



**NOTICE OF PUBLIC HEARING  
TOWN OF LEDGEVIEW**

**Tuesday, July 5, 2016 at 6:00 p.m.  
or as soon thereafter as can be heard  
3700 Dickinson Road, De Pere, WI 54115**

Notice is hereby given the Ledgeview Town Board will be holding a public hearing on **TUESDAY, JULY 5, 2016 AT 6:00 P.M. or as soon thereafter as can be heard** at the Ledgeview Municipal Building, 3700 Dickinson Road, De Pere, WI 54115. The purpose of the public hearing is to hear comment on the request by the Zoning & Planning Commission on ordinance 2016-012 to amend Chapter 135 Zoning, Section 15-Fences and Section 16-Swimming Pools, Hot Tubs, and Spas. The amendment is to clarify code regulations and to bring the code up to current industry standards. A copy of the proposed ordinance language is on the town's website at [www.ledgeviewwisconsin.com](http://www.ledgeviewwisconsin.com). All persons interested are invited to attend this hearing and be heard. Written comments may be submitted in lieu of public appearance to the Town Clerk/Administrator, 3700 Dickinson Road, De Pere, WI 54115. The Town Board may discuss and act on the amendment after the public hearing.

Town Board

Philip J. Danen, Chairman  
Andy Schlag, Supervisor  
Renee Van Rossum, Supervisor  
Ken Geurts, Supervisor  
Cullen Peltier, Supervisor

*Charlotte K. Nelson*

Charlotte K. Nelson, Deputy Clerk  
Town of Ledgeview

Signed, dated and posted: June 21, 2016  
Published: June 22 & 29, 2016

Notice is hereby given that the Ledgeview Town Board may take action on any specific item listed within this agenda. Where citizens provide input to the Ledgeview Town Board on items not specifically listed within this agenda, the only appropriate action is referral to a Committee or to a subsequent Town Board meeting. Any person wishing to attend who, because of disability, requires special accommodations should contact the Town Clerk at (920) 336-3360, 3700 Dickinson Road, at least 48 hours prior to the meeting so arrangements can be made. Attachments or other documents referenced in this agenda are available for view or copying at the Ledgeview Town Office, 3700 Dickinson Road, De Pere, during normal business hours, or by contacting the Clerk at (920) 336-3360.

§ 135-15. Fences. REVISED 160613

A. Purpose. The purpose of this section is to regulate the materials, location, height and maintenance of fencing, landscaping walls, visual screening barricades and decorative posts, herein referred to as 'fence' and to impose fencing requirements in order to protect the public health, safety and welfare by preventing the creation of nuisances and safety hazards and to protect property values and aesthetics in the Town of Ledgeview.

B. Applicability. The requirements of this section apply to all fences, which shall include any physical barrier enclosing or partially enclosing any property or portion thereof.

C. Permit required. No person shall construct, erect, extend, modify or otherwise install any fence within the Town of Ledgeview without first obtaining a permit from the Building Inspector. No permit shall be required for minor maintenance activities such as painting or repair work unless any elements anchoring the fence to the ground are being moved, removed or replaced or there is a change in materials, construction or appearance of the fence.

D. Permit application.

(1) Applications for a permit shall contain the following information:

(a) A site plan of the property depicting the current improvements, any public or private right-of-way or easements, utilities including but not limited to fire hydrants, stormwater or drainage management facilities and easements and the proposed fence locations with dimensions from property boundaries. A survey may be required if the existing survey, property markers or natural monuments do not sufficiently identify property boundaries for the Building Inspector.

(b) A pictorial representation of a typical fence section and any ~~section~~ substantially dissimilar sections or access points.

(d) The maximum height above original grade and length of the proposed fence.

(e) Any additional information requested by the Building Inspector reasonably necessary to further the purposes of this section.

(f) If encroaching on adjoining property, any agreement(s) from the property owner(s) requested by the Building Inspector.

(2) Applications shall be reviewed and permits issued by the Building Inspector, security fences as defined under Subsection G require Town Board approval first. ~~except applications for security fences under Subsection G.~~

E. General requirements.

(1) Materials. No fence may be constructed of materials not commonly sold, marketed or used as fencing material, including but not limited to ~~this includes but is not limited~~ to wood, stone, plastic, brick, metal, earth. Material not permitted, including but not limited to, railroad ties, blocking lumber, pallets, tires, trash, metal siding, or metal sheeting. Except as provided in Subsection H(2), no fence may be constructed of barbed wire or razor wire. Earth berms shall not be permitted to alter existing stormwater drainage patterns averse to neighboring properties. If berms are proposed, the Building Inspector may require engineering reports, including information required under Chapter 36 of the Ledgeview Code of Ordinances, in order to assess stormwater impacts.

(2) Rapid Entry/Knox Box. A Knox box may be required by the Building Inspector and/or Fire Department at access points as outlined in Chapter 49.

(3) Location.

(a) All fences shall be located completely upon the owner's property, which shall not be construed to include unimproved areas of public rights-of-ways or easements. Encroachment on adjoining property may be permitted with written approval from the property owner.

(b) No fence located in a front yard or yard abutting any street shall be located closer than two feet from the property line.

(c) Fences shall not be constructed in any way that could impair ingress or egress from any building, including emergency egress from window openings.

(d) Fences may be located on the property line on any side or rear yard not abutting a street, provided that all maintenance, including staining or painting, can be performed without trespassing on adjoining property either as a function of fence design or through a maintenance easement agreement with the neighboring property owner which shall be recorded with the County Register of Deeds.

(e) Fences shall not be erected within drainage easements without written approval from the Utility Department.

(f) Fences shall not be erected in a location or manner that could constitute a traffic hazard, including, but not limited to, the area established by drawing a line across the corner of the property at a public road intersection from the two points along the adjacent public road right-of-way boundaries twenty five(25) feet from the corner of said boundaries.

(4) Height.

(a) The fence height shall be measured from the grade surface directly vertical to the top of the fence at any location along the fencing.

(b) Fences erected in a front yard or side yards adjacent to any public street shall not exceed ~~four(4) three(3)~~ feet in height unless the fence is approved as a security fence as outlined under Subsection G. or part of the required pool fence as outlined under

~~Subsection G. or part of the required pool fence as outlined under~~ Use alternate language and fences erected in side yards adjacent to any public street shall not exceed four(4) feet in height unless either fence is approved as a security fence as outlined under Subsection G.

(c) All other fences shall not exceed six(6) feet in height, unless approved as a security fence or erected for commercial use in the Light Industrial or Heavy Industrial Districts. Fences not adjacent to public rights-of-ways in the Light Industrial or Heavy Industrial Districts shall not exceed eight(8) feet.

~~(d) The Town Clerk and Zoning Administrator together have the authority to deviate from the height requirements with good cause.~~

(5) Construction and maintenance.

(a) All fences shall be erected and maintained such that materials are in sufficiently good condition to maintain the structural integrity and visual appearance of the fence. Painted or stained surfaces shall be retouched or refinished to prevent an uneven or worn appearance.

(b) Structural and support components shall face away from adjacent properties.

F. Required fencing.

(1) Swimming pools, hot tubs and spas. All required fencing shall comply with section 135-16.

(2) Man-Made Bodies of Water. All required fencing for man-made bodies of water as defined in section 135-222 shall comply with Article XXIV

(3) Mechanical equipment screening. Except for residential and agricultural uses, all outdoor mechanical equipment, whether ground-mounted or roof~~top~~-mounted, including but limited to,

air-conditioning and ventilation equipment, shall be screened from public view. Screening shall be of sufficient height and opacity to screen such equipment from public view. Materials shall be consistent with or complementary to the surrounding facade and overall building appearance.

(4) Salvage yards. Salvage yards shall be completely enclosed by a solid opaque wall or fence and solid access gates at a height not greater than eight(8) feet.

(5) Outdoor storage, dumpster and garbage screening.

(a) All premises or areas, except residential and agricultural uses within the R-1, R-2, RR, A-1 and A-2 Districts, used for outdoor storage of materials, including, but not limited to, bulk storage, inoperable vehicles, automobile parts, scrap metal, lumber, and building materials and any garbage cans, dumpsters or other permitted outdoor refuse collection and storage shall be completely enclosed by a fence not less than six feet nor more than eight feet in height to screen such areas from ordinary public view. Such fence shall be 90% opaque.

(b) No materials or refuse stored may protrude above the top of the fence.

(c) All screening required under this subsection, except those located in the **Heavy Industrial H-I** District, shall be required to be constructed of materials of a similar or complementary texture, color and style as any principal structure located on the premises.

(d) **Visual** screening for outdoor storage, not including incidental garbage collection storage, may be accomplished through the use of earth berms, plantings or combination thereof ~~that would function in a manner similar to fencing~~. Fencing may be required, however, if the nature of the storage suggests fencing is necessary for public safety. ~~Berms shall not be permitted to alter existing stormwater drainage patterns averse to neighboring property owners. If berms are proposed, the Building Inspector may require engineering reports, including information required under Chapter 36 of the Ledgeview Code of Ordinances, in order to assess stormwater impacts.~~

(6) Outdoor alcohol licensed premises.

(a) All outdoor areas included in the liquor license for a premise under Chapter 5 of the Town of Ledgeview Code shall be enclosed by a fence or wall constructed a minimum of five(5) feet from the property line with a minimum height of four(4) feet and a maximum height of six(6) feet or the area may be enclosed by two fences not less than four(4) feet in height spaced six(6) feet apart and located a minimum of five(5) feet from the property line or a combination of the two designs.

(b) Areas subject to temporary alcohol licenses or temporary expansions of licensed premises shall install temporary fencing 48 inches or greater to surround the entire outdoor licensed area. All openings for ingress and egress shall be monitored to ensure underage persons are not permitted to enter except as authorized by § 125.07, Wis. Stats.

G. Security fences.

(1) All fences erected as security fences and which are to exceed height requirements set forth in Subsection E(4 ~~3~~) require the approval of the Town Board. The Town Board may disapprove a permit for security fencing if the proposed fence fails to comply with any applicable provision of this section or any other applicable ordinance, statute, rule or regulation. The Town Board may also disapprove a permit for security fencing if the proposed design or materials are inconsistent with the character of the property or surrounding area.

(2) Security fences shall not exceed eight feet in height.

H. Prohibited fences:

(1) Electric fences, unless erected for agricultural use where the agricultural use is allowed.

(2) Barbed or razor wire fences, unless erected for agricultural use where the agricultural use is allowed or for industrial use in an industrial district. Barbed or razor wire for industrial use shall be permitted only above six(6) feet above the grade and shall not extend beyond the outer face of the fence.

(3) Fences with dangerous protrusions, including, but not limited to, spikes, nails, or broken glass, attached or embedded in the any part of the fence.

(4) Fences constructed contrary to this section.

I. Fences exempt from permit requirement. The following fences, under the conditions set forth herein, may be erected without issuance of a permit. All fences shall comply with all other requirements of this ordinance. A permit may still be required under other ordinances.

(1) Temporary snow fences erected to restrict windblown snow. Such fences shall not be erected prior to November 15 and must be removed by April 15.

(2) Temporary construction fences for erosion control, site protection or protection of plantings. Such fences shall be maintained for no longer than 180 days or, if for erosion control, until the soil is stabilized.

(3) Seasonal garden fences made of wire or wood.

(a) Garden fences shall be located in side or rear yards only.

(b) Garden fences shall be no taller than six(6) feet.

(c) Garden fences shall be removed at the end of the growing season and shall not be erected more than two(2) weeks prior to planting.

(5) Fencing require for Keeping of Chickens on Residential Property under ordinance 135-11(V) provided the height does not exceed four(4) feet and the total ground area does not exceed one hundred(100) square feet.

(5) Agricultural fences used to provide enclosure for agricultural animals or fields located in districts where agricultural uses are allowed and not greater than 40% opaque.

(6) Underground pet containment systems.

(7) Earth mounds and berms, no higher than 12" above original grade level used for decorative purposes only and not part to a fence design..

(8)Decorative fences not exceeding two(2) feet in height.

**§ 135-16. Swimming pools, hot tubs and spas. REVISED 160613**

A. Every outdoor swimming pool, hot tub or spa, herein referred to as 'pool', ~~whether above ground or below ground~~, having a depth of 18 inches or more shall be surrounded by a ~~barrier fence~~ no less than 48 inches in height above grade ~~to restrict unauthorized access~~. No ~~barrier fence~~ shall be required if the pool is equipped with a safety cover complying with ASTM F1346 which is closed when not in use.

B. ~~Permit required. No person shall construct, erect, extend, modify or otherwise install any pool and it required barrier within the Town of Ledgeview without first obtaining a permit from the Building Inspector. It shall be unlawful for any person in possession of land within the Town, either as owner, purchaser, lessee or tenant, upon which is situated a pool falling within the control of this ordinance to fail to provide and maintain such fence.~~ Any pool in existence on the date this chapter becomes effective shall, within 30 days from the effective date, enclose the pool with a ~~barrier fence meeting the requirements of this ordinance~~.

C. Pools and decks shall be considered accessory structures and meet all related ~~setback~~ requirements in the district in which it is located.

D. Any structure, ~~including but not limited to decks and stairs~~, installed related to a pool, ~~including but not limited to decks and stairs~~, shall meet the relevant Wisconsin codes and not obstruct the minimum ~~barrier fence~~ requirements.

E. The required ~~barrier fence~~ height may be accomplished by including the sidewall height above grade of an above ground pool and properly installed pool manufacture approved enclosure extensions as needed. Pool access shall meet the requirements of section 135-16(H).

F. The required ~~barrier fence~~ surrounding a ~~the pool is are~~ permitted to include ~~permanent fences and~~ permanent structures meeting the minimum requirements including but not limited to dwellings ~~walls~~, garages ~~walls~~ and accessory buildings.

G. The required ~~barrier fence~~ surrounding the pool shall be so constructed as not to have openings, holes or gaps that allow a four(4) inch diameter object to pass through.

H. All entry points into the ~~barrier fence~~ shall have gates or doors equipped with self-closing and self-latching devices placed a minimum of 50 inches above the finished grade unless otherwise constructed to be automatically inaccessible to small children. Doorways leading from a dwelling or accessory building to the enclosed area ~~are exempt from this requirement. need not be so equipped.~~

I. No pool or the associated equipment, including but not limited to motors, pumps and lighting, shall be located, designed, operated or maintained so as to interfere unduly with adjoining property owners enjoyment of their property or the neighborhood. All pool motors and pumps shall be located to minimize noise disturbance.

J. Lights used to illuminate any pool shall be so arranged and shaded as to reflect light away from adjoining premises. Lights shall not create illuminations brighter than 0.5 foot-candles on adjoining properties measured at ground level.

K. It shall be unlawful for any person to make, continue or cause to be made or continued at any pool any loud, unnecessary or unusual noise or any noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others. In the operation of a pool, the use, or permitting the use or operation, of any radio, receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants, or at any time

with louder volume than is necessary for convenient hearing of the person or persons who are in the pool premises, shall be unlawful.

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