thereto; exterior and interior building and/or structural remodeling, including replacing drywall; re-roofing; moving or demolition of buildings or structures; accessory and garage buildings and slab or foundation/slab for future accessory building construction; swimming pools; mobile homes; commercial parking lots; heating and ventilating equipment installation; other equipment to comply with installation codes; advertising or sign structures as stated in the sign code; soil erosion control; electrical work per Chapter 14; and plumbing work per Chapter 16.

PART II. Subsection 13.04 (45) and (46) of the City of West Allis Revised Municipal Code are hereby repealed and recreated to read as follows:

13.04 Definitions. For the purpose of this Code, certain terms, phrases and words and their derivatives shall be construed as set out herein. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine. Wherever a section or part is referred to in this Code by number, it shall be understood to refer to a section or part of this Code.

\* \* \*

(45) Fence. Fence shall mean a structure erected for the purpose of separating properties, or enclosing or protecting or screening the property within its perimeter. A fence shall not include construction site barriers, or a chain link fence enclosure wholly within the property to which it pertains and which conforms to the setbacks for an accessory structure and which is used for the purpose of containing a domestic animal(s)

which does not exceed six (6) feet in height. *and*

(46) Through Lot. Through Lot shall mean an interior lot having frontage on two (2) nonintersecting streets.

*Scrivener correction  
by AMW 3-7-16  
per Mayor Devine 3/7/16  
DD*

PART III. Subsections 13.31(1), (2) and (3) of the City of West Allis Revised Municipal Code are hereby repealed and recreated to read as follows:

13.31 Fence Regulations.

(1) No person, firm or corporation shall erect, construct, reconstruct, maintain, alter, move or enlarge any fence within the City that is not in compliance with this code.

(2) Fence Location and Height Requirements.

(a) One and two (2) family uses. Fences are permitted in yards as follows:

1. Front yards. Fences are not permitted in required front yard setbacks as determined by the Zoning Code, Chapter 12.

2. Side and Rear yards. Fences are permitted, not to exceed six (6) feet in height, in the side and rear yards.

3. Corner lots. The shorter dimension of a corner lot abutting a street shall be considered the front yard and shall not be permitted to have a fence in the required front yard setback regardless of the property address or other designation of the lot. The longer dimension of a corner lot abutting a street shall be considered a side yard and fences shall be allowed, not to exceed six (6) feet in height.

4. Through lots. Fences shall be permitted in rear and side yards of through lots, not to exceed six (6) feet in height, as determined by the setbacks set when the dwelling was constructed.

(b) Uses other than one and two (2) family uses. Fences are permitted as approved in RMC 12.13 for site changes.

(c) Fence height shall be determined by the distance from the top of the fence materials, excluding posts, to the grade on either side of the fence, whichever is greater.

(3) Fence Construction Requirements.

(a) Fence materials. Fences may be constructed of approved materials, such as commercial fence materials, concrete block or treated lumber, but may not include sheet metal, salvage materials or be electrified. Fence posts and supporting framework shall be on the interior side of the fence. A fence constructed of a single strand wire or wires forming a single horizontal member is prohibited.

(b) Maintenance. All fences shall be kept in good repair and maintained as necessary to protect the general welfare and preserve the aesthetic character of the neighborhood and the community.

PART IV. Subsections 13.255(2)(i) and 13.255(3)(d) of the City of West Allis Revised Municipal Code are hereby repealed.

PART V. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

PART VI. This ordinance shall take effect and be in force from and after its passage and publication.

PASSED 9/15/2015



Monica Schultz, City Clerk

APPROVED 9/23/15



Dan Devine, Mayor