

ORDINANCE NO. 2024-23

AN ORDINANCE TO REPEAL AND RECREATE SECTIONS 38-46 RELATED TO THE ZONING CODES IN THE MUNICIPAL CODE OF THE VILLAGE OF RANDOM LAKE, SHEBOYGAN COUNTY, WISCONSIN

WHEREAS, the Village of Random Lake adopted the Height and Area Exceptions as well as the Fences and Walls sections of the Code of Ordinances 1994, followed by several amendments that have been enacted, and

WHEREAS, the Village Board of the Village of Random Lake believes it is in the best interest of the Village to regulate construction and placement of structures and uses of properties within the village; and

NOW, THEREFORE, the Village Board of the Village of Random Lake, Sheboygan County, Wisconsin DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Chapter 38 of the Village of Random Lake Municipal Code entitled “Zoning”, Article II entitled “Districts”, Division 1 entitled “Generally”, Section 38-46 entitled “Fences and walls”, is hereby repealed and recreated as follows:

- (a) *Permit required.* No person shall construct a fence or wall in the village without first obtaining approval from the building inspector.
- (b) *Application; fee.* Application for a permit shall be filed with the building inspector on a form supplied by the inspector together with a sketch of the proposed fence, survey of the property showing the location of the proposed fence, and the payment of the fee provided in the village fee schedule.
- (c) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
 - (1) *Fence* means a barrier constructed of wood, wire, boards or other materials intended to prevent the escape or intrusion or to mark a boundary.
 - (2) *Wire fences.* Wire fences are to be of a vinyl coated minimum wire gauge No. 16 with maximum opening of two inches by three inches.
 - (3) *Wood fences.* Redwood or cedar shall be preferred for durability. Other woods may be used provided they are suitable and maintained.
 - (4) *Barbed wire.* Fence consisting wholly or in part of wire with clusters of short, sharp spikes set at intervals.
 - (5) *Chainlink fence.* A fence of heavy steel wire woven to form a diamond-shaped mesh.
 - (6) *Woven wire fence.* A fence constructed by woven wire together, often containing barbed wire, designed to serve as a barrier to livestock, wildlife or people.

(d) *Restrictions.*

- (1) *Residential fence restrictions.* Residential fences (in R-1 through R-6 districts) are permitted only on the rear and side yards in the residential districts. On the side yards, the fence shall not project into the principal building required setback distance and shall be in compliance with required vision clearance. On corner lots, the yard with the address facing side shall be considered the front yards, and any fences constructed shall not extend past the corners of the dwelling.
 - a. Fences shall not be constructed of woven wire, barb wire or chain link material.
 - b. For property abutting the village, no fence shall be erected within 25 feet of the meander line.
 - c. A building permit is required.
- (2) *Security fence restrictions.* Security fences are permitted in industrial and commercial business districts. No fence shall be placed closer than two feet from the property line and shall not exceed ten feet in height. ~~and shall be an open type similar to woven wire or wrought iron fencing.~~
 - a. A building permit is required.
 - b. Fences can be constructed of any material to include woven wire, barb wire or chain link material.

(e) *General requirements.*

- (1) *For districts R-1—R-6 fences and walls in front and side yards.* On any corner lot, no fence, wall or shrub shall be within the vision triangle prescribed in this chapter. No wall or fence may be erected in any front or side yard, except that a decorative fence shall be no more than three feet in height extending no more than ten feet in length in any one direction or a total of 20 feet and shall be set back two feet from the lot line. A wall or fence may be erected in the side yard with a setback five feet from the lot line.
- (2) *Fences in rear yards.* Fences having a height of six feet or less may be located within the required rear yards in residential districts.
- (3) *Location.* The property owner shall be responsible for the proper placement and location of the fence. No fence shall be placed closer than two feet from the property line unless written consent is obtained from the abutting property owner and a variance granted by the board of zoning appeals.
- (4) *Dog pens and runs.* Dog pens and runs shall be erected in the rear yard only and shall be located at least five feet from any property line.
- (5) *Fence side.* Posts and framing shall face the property for which the fence permit application is being made.
- (6) *Nonconforming fences.* Present fences may stand even though they do not conform to this section. However, nonconforming fences requiring 50 percent or more repairs or rebuilding shall be removed or rebuilt to conform with the requirements of this section.
- (7) *Maintenance of fences required.* All fences shall be maintained in good physical condition.

(f) *Private swimming pool fences.*

- (1) *Required.* No person shall maintain, construct, install or enlarge a residential swimming pool not enclosed in a permanent building in the village unless a fence is constructed in accordance with this section.
- (2) *Definition.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Swimming pool means any depression in the ground, either temporary or permanent, or a container of water, either temporary or permanent and either above or below the ground, in which water more than 24 inches deep is contained and which is used primarily for the purpose of bathing or swimming.

(3) *Fences.*

- a. Except as provided in subsection (d)(4) of this section, all swimming pools not enclosed within a permanent building shall be completely enclosed by a fence of sufficient strength to prevent access to the pool and shall be five feet in height and so constructed as not to have voids, holes or openings larger than four inches in one dimension. Gates or doors shall be equipped with self-closing devices for keeping the gates or doors securely closed and locked at all times when not in actual use.
 - b. Aboveground pools with self-provided fencing to prevent unguarded entry shall be permitted without separate additional fencing, provided the self-provided fence is of the minimum height and design as herein specified.
 - c. Permanent access from grade to above-ground pools having stationary ladders, stairs or ramps shall have safeguard fencing and gates equivalent to those required herein, subject to all other applicable ordinances and subject to the following requirements:
 1. No fence shall be located, erected, constructed or maintained closer than three feet to a pool.
 2. The wall of the house or building facing a pool may be incorporated as a portion of such fence.
- (4) *Hot tubs.* All hot tubs which are not fenced, as provided in subsection (d)(3) of this section, shall be covered by a lid securely fastened at all times the hot tub is not in use.

(g) *Dumpster structures/fences.*

- (1) *Definition.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Structure means any manmade object with form, shape and utility, permanently or temporarily attached to, placed upon or set into the ground.

- (2) *Required.* No person shall maintain, construct, or install a dumpster not enclosed in a permanent building in the village unless a structure/fence is constructed in accordance with ~~this section~~ below.

- a. Shall be located more than 2 feet from the property line.
- b. Shall be 6-8 feet in height, to match or exceed the height of the dumpster.
- c. A building permit is required.

SECTION 2: SEVERABILITY

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of any other provisions, sections, or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE

This Ordinance shall take effect immediately upon passage and posting or publication as provided by law.

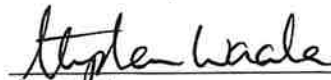
Dated this 7th day of October 2024.

VILLAGE OF RANDOM LAKE

By: _____

Michael San Felippo, President

ATTESTED:



Stephanie Waala

Village Clerk/Treasurer

Date Adopted: 10-7-2024

Date Published: 10-7-2024

Effective Date: 10-8-2024