

**VILLAGE OF WALDO
SHEBOYGAN COUNTY, WISCONSIN
ORDINANCE NO. 2026-05**

**AN ORDINANCE TO AMEND CHAPTER 195 (ZONING) AND CHAPTER 67
(BUILDING CONSTRUCTION) OF THE CODE OF ORDINANCES OF THE VILLAGE
OF WALDO, WISCONSIN, RELATING TO FENCE REGULATIONS, ZONING
ADMINISTRATION, AND BOARD OF APPEALS**

WHEREAS, the Village of Waldo is authorized to adopt and amend zoning regulations pursuant to Wisconsin Statutes § 62.23; and

WHEREAS, the Village Board finds that existing fence regulations require clarification to ensure consistent interpretation and administration; and

WHEREAS, the Village Board finds that clear standards regarding fence height, placement, and materials are necessary to protect public health, safety, and general welfare; and

WHEREAS, the Village Board further finds that regulations addressing fences in proximity to public streets and intersections are necessary to maintain adequate traffic visibility and prevent hazards; and

WHEREAS, the Village Board finds that the regulation of fences surrounding residential swimming pools is necessary to prevent unauthorized access and reduce the risk of injury or drowning; and

WHEREAS, the Village Board finds that clarifying the distinction between zoning permits and building permits will improve administration and reduce confusion for residents; and

WHEREAS, the Village Board finds that establishing consistent procedures for fence permitting will promote fairness and transparency in the application of Village ordinances;

WHEREAS, the Village Board finds that clarifying and strengthening the provisions related to the Board of Appeals will promote consistent application of zoning regulations and ensure a clear and fair process for appeals and variances;

NOW, THEREFORE, the Village Board of the Village of Waldo, Sheboygan County, Wisconsin, does hereby ordain as follows:

SECTION 1 – PURPOSE

The purpose of this ordinance is to clarify fence regulations in residential zones only, establish clear permit requirements, improve public safety, and ensure consistent administration of fence standards within the Village.

SECTION 2 – AMEND §195-3 DEFINITIONS.

Section §195-3. Definitions shall be amended to include the following terms:

- **Zoning Administrator** - The person designated by the Village Board to administer and enforce the provisions of this Chapter.
- **Zoning Permit** – A permit issued by the Village authorizing a use, structure, or activity regulated by this Chapter.
- **Setback** - The minimum required distance between a structure and a property line.
- **Yard** (Front, Side, Rear)- The open space between a structure and a lot line based on its location.

SECTION 3 – AMENDMENT TO §195-4(F) (GENERAL PROVISIONS)

Section §195-4(F) is hereby repealed and recreated as follows:

- F. **Fence Permit Required.** All fences shall comply with the requirements of §195-14 of this Chapter. A zoning permit shall be required prior to the construction, replacement, or modification of any fence.

SECTION 4 – REPEAL AND RECREATE §195-6 (BOARD OF APPEALS)

§195-6. Board of Appeals.

- A. **Establishment and Authority.** A Board of Appeals is hereby established in accordance with Wisconsin Statutes § 62.23. The Board shall consist of members appointed as provided by statute. The Board of Appeals shall adopt rules of procedure consistent with applicable statutes and shall file such rules with the Village Clerk.

- B. **Powers and Duties.** The Board of Appeals shall have the following powers:

1. **Appeals.** To hear and decide appeals where it is alleged that the Zoning Administrator or Building Inspector has made an error in any order, requirement, decision, or determination made in the enforcement of this Chapter.
2. **Variances.** To authorize variances from the terms of this Chapter where, owing to special conditions affecting a particular property, literal enforcement would result in unnecessary hardship, provided that:
 - a. The hardship is due to unique physical limitations of the property and not the circumstances of the applicant.
 - b. The hardship is not self-created.
 - c. The variance will not be contrary to the public interest.
 - d. The variance will observe the spirit and intent of this Chapter.
 - e. The variance will not permit a use otherwise prohibited by this Chapter.

- C. **Limitations.** No action of the Board of Appeals shall:

1. Permit a use prohibited by this Chapter.
2. Grant a variance based solely on economic hardship or convenience.
3. Grant a variance that is self-created by the property owner.

D. Procedure.

1. **Filing of Appeals.** The appeal shall be filed with the Clerk-Treasurer within thirty (30) days of the decision being appealed.
2. **Hearings.** The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, and provide due notice to the parties in interest.
3. **Decision.** The Board shall decide all appeals within a reasonable time and may reverse, affirm, or modify the decision being appealed.

E. Stay of Proceedings. An appeal shall stay all proceedings in furtherance of the action appealed unless the Zoning Administrator or Building Inspector certifies that a stay would cause imminent peril to life or property.

F. Records and Decisions.

1. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact.
2. All decisions and findings shall be:
 - a. In writing.
 - b. Filed with the Village Clerk.
 - c. Available for public inspection.

SECTION 5 – REPEAL AND RECREATE §195-14 (FENCES)

§195-14. Fences.

A. Permit Required. No person shall construct, replace, or substantially alter a fence without first obtaining a zoning permit from the Village.

B. Application Requirements. Applications for a zoning permit under this section shall be submitted to the Zoning Administrator and shall include:

1. A completed permit application.
2. A site plan or sketch showing property lines, location of the proposed fence, and existing structures.
3. Additional information as required by the Zoning Administrator to determine compliance with this chapter.
4. **Property Boundary Verification.** It is the sole responsibility of the property owner to locate and verify property lines.
 - a. A boundary survey shall be required prior to a fence permit being issued.
 - b. The Village of Waldo assumes no liability for disputes arising from fences constructed on or across property lines.

C. General Standards.

1. The finished or decorative side of a fence shall face adjoining properties.
2. Fences shall be maintained in a safe and sound condition.
3. Fences shall not create a hazard or obstruct visibility for traffic.
4. Fences shall not encroach into any public right-of-way.

D. Height Limits (Residential Districts).

1. Front yard: Maximum four (4) feet.
2. Rear yard: Maximum six (6) feet.
3. Notwithstanding the above, any fence located along a street frontage, including on a corner lot, shall not exceed four (4) feet in height.
4. Fence height shall be measured from the average finished grade at the base of the fence. Where a fence is placed on a berm, retaining wall, or similar structure, height shall be measured from the natural grade.

E. Placement and Setbacks (Residential Districts).

1. **Property Line Placement.** Fences located in side and rear yards may be placed up to, but not over, the property line, except where the property line abuts a public street, right-of-way, or alley. All such placement remains subject to the general design standards in Subsection (C) and the boundary verification requirements in Subsection (B)(4).
2. **Setbacks.** Fences shall be set back a minimum four (4) feet from the front property line and four (4) feet from public alleys.
3. **Corner Lots and Vision Clearance.**
 - a. At all street intersections, a vision clearance triangle shall be maintained in accordance with §195-4(E) of this Chapter.
 - b. Within this vision clearance triangle:
 - i. No fence or portion thereof shall exceed a height of two and one-half (2.5) feet above the street grade.
 - ii. Open fences such as split rail, wire, or similar may be permitted provided they do not obstruct visibility.
 - c. The vision clearance triangle shall be defined as the area formed by the intersecting street lines and a line connecting points located thirty-five (35) feet from the intersection along each street line.
 - d. The Zoning Administrator may require adjustment, relocation, or removal of any fence that does not comply with this subsection or that creates a traffic visibility hazard.
4. **Street Frontage Setback.** Fences located along a street frontage, including on corner lots, shall not be located within four (4) feet of the public right-of-way. For purposes of this subsection, the public right-of-way shall mean the property line separating private property from the street or public way. Where a conflict exists between this subsection

and the vision clearance requirements of Subsection (3), the more restrictive requirement shall apply.

F. Design and Materials (Residential Districts).

1. Fences located in the front yard shall be open, spindled, and decorative in nature and shall not create a visual obstruction.
2. Barbed wire and electric fences are prohibited.
3. Fences shall not be constructed of unsafe or hazardous materials, including but not limited to materials that are broken, jagged, unstable, or otherwise likely to cause injury. Fences constructed of scrap materials, debris, or materials not intended for fencing purposes are prohibited. The Zoning Administrator may determine whether a proposed or existing fence constitutes a safety hazard under this subsection or is constructed of materials not intended for fencing purposes, based on the standards set forth in this section.
4. Wood fences shall be painted or stained neutral colors.

G. Temporary Fences. Temporary fences for construction, safety, or similar purposes:

1. Do not require a permit.
2. May remain for up to forty-five (45) days.
3. Must be clearly visible and maintained in a safe condition.
4. Temporary fences not removed within forty-five (45) days shall constitute a violation of this section.

H. Nonconforming Fences. Fences lawfully existing prior to the adoption of this ordinance that do not comply may remain. However, if a fence is replaced or more than fifty percent (50%) repaired, it shall be brought into compliance with this section.

I. Private Swimming Pools.

1. **Required.** No person shall maintain, construct, install, or enlarge a residential swimming pool not enclosed within a permanent building unless it is enclosed or protected in accordance with this section.
2. **Definition.** For the purposes of this subsection "Swimming Pool" shall mean any depression in the ground, either temporary or permanent, or any container of water, either temporary or permanent, located above or below ground level, in which water more than twenty-four (24) inches deep can be contained, and which is used primarily for the purpose of bathing or swimming.
3. **Fencing Requirements.**
 - a. **General Requirement:** Except as otherwise provided in this section, all swimming pools shall be completely enclosed by a fence or barrier which:
 - i. Is a minimum of four (4) feet in height.
 - ii. Is of sufficient strength to prevent access to the pool.

- iii. Has no openings, voids, or gaps greater than four (4) inches in any dimension.
- iv. Shall be maintained at all times in a condition that prevents access by unauthorized persons.
- b. **Gates or Doors.** All gates or doors shall be self-closing, self-latching, and remain securely closed when not in use.
- c. **Above-Ground Pools.** Above-ground pools with integral walls may be permitted without a separate fence if:
 - i. The structure meets minimum height and safety standards.
 - ii. Ladders or access points are secured or removed when not in use.
- d. **Access to Above-Ground Pools.** Where permanent access is provided:
 - i. It shall be enclosed with fencing and gates meeting this section.
 - ii. No fence shall be located closer than three (3) feet to the pool.
 - iii. A building wall may serve as part of the enclosure.
- e. **Alternative Safety Measures (Pool Covers).** In lieu of fencing required under subsection 3(a), a swimming pool may utilize a motorized safety cover, provided that:
 - i. The pool is located on a single-family residential parcel within a residential zoning district.
 - ii. The safety cover is maintained in proper working condition, and a maintenance record log is kept on-site.
 - iii. The cover shall be closed and secured at all times when the pool is not in use by a person at least fifteen (15) years of age, or under the direct supervision of a person who is:
 - 1) Outdoors and within ten (10) feet of the pool; and
 - 2) At least fifteen (15) years of age.
 - iv. The cover shall be operated by a key or coded switch requiring no manual operation beyond activation.
 - v. All new or replacement safety covers shall be approved by the Zoning Administrator.
 - vi. The cover shall meet minimum static load requirements and be capable of supporting at least four hundred eighty-five (485) pounds.
- f. **Enforcement.** Failure to maintain required barriers, fencing, gates, covers, or safety devices in proper working condition shall constitute a violation of this section. Violations shall be subject to enforcement and penalties as provided in §195-7 of this Chapter.

J. Enforcement.

The Zoning Administrator shall administer and enforce this section through the zoning permit process. Violations shall be subject to enforcement and penalties as provided in §195-7 of this Chapter.

SECTION 6 – AMENDMENT TO CHAPTER 67 (BUILDING CONSTRUCTION)

Section §67-7 is hereby amended to add the following subsection:

D. Fences. Fences are regulated under Chapter 195 (Zoning) and require a zoning permit. Fence construction is not considered a building permit activity under this Chapter unless associated with a structure regulated by the Uniform Dwelling Code.

SECTION 7 – SEVERABILITY

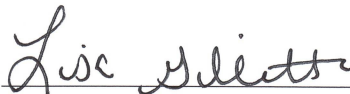
If any provision of this Ordinance is found to be unlawful or unenforceable by a court of competent jurisdiction, such determination shall not affect the validity of the remaining portions.

SECTION 8 – EFFECTIVE DATE

This Ordinance shall take effect upon passage by the Village Board and publication/posting as required by law.

Passed and adopted by the Village Board of the Village of Waldo, Sheboygan County, Wisconsin, this 13th day of July, 2026.

By: 
Travis Thomas – Village President

Attest: 
Lisa Gillette – Village Clerk/Treasurer