

CHAPTER 35: HEDGES AND FENCES.

SECTION 35.01 AUTHORITY.

This Section is adopted under the authority granted to the Town Board by the Town Meeting under Wis. Stats. § 60.10(2)(c), permitting the Town Board to exercise the powers of a Village Board.

SECTION 35.02 FINDINGS AND DECLARATION OF POLICY.

The Town Board finds that it is urbanizing at a fast rate in its residential areas. In order to regulate and restrict the use of fences and hedges in these areas, it has been found that written regulations must be created to insure the safety, general welfare, aesthetics and to maintain property values for the persons living in these densely developed residential districts.

SECTION 35.03 FENCES DEFINED.

For the purpose of this Ordinance, a "fence" is defined as an enclosed barrier consisting of vegetation, wood, stone or metal intended to prevent ingress or egress. For the purpose of this Ordinance, the term "fence" shall include plantings, such as hedges and shrubbery. No fence shall be constructed of unsightly or dangerous materials which would constitute a nuisance.

SECTION 35.04 FENCES CATEGORIZED.

A. CATEGORIES.

Fences shall be categorized into five (5) classifications:

1. Lot Line Fence. A fence that is placed on or within the designated setback of the property line of adjacent properties.
2. Protective Fence. A fence constructed to enclose a hazard to the public health, safety and welfare. A fence constructed to enclose a hazard to the public
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 may 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.

SECTION 35.05 FENCES ON COMMERCIAL PROPERTIES.

A. NEW COMMERCIAL BUILDINGS.

Special concerns exist for commercial properties, especially those which abut residentially zoned property. As new commercial structures are erected, the properties on which they exist shall become subject to the following regulations:

1. Landscaping Plan. Each owner shall submit a landscaping plan to the Plan Commission. Before any landscaping plan is implemented and before any building upon or use of the land is made, said landscaping plan must be approved by the Plan Commission. The minimum landscaping plan which may be approved shall include grassy areas. However, when deemed advisable by the Commission, other plantings, such as trees, shrubs or bushes may be required. The Plan Commission shall review said plan with the consideration that the proposed landscaping should:

a. Assist in controlling noise;

b. Provide adequate visibility for traffic;

c. Provide proper shielding of parking lots or storage yards; and

d. Be designed to make the area visually compatible with the surrounding neighborhoods and to aesthetically minimize any adverse impact of the industry upon the neighboring community.

2. Front Setback. The front setback area of the parcel shall not be used for the parking of any owner or employee automobiles, trucks, equipment, or for the storage of any material whatsoever. The front setback area shall be devoted to planting and other landscaping, with the exception of the driveways and sidewalks, and not more than three parking stalls to be reserved for customer parking.

3. Rear Yard Setback. A distance of 50 feet from residential property shall be maintained at all times.

4. Outside Storage. Outside storage is prohibited in the front and side yards of the previously-described land. Outside storage is permitted only in the back yard in an area directly behind any building on the parcel and in an area no wider than the building. All outside storage must be screened from view from any public street, or from abutting residential property. The type, density, height and width of screening to be used must first be approved by the Plan Commission.

SECTION 35.06 HEIGHT OF FENCES REGULATED.

A. FENCES AS BUILDINGS

Solid fences and walls more than six (6) feet in height shall be considered as buildings, and the appropriate requirements of this Ordinance shall be applied accordingly.

1. In residential subdivision plats, fences, walls, and hedges shall not exceed 3-1/2 feet in height when located in a front yard or in the street side yard of a corner lot.

2. No fence, wall hedge or shrubbery shall be erected, placed, maintained or grown along a lot line on any non-residentially zoned property, adjacent to a residentially zoned property, to a height exceeding eight (8) feet.

3. Lot line fences cannot exceed six feet in height and cannot be forward of the front face of the house, except as provided below.

a. Fences in front yards shall be decorative only; at least 50% of their fence area must be air space and must not be more than 3-1/2 feet in height.

b. Lakeshore residential lots may have boundary fences, parallel to the side lot line. From the front setback line to the street and from the lakeshore facing house building line to the lake, fences may not exceed 3-1/2 feet in height and all other restriction heretofore stated.

SECTION 35.07 FENCES MUST BE KEPT IN GOOD REPAIR.

Decorative sides must face outward. Except in areas where Agricultural land and Residential districts abut, fences may not have barbed wire, razor wire, electric wire, hazardous wire edges or similar materials.

SECTION 35.08 SECURITY FENCES.

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

SECTION 35.09 FENCES ENCLOSING; SWIMMING POOLS.

A. PRIVATE POOLS

Fences around private swimming, combination, diving, and limited purpose pools, in addition to compliance with the above requirements, shall meet the following special requirements:

1. Permanent Pool. The term "permanent pool", when used in this Ordinance means any above or below ground pool that is installed in the ground or which requires any supporting structure which is affixed to or buried in the ground. A wall or fence at least forty-eight (48) inches high of such construction as will make access difficult shall completely enclose any permanent pool, except that an entrance may be provided through a bath house or gate. The gate or bath house door shall be self-closing and latching and shall be equipped with a locking device. Said gate or bath house shall be kept locked when the pool is not in use.

2. Portable Pool. The term "portable pool" when used in this Ordinance means any pool which is not a permanent pool. The enclosure referred to the above may be omitted where portable pools are used. When pool ladders are provided, they shall be of the type which can be removed, and such ladders shall be removed when the pool is not in use.

SECTION 35.10 FENCE MAINTENANCE.

All fences shall be maintained in a neat, visually-appealing manner, and in a state of good repair, and the finished side or decorative side of a fence shall face adjoining property. The Building Inspector may order the removal of any fence not so maintained or constructed per this Ordinance.

SECTION 35.11 TEMPORARY FENCES.

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 (4) foot intervals. Such fences shall comply with the setback requirements set forth in this Ordinance. 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. Temporary snow fences, installed solely for purposes to control wind movement of snow, shall not be required to comply with the provisions of this Ordinance, providing such snow fences are only in place during winter months when snowfall is likely.

SECTION 35.12 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 industrially zoned areas if the devices securing the barbed wire to the fence are ten (10) feet above the ground or height and project toward the fenced property and away from public area.

SECTION 35.13 OBSTRUCTING VIEW.

A. NO UNREASONABLE OBSTRUCTIONS

No person shall, after the effective date of this Ordinance in any district, construct or maintain a wall, fence, shrubbery or trees on any lot which unreasonably obstructs or interferes with traffic visibility on any curve, hill or intersection.

B. CLASSIFICATION OF STATE AND FEDERAL HIGHWAYS

1. All state and federal highways are hereby designated Class A highways.
2. All County Trunk Highways not designated Class A are hereby designated Class B.
3. All other roads in the Town not designated Class A or B are hereby designated Class C.

C. VISUAL CLEARANCE TRIANGLE

1. In each quadrant of every street intersection there shall be designated a visual clearance triangle bounded by the street centerlines and a line connecting them:
 - a. Three hundred (300) feet from a Class A highway intersection;
 - b. Two hundred (200) feet from a Class B highway intersection; or

- c. One hundred fifty (150) feet from a Class C highway intersection.
2. If two (2) highways of different class intersect, the greater distance shall apply to both centerlines.
3. Within this triangle, no object over two and one-half (2-1/2) feet in height above these streets shall be allowed if it obstructs the view across the triangle.
4. Exemptions.
 - a. Posts of open fences are excluded from this subsection.
 - b. Tree trunks shall be exempt where they are unbranched to a height of ten (10) feet and located a minimum of thirty (30) feet apart.
 - c. Agricultural crops and natural growth shall be exempt from this subsection, but shall not extend into road rights-of-way.

SECTION 35.14 NON-CONFORMING FENCES AND HEDGES.

Any fence or hedge existing on the effective date of this Ordinance and not in conformance with this Ordinance may be maintained, except where creating a safety hazard. Any alteration, modification or improvement of said fence or hedge shall comply with this Ordinance.

SECTION 35.15 SEVERABILITY.

The various provisions of this Ordinance are deemed severable and it is expressly declared that the Town Board would have passed other provisions hereof irrespective of whether or not one or more provisions may be declared invalid. If any provision or the application thereof to any person or circumstances is held invalid, the remainder of the Ordinance and application of such provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect.

SECTION 35.16 ENFORCEMENT.

The Building Inspector or any other law enforcement officer designated by the Town Board shall enforce the Fence Ordinance. Any costs associated in enforcing a non-compliant fence or hedge into conformance will be borne by the property owner. Any costs that are not paid (costs associated with the removal or reconstruction to enforce compliance), they will be placed on the tax roll as a Special Charge pursuant to Wis. Stat. § 66.0701, including 1-1/2% interest per month against the amount that is outstanding.