

**TOWN OF CEDARBURG
ORDINANCE NO. 2013-1**

**An Ordinance to Amend Section 320-116, Fences and hedges, and
Section 320-117 Swimming Pools, Town of Cedarburg Code of Ordinances, Ozaukee
County, Wisconsin.**

- WHEREAS,** The Town of Cedarburg is a body corporate and politic; and
- WHEREAS,** the Town Board exercises village powers by Ch. 61, Wis. Stats.; and
- WHEREAS,** the Plan Commission has reviewed Chapter 320 regarding fences, has reviewed this ordinance, and has made a favorable recommendation to the Town Board for its adoption; and
- WHEREAS,** the Town Board held a public hearing regarding the proposed amendments, a notice of which was published twice, once at least ten days prior to the date of the hearing,

NOW, THEREFORE, BE IT ORDAINED by the Town Board of the Town of Cedarburg, Ozaukee County, Wisconsin, that Chapter 320 Zoning of the Town of Cedarburg Code of Ordinances is hereby amended to read as follows:

**(The text modified with a strikethrough shall be deleted).
(The text modified with an underline shall be added).**

§ 320-116. Fences and hedges.

- A. Fences defined. For the purpose of this section, "fence" is herein defined as an enclosed barrier which may consisting of vegetation, plastic, composite, wood, stone or metal intended to prevent ingress or egress. For the purpose of this section, the term "fence" shall not include plantings, such as hedges and shrubbery. No fence shall be constructed of unsightly or dangerous materials that would constitute a nuisance.

[Amended 9-5-2012 by Ord. No. 2012-17]

~~B. Fences categorized. Fences shall be categorized into five classifications:~~

- ~~(1) Boundary fence. A fence placed on or within three feet of the property lines of adjacent properties.~~
- ~~(2) Protective fence. 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 tip pointing upward to form a part of the fence.~~

[Amended 10-6-2010 by Ord. No. 2010-15]

BC. Height and location. ~~Fences in Residentially zoned districts located in the side and rear yard fences are permitted on the property lines in residential districts but shall not, in any case, exceed a height of six feet four inches total not including a finial or decorative cap; if a fence in the side or rear yard includes a decorative finial or cap, total fence height cannot exceed six feet eight inches total.~~ Fences shall not exceed a height of four feet four inches in the street yard not including a finial or decorative cap; if a fence in the street yard includes a decorative finial or cap, total fence height cannot exceed four feet eight inches and shall not be closer than two feet to any public right-of-way. The height of a fence will be measured on the lot on which the fence is located, and shall be measured as the vertical distance from the top of the fence to the legally compliant grade level of the ground. If a fence is constructed on a berm or retaining wall, the allowable vertical height of the fence shall include the height of the berm or retaining wall.

CD. Security fences. ~~In non-residential zoning districts, security fences are permitted on the property lines in all districts, except residential districts, but shall not exceed 10 feet in height, and shall be of an open type similar to woven wire or wrought iron fencing, unless approved as a condition of a conditional use permit. Barbed wire on security fences may be used in industrially zoned areas if the devices securing the barbed wire to the fence are at least eight feet above the ground in height and project toward the fenced property.~~

DE. Prohibited fences. ~~No residential fence shall be constructed which is 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 at least eight feet above the ground in height and project toward the fenced property and away from any public area and do not hang onto adjacent private property.~~

[Amended 10-6-2010 by Ord. No. 2010-15; 9-5-2012 by Ord. No. 2012-17]

EF. Fences to be repaired. ~~All fences shall be maintained and kept safe and in a state of good repair, and the finished side or decorative side of a fence shall face adjoining property.~~

FG. 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-foot intervals. Such fences shall comply with the setback requirements set forth in this section. 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 45 days.~~

GH. Nonconforming fences and hedges. ~~Any legal non-conforming fence or hedge existing on the effective date of this Ordinance Zoning Code and not in conformance with this section may be maintained, except where it interferes with traffic visibility at corners as governed by § 320-70, but all alterations, modifications and improvements of said fence shall comply with this section.~~

And Section

§ 320-117. Swimming pools.

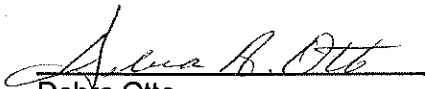
F. Enclosure. ~~Every outdoor private or residential swimming pool in the ground or with sides less than four feet high, as in the case of aboveground pools, shall be completely enclosed by a fence or wall not less than four feet in height but not to exceed six feet four inches total not~~


including a finial or decorative cap; if a swimming pool fence or wall includes a decorative finial or cap, total fence/wall height cannot exceed six feet eight inches total in height, which shall be so constructed as not to have openings, holes or gaps larger than four inches in any dimension, except for doors and gates. The height of a fence/wall will be measured on the lot on which the fence/wall is located, and shall be measured as the vertical distance from the top of the fence/wall to the legally compliant grade level of the ground. If a fence/wall is constructed on a berm or retaining wall, the allowable vertical height of the fence/wall shall include the height of the berm or retaining wall. A residence or accessory building may be used as part of such enclosure. All gates or doors opening through such enclosures shall be equipped with self-closing and self-latching devices for keeping the gate or door securely locked at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped. Aboveground pools with sides greater than four feet high which are not enclosed by a suitable fence herein described and using a ladder for ingress and egress shall have this ladder removed or flipped up when the pool is not in use.

**(The above text modified with a strikethrough shall be deleted).
(The above text modified with an underline shall be added).**

This ordinance shall be in full force and effect upon its passage and posting as provided by law.

PASSED AND ADOPTED by the Town Board of the Town of Cedarburg, Ozaukee County, Wisconsin, this 2nd day of January, 2013.


Debra Otto
Town Clerk


David M. Valentine
Town Chairman