

ORDINANCE 2011 - 02

AN ORDINANCE TO AMEND  
SECTION 15.20 OF THE CODE OF  
GENERAL ORDINANCES OF THE  
TOWN OF DOVER RELATING TO  
FENCES.

The Town Board of the Town of  
Dover does hereby amend Section  
15.20 of the Code of General  
Ordinances of the Town of Dover,  
Racine County, Wisconsin, and does  
hereby ordain as follows:

Sections:

15.20.020 Existing Zoning

- A. All Fences within the  
R-2, R-2S, R-3, R-3A,  
R-5, R-5A, R-6, R-6A,  
R-7, and R-8 zoned  
districts shall be  
installed and  
maintained in  
accordance with the  
requirements in this  
Fence ordinance. A  
Town of Dover Fence  
Permit is required from  
the Building Inspector,  
the fee for which shall  
be in an amount set by  
the Town Board.
- D. All fences installed and  
maintained in A-1, A-2,  
A-3, A-4 zoned districts  
Agricultural are not  
subject to this Fence  
Ordinance, but are  
regulated under the  
Wisconsin State  
Statutes, Chapter 90.  
R-1 zoned districts

shall conform to Wis.  
Stats., Chapter 90. No  
Town of Dover permit  
is necessary for fences  
in these districts that  
conform to Chapter 90  
of the Wisconsin State  
Statutes.

Introduced and adopted this 15 day  
of September, 2010 by the Town  
Board of the Town of Dover, Racine  
County, Wisconsin.

TOWN OF DOVER

BY:

Thomas P. Lombardi

ATTEST:

Marilyn A. Rudrud  
Clerk

**AN ORDINANCE TO CREATE SECTION 15.20 OF THE CODE OF GENERAL ORDINANCES OF THE TOWN OF DOVER, RACINE COUNTY, WISCONSIN RELATING TO FENCES**

The Town Board of the Town of Dover, Racine County, Wisconsin, hereby creates Section 15.20 of the Code of General Ordinances to read as follows:

- 15.20.010 Definitions
- 15.20.020 Existing Zoning
- 15.20.030 Permits
- 15.20.040 Fence Construction

15.20.010 Definitions

- A. Fence(s) – “Fence” means a vertical screen device used to provide privacy, visual or otherwise, or for containment. “Fence” includes, but is not limited to, trellises, railing, electric fields, and walls.
- B. Fence, Agricultural / Farm – As defined in Wis. 90.
- C. Install, Installation, Installed – To construct, erect, install, place, or replace over 25 lineal feet.
- D. Property Owner – A person or corporation (LLC) that owns or controls real property situated in the Town.
- E. Vision Clearance Triangle – A triangle with its points at the intersection of two streets and twenty-five (25) feet back each way from that corner along each right

of way line, as defined by the Planning Commission and/or Town Board. See Illustration 1.

15.20.020 Existing Zoning

- A. All Fences within the R-1, R-2, R-2S, R-3, R-3A, R-5, R-5A, R-6, R-6A, R-7, and R-8 zoned districts shall be installed and maintained in accordance with the requirements in this Fence ordinance. A Town of Dover Fence Permit is required from the Building Inspector, the fee for which shall be in an amount set by the Town Board.
- B. All fences within the R-4 zoned districts shall be installed and maintained in accordance with Section E (“Outlots in R-4 Urban Residential District 1”) of this Ordinance.
- C. No fence shall be installed in any B-1, B-2, B-3, B-4, B-5, B-6, B-7, zoned district unless said fence is approved in conjunction with a Conditional Use Permit / Site Plan Review. A fence shall not exceed the height established, as defined by the height requirements of section 15.20.040, unless approved in conjunction with a Conditional Use Permit / Site Plan Review. Fences in these districts shall conform with the

requirements in this fence ordinance. A Town of Dover Fence Permit is required from the Building Inspector, the fee for which shall be in an amount set by the Town Board.

D. All fences installed and maintained in A-1, A-2, A-3, A-4 zoned districts Agricultural are not subject to this Fence Ordinance, but are regulated under the Wisconsin State Statutes, Chapter 90. No Town of Dover permit is necessary for fences in these districts that conform to Chapter 90 of the Wisconsin State Statutes.

E. No fence shall be installed in any M-1, M-2, M-3, M-4, zoned district unless said fence is approved in conjunction with a conditional use permit/site plan review. A fence shall not exceed the height established, as defined by the height requirements of section 15.20.040, unless approved in conjunction with a Conditional Use Permit/Site Plan Review. Fences in these districts shall conform with the requirements in this Fence Ordinance. A Town of Dover Fence Permit is required from the Building Inspector, the fee for which shall be in an amount set by the Town Board.

#### 15.20.030 Permits

A. Application for a fence permit, when not part of a landscaping plan, shall be made to the Town of Dover Planning Commission and to the Building Inspector, and include:

1. The name and address of the applicant.
2. The owner of the site and the contractor.
3. An accurate drawing or plat of survey of the site, inclusive of structures (as defined by the Racine County Zoning Ordinances Chapter 20) located thereon.
4. The proposed location of the fence superimposed onto the drawing or plat of survey.
5. The purpose of the fence.
6. The type, material, size, and design of the proposed Fence.
7. All dimensions and distances between all fences, structures, and boundaries, etc..
8. Any other information the Planning Commission may require.

#### 15.20.040 Fence Construction

A. Fence construction is subject to the following limitations:

1. Placement, height, and site restriction.

a. Placement on lot – A fence is permitted on or near property lines in all districts.

b. Height

1) The installed height of a fence shall be measured from the ground to the top a fence section, and the average height between two posts shall not exceed the limitations in this section.

2) A post, post cap, or ornamental feature of a fence may exceed the height limitation of this section, but shall not be disproportionate to the fence. If the height of a post, post cap, or ornamental feature will exceed the maximum height by more than six inches, the Building Inspector may require the owner to apply to the Town of Dover Planning Commission for approval.

3) All districts – Except as otherwise provided in this section, the following height limitations apply in all districts.

a) Front yard – A fence that consists of at

least 50% open space shall not exceed 50 inches in height. A fence that has less than 50% open space may not exceed 30 inches in height.

b) Side and rear yards – A fence may not exceed 74 inches in height.

c) Lots with more than one front yard – The above provisions for front yards shall apply to each front yard; however, a Fence that does not meet those requirements (i.e., is less than 50% open space and exceeds 30 inches, or is more than 50% open and exceeds 50 inches), in any yard other than the main front yard, is allowed if the fence is at least 25 feet from the street right-of-way, and does not exceed 74 inches in height.

c. Placement and Site Restrictions

1) No Town of Dover Fence permit shall be issued, and no fence shall be installed or erected, where the land is held unsuitable for such use by the

Town of Dover  
P l a n n i n g  
Commission by  
reason of flooding,  
concentrated runoff,  
i n a d e q u a t e  
drainage, adverse  
s o i l o r r o c k  
f o r m a t i o n ,  
u n f a v o r a b l e  
topography, erosion,  
or any other feature  
likely to be harmful  
to safety, prosperity,  
aesthetic, or general  
welfare of this Town.

- 2) Proper relationship  
to adjoining area –  
“Aesthetics” may  
only constitute  
g r o u n d s f o r  
prohibiting the  
erection of a fence if  
such will depreciate  
the value of property  
in the neighborhood,  
or impose a visual  
e f f e c t u p o n  
n e i g h b o r s o r  
passersby which is  
clearly obnoxious to  
the prevailing taste  
of the community.

- d. Refuse containers – Refuse  
containers must comply  
with the requirements of  
Racine County Zoning.

#### B. Limitations and Prohibitions

1. No fence, or portion of a  
fence, shall be placed  
within the vision clearance

triangle, as set forth, see  
Illustration 1.

2. No fences are permitted in  
the Floodway District.  
Fences within Planned  
Community Development  
Districts are allowed only as  
part of the approval or  
amendment of their  
Implementation Plan.
3. No fence may be  
constructed as a fence that  
is intended to conduct  
electricity, or is designed to  
electrically shock, or which  
uses barbed wire, except  
as provided in d. below and  
Chapter 90 of the  
Wisconsin State Statutes.
4. Underground “invisible” pet  
fences shall be allowed  
without a permit, but must  
be installed at least three  
feet from all property lines.  
Hedge fences shall be  
allowed without a permit,  
but shall meet all of the  
placement and height  
limitations of this section.  
Barbed wire may be used  
at the top of a Fence in an  
industrial district (M-1, M-2,  
M-3, M-4) if the barbed wire  
and the devices securing  
the barbed wire are at least  
10 feet above the ground  
and project inward toward  
the Fenced property and  
away from public or  
adjoining property.
5. No fence shall be  
constructed of unsightly or

dangerous materials, as determined by the Town of Dover Planning Commission. The finished or decorative side of a fence shall face the adjoining property.

6. Fences shall not obstruct natural drainage.

C. Temporary Fences – Fences erected for the protection of planting, or to warn of construction hazard or similar purpose shall be allowed without a permit, but shall be clearly visible or marked with warning devices at four-foot intervals. Such fences shall meet the placement and height requirements of this section, unless such placement and height defeats the purpose of the fence. Temporary fences, other than snow fences, shall not be in place for more than a total of 45 days without the express written consent of the Town of Dover Planning Commission.

D. Nonconforming Fences – Any fence existing on the effective date of this section and not conforming to these requirements may be maintained, but any alternations, modifications, or improvement of more than 50% of the length of the said fence shall require the entire

fence being brought into compliance with this section

1. Determination of location – The property owner erecting the Fence is solely responsible for ensuring that the Fence is located on their own property.

2. Fence repair – All Fences shall be maintained and kept safe and in a state of good repair, as determined by the Building Inspector.

E. Outlots in R-4 Urban Residential District 1 – No fence or portion of a fence shall be placed on an outlot served by a public sanitary sewer without the principal use of the lot as a One-family or Two-family dwelling.

F. All fence materials shall be approved by the Building Inspector, who shall issue a fence permit upon application for fences meeting the requirements of this subsection. If the Building Inspector denies a permit, the applicant may appeal the decision to the Town of Dover Planning Commission, which may uphold, modify, or overturn the Building Inspector's decision.

G. Special Purpose Fences – Fences for special purposes and fences differing in construction, height, or length

1520.040  
GD(2)

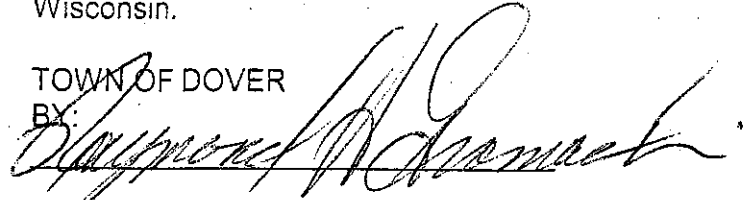
may be permitted by the Town of Dover Planning Commission by issuance of a conditional-use permit. Findings shall be made that the Fence is necessary to protect, buffer, or improve the premises for which the fence is intended. The Town of Dover Planning Commission may stipulate the height, location, construction, and type of special Fence thereby allowed.

- H. Fences permitted without a Town of Dover Permit
1. Snow fences.
  2. Ag fences – must comply with Wisconsin 90.
  3. Underground electrical fences are permitted in all districts.
  4. Arbors and Trellises shall not be used as a fence.
- I. Dog enclosures that exceed 25 lineal feet are required to have the review of the Building Inspector.

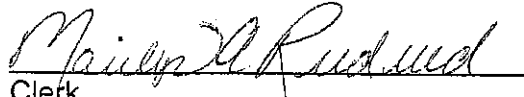
Introduced and adopted this 12<sup>th</sup> day of May, 2010 by the Town Board of the Town of Dover, Racine County, Wisconsin.

TOWN OF DOVER

BY:

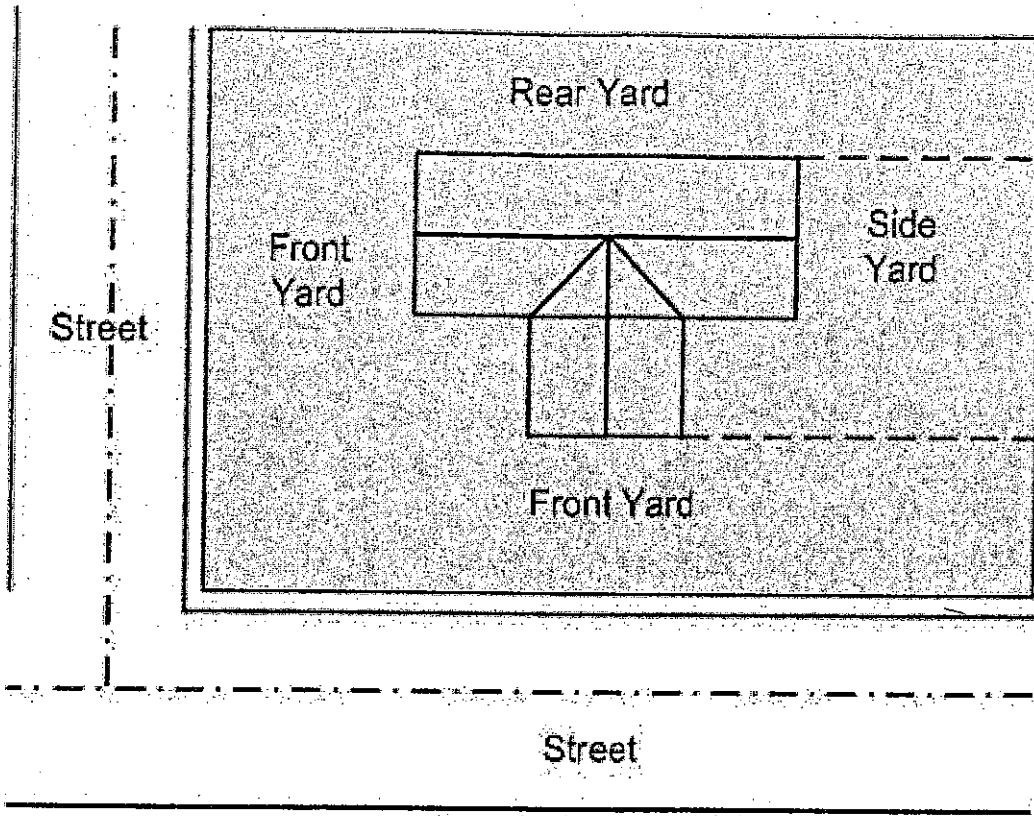


ATTEST:

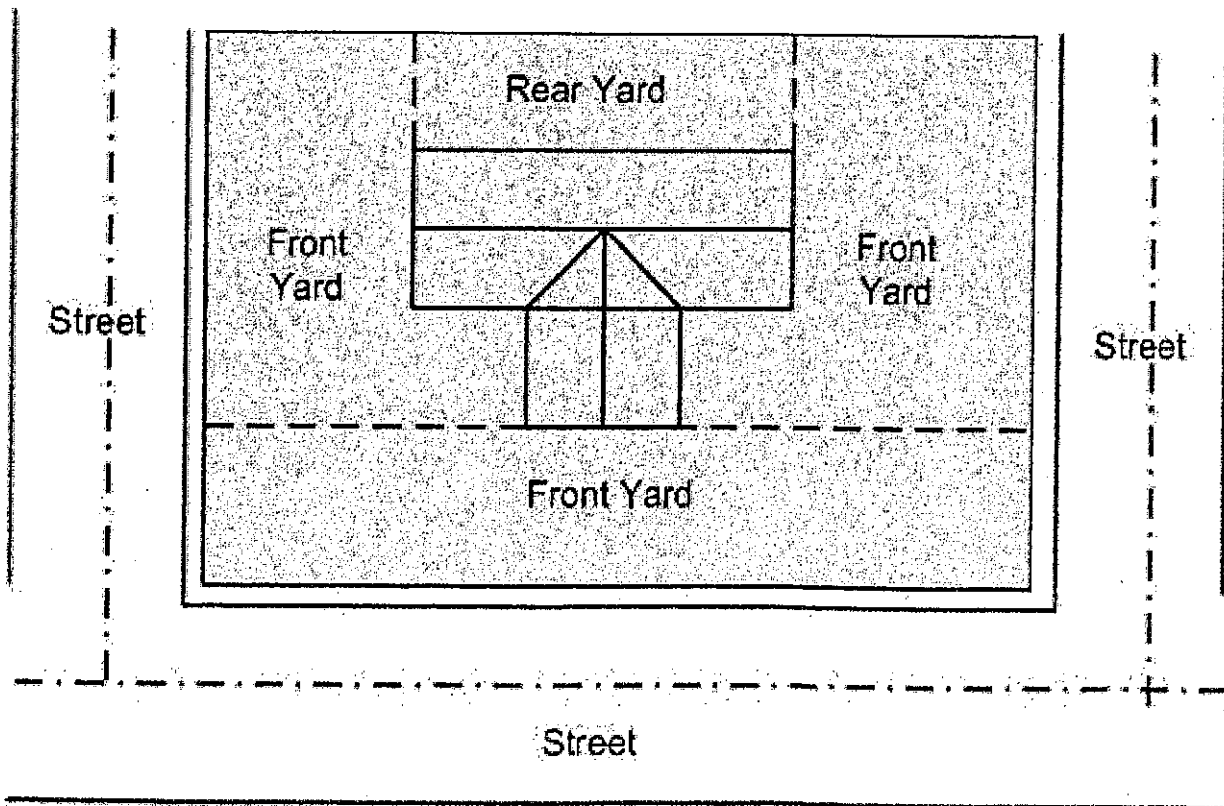


Clerk

Figure 1. Illustration, Yard Layout for Vision Clearance Triangle  
Determination of Corner and Triple Frontage Lots



Corner Lot Representation



Triple Frontage Lot Representation



RESOLUTION NO. 2010 - 02

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WHEREAS, the Town of Dover Chapter 15.20 of the Town of Dover Code of General Ordinances related to fences within the Town of Dover. Among other things, the ordinance allows the Town to establish a permit fee for such fences.

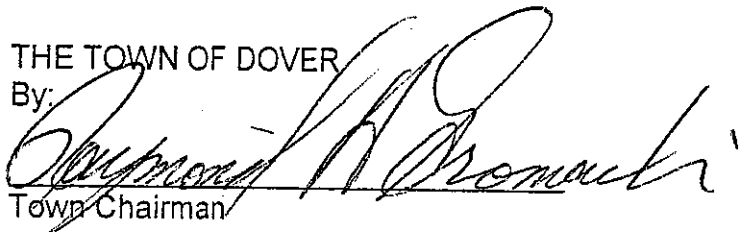
NOW, THEREFORE, BE IT RESOLVED, the Town of Dover does hereby establish the permit fee as follows:

\$35.00

Dated this 14<sup>TH</sup> day of June, 2010.

THE TOWN OF DOVER

By:

  
Town Chairman

ATTEST:

  
Clerk