

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 Chapter 90 of the Wisconsin State Statutes.
- C. Install, Installation, Installed – To construct, erect, install, place, or replace over twenty five (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 – Any fence or combination of fences that obstruct vision that affects the safety of the public, as defined by the Town of Dover Plan Commission and/or Town Board. A triangle with its points at the intersection of two (2) streets and twenty-five (25) feet back each way from that corner along each right of way line, as defined by the Town of Dover Plan Commission and/or Town Board. See Illustration 1 and Illustration 2.

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 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 Site Plan Review. Fences in these districts shall conform to 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 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 Site Plan Review. Fences in these districts shall conform to 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 Plan 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 Town of Dover Plan Commission may require.

15.20.040 Fence Construction

A. Fence construction is subject to the following limitations:

1. Placement, height, site restriction, and refuse containers.

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 Plan Commission by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable 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 grounds for prohibiting the erection of a Fence if such will depreciate the value of property in the neighborhood, or impose a visual effect upon neighbors or 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 Triangle clearance space, as set forth, see Illustration 1 and Illustration 2.

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 clause 4 immediately 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 ten (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 Plan 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 (4) foot intervals. Such Fences

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

1) No obstructions, such as structures, fences, parking or vegetation shall be permitted in any business, manufacturing or institutional district between the heights of two (2) feet and ten (10) feet above the plane through the centerline of the road within the triangular space formed by any two existing or proposed intersecting street or alley right-of-way lines and a line joining points on such lines located a minimum of twenty five (25) feet from the road right-of-way (See Vision Triangle illustration No. 2).

2) In the case of any federal, state or county highway or Town road intersection with any other federal, state or county highway or Town road or railways, the corner cutoff distances establishing the Vision Triangle clearance space shall be increased to fifty (50) feet.

b. Height

1) The installed height of a Fence shall be measured from the ground to the top of a Fence section, and the average height between two (2) 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 (6) inches, the Building Inspector may require the owner to apply to the Town of Dover Plan 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 fifty (50) inches in height. A Fence that has less than 50% open space may not exceed thirty (30) inches in height.

b) Side and rear yards – A Fence may not exceed seventy four (74) inches in height.

c) Lots with more than one (1) 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 thirty eight (38) inches, or is more than 50% open and exceeds fifty (50) inches), in any yard other than the main front yard, is allowed if the Fence is at least twenty five (25) feet from the street right-of-way, and does not exceed seventy four (74) inches in height.

c) Placement and Site Restrictions

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 forty five (45) days without the express written consent of the Town of Dover Town Board.

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 result in 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 Plan Commission and Town Board, which may uphold, modify, or overturn the Building Inspector's decision.

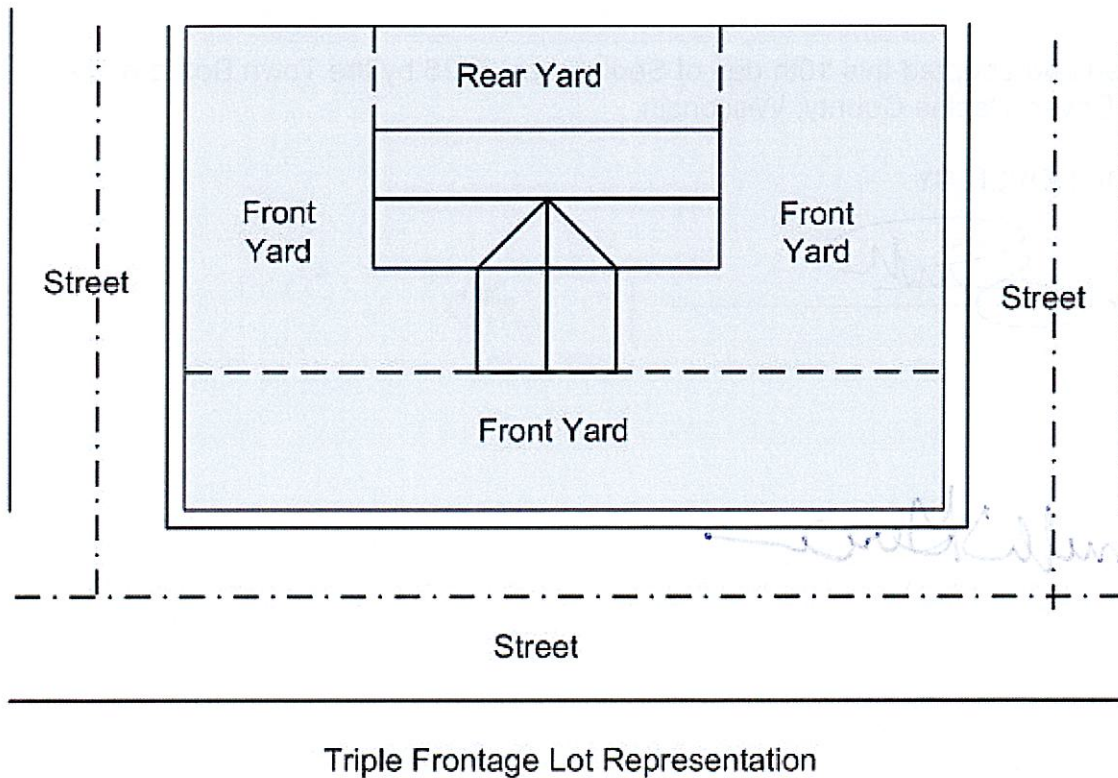
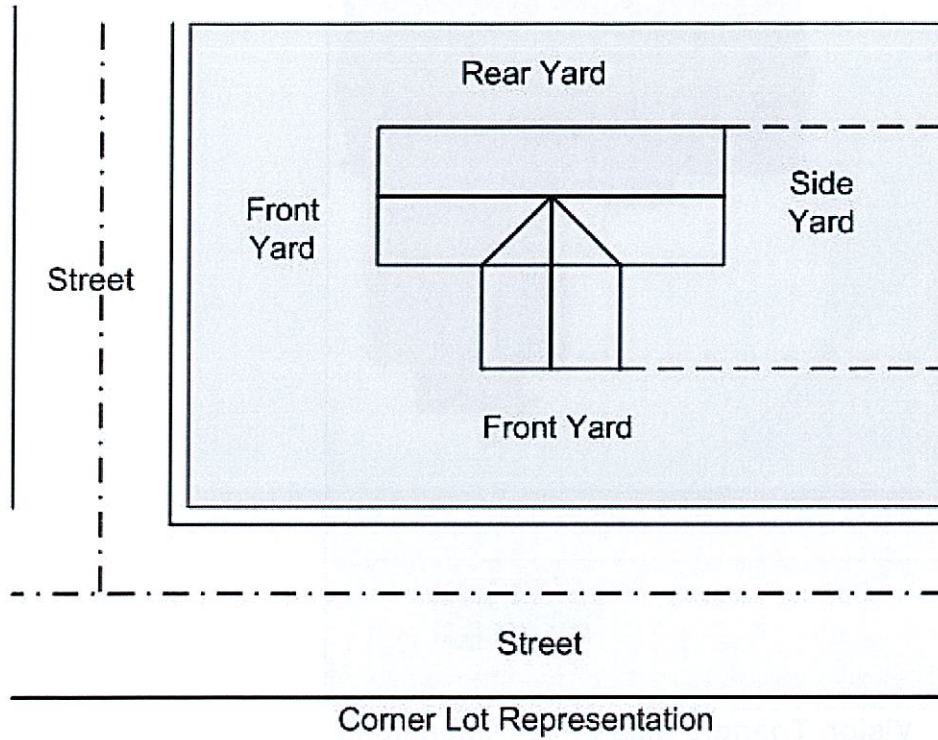
G. Special Purpose Fences – Fences for special purposes and Fences differing in construction, height, or length may be permitted by the Town of Dover Plan Commission by issuance of a conditional-use permit. Findings shall be made that the Fence is necessary to protect, buffer, or improve the premises for which the Fence is intended. The Town of Dover Plan 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. Agricultural Fences – must comply with Chapter 90 of the Wisconsin State Statutes.
3. Decorative Fences shall not be placed in any manner which presents a hazard to pedestrians on any public or private sidewalk.
4. Underground electrical Fences are permitted in all districts.
5. Arbors and Trellises shall not be used as a Fence.

I. Dog Enclosures that exceed twenty five (25) lineal feet are required to have the review of the Building Inspector.

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



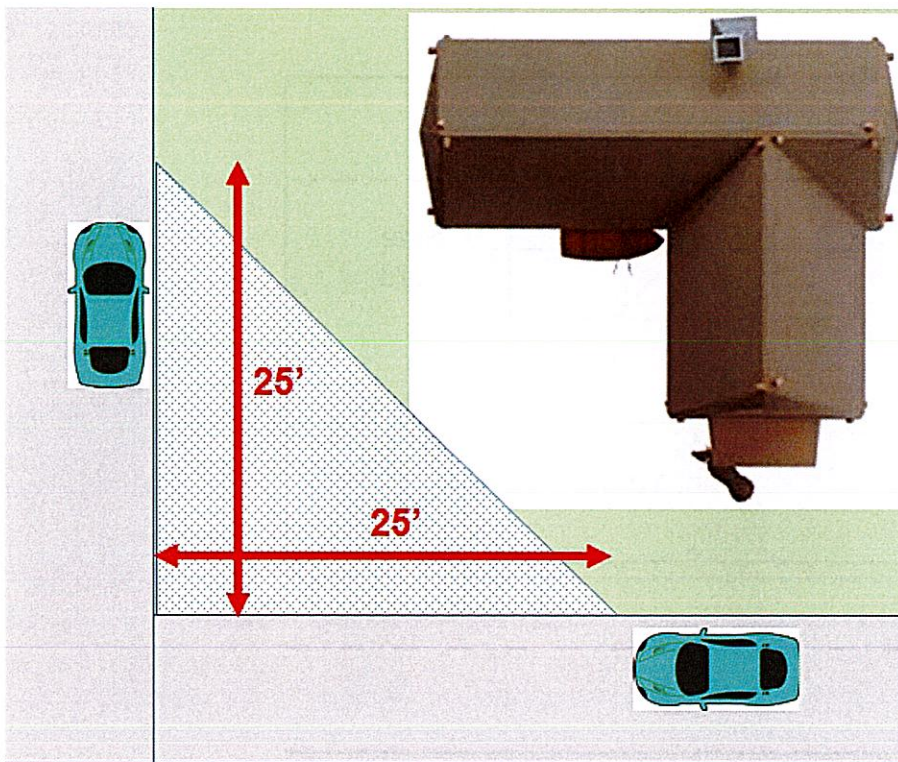


Illustration 2 - Vision Triangle Clearance Dimensions

Introduced and adopted this 10th day of September, 2025 by the Town Board of the Town of Dover, Racine County, Wisconsin.

TOWN OF DOVER BY:


Chairman

ATTEST:


Clerk