

TOWN OF CAMPBELL

LA CROSSE COUNTY, WISCONSIN

ORDINANCE NO 2020-3

An Ordinance to amend Article VI Section 8 of the Town of Campbell Code of Ordinances related to fences and hedges

SECTION I: Section 8 is hereby amended and reads as follows:

- **ARTICLE VI. - FENCES AND HEDGES**
- **Sec. 8-135. - Fences defined.**

For the purpose of this section, a *fence* is herein defined as an enclosed barrier consisting of vegetation, wood, stone, vinyl, brick, fieldstone, wrought iron, chain link (with a minimum thickness of nine gauge and required top rail support) or metal intended to prevent ingress or egress.

Open means a fence in which openings between the materials of which the fence is constructed represent not less than 40 percent of the total surface of the fence when viewed perpendicular to the face of the fence.

For the purpose of this section, 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. No fence shall be constructed of used or discarded materials including, but not limited to: railroad ties, pallets, tree trunks, trash, tires, junk, or other similar items not specifically manufactured for fencing.

(Ord. No. 2016-2, § 1, 11-9-2016)

- **Sec. 8-136. - Fence regulations.**

(a) Permit required.

- No fence shall be erected or totally replaced without first obtaining a Town of Campbell fence permit and paying the applicable fee as determined by the Town of Campbell Fee Schedule.

(b) Fence heights.

(1) Fences in residential districts shall not exceed a height of six feet in rear and side yards, unless allowed through an issued conditional use permit. Fences in the street yard shall be "open" and shall not exceed a height of four feet.

(2) Fence heights for street yard in non-residential zoning districts shall be determined through site plan review and/or review by the zoning administrator.

(3) Fences in commercial and industrial zoning districts may not exceed eight feet in height in the rear or side yard.

(4) Fences in public and semi-public zoning districts may not exceed six feet in height in the rear or side yard. Fences associated with athletic fields and tennis courts may be erected in conformance with industry standards.

(5) Fence heights may be measured from a point up to three inches above ground elevation to the top of fence.

(6) In the event that a fence is placed on top of a retaining wall or similar structure and shares a vertical support system, the height of the fence shall include the height of both structures. If the fence and the retaining wall have independent vertical support structures, the fence and retaining wall heights may be measured separately.

(b) *Fence setbacks.*

(1) Fences in residential districts may be placed up to the lot line in rear and side yards. Fences shall not be closer than three feet to any public right-of-way, unless it is a decorative style fence less than three feet in height. All permanent fences shall be located outside of the public right-of-way.

(2) Vision clearance requirements. Fences shall not encroach into any vision corner. No fence, structure, post, pillar, or object of natural growth shall be maintained or allowed to grow higher in the vision clearance area than 36 inches above the highest grade of the adjacent road or alley. Obstruction to visual clearance shall be deemed a nuisance and the Town of Campbell Police Department is authorized to abate said nuisance and enforce penalties as authorized in Sections 18-26 and 18-27 of the Town of Campbell Code of Ordinances.

(3) Fences in all non-residential zoning districts adjacent to public rights-of-way shall be set back a minimum of three feet or comply with the specified zoning district street yard setback; whichever is less. Fences may be placed up to the lot line in rear and side yards.

(4) Property owners shall locate fences no closer than three feet from the property line so that each side of the fence may be properly maintained by the owner of the fence while on said owner's property, unless an affidavit in

recordable form is provided signed by the adjacent property owner agreeing to maintain the opposite side of the fence or agreeing to permit the owner of the fence to maintain said fence. This requirement can be waived if a maintenance-free fence is installed.

(5) In the case of a proposed fence installation within three feet of a lot line where no record of a fence existed, a survey prepared by a registered land surveyor or professional engineer is required to obtain a fence permit. No survey is required if a recordable affidavit signed by all affected property owners establishing an agreed-upon lot line.

(6) Obstruction of ingress/egress area of a dwelling. No fence shall be installed in any yard that will shield any window or opening in a habitable space of a dwelling. A minimum distance of six feet shall be maintained between any solid fence and any such window or opening in a dwelling.

(a) A fence may be permitted adjacent to a required ingress/egress opening of a dwelling between four feet and six feet if the fence has one of the following features:

[1] For basement ingress/egress openings, the fence opening or gate shall be the width of the ingress/egress opening or four feet, whichever is greater, with no ability to lock or secure said gate, or a four-foot-wide approved breakaway fence panel and the area on both sides of the gate/fence shall continuously be free from all obstruction, including vegetation and snow and ice buildup, and shall swing or break away in the direction of egress.

[2] For ingress/egress opening above grade, the fence opening or gate shall be the width of the ingress/egress opening or four feet, whichever is greater, with no ability to lock or secure said gate, or a four-foot-wide approved breakaway fence panel, or the top of the fence shall be no taller than the bottom of the sill of the ingress/egress opening, and the area on both sides of the gate/fence shall continuously be free from all obstructions, including vegetation and snow and ice buildup, and shall swing or break away in the direction of egress.

(Ord. No. 2016-2, § 1, 11-9-2016)

- **Sec. 8-137. - 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 feet above the ground or height and project toward the fenced property and away from any public area. No fence shall be constructed or maintained which creates a hazard to users of the street or sidewalk or to nearby property.

(Ord. No. 2016-2, § 1, 11-9-2016)

- **Sec. 8-138. - 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.

(Ord. No. 2016-2, § 1, 11-9-2016)

- **Sec. 8-139. - 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. Temporary fences shall not be erected for more than 45 days.

(Ord. No. 2016-2, § 1, 11-9-2016)

- **Sec. 8-140. - Nonconforming fences.**

Any fence existing on the effective date of this Code of Ordinances and not in conformance with this section may be maintained, but no alteration, extension, modification or improvement of said fence shall occur, unless installed in conformance with this section.

(Ord. No. 2016-2, § 1, 11-9-2016)

SECTION II. This Ordinance shall take effect and be in force from and after its passage and publication as required by Section 60.80 of the Wisconsin State Statutes.

Dated this 14th day of July, 2020
Town of Campbell

By: /s/ _____
Terry Schaller, Town Chairman
By: /s/ _____
Cassandra Hanan, Clerk

