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RESOLUTION # 51-2023
ORDINANCE AMENDMENT #06-2022
CHAPTER 9 OF THE ONEIDA COUNTY ZONING AND SHORELAND PROTECTION
ORDINANCE, ARTICLE 7, SECTION 9.74 AND ARTICLE 10 DEFINITIONS

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Resolution to amend 9.74 Fences, Walls and Hedges.

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Ordinance Amendment offered by the Planning and Development Committee.

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Resolved by the Board of Supervisors of Oneida County, Wisconsin:

WHEREAS, the Planning & Development Committee, having considered Ordinance Amendment #06-2022, which was filed March 8, 2023 (copy attached) to amend Article 7, Section 9.74 and Article 10 of the Oneida County Zoning and Shoreland Protection Ordinance, and having given notice thereof as provided by law and having held a public hearing thereon March 29, 2023 pursuant to Wis. Stat. §59.69(5), and having been informed of the facts pertinent to the changes which are as follows:

WHEREAS, the Planning and Zoning Department received a letter from the Wisconsin Department of Natural Resources (WDNR) informing the County of a new exemption for a fence as spelled out in s. 59.692(1n)(d)7, Wis. Stats.; and

WHEREAS, the Department suggested changes to delete unused sections, incorporate new fencing materials, define what an open fence is, and make changes to the snow fencing language; and

WHEREAS, the Planning and Development Committee held a public hearing and nobody spoke in favor or against the proposed changes; and

WHEREAS, the Planning and Development Committee has carefully studied the proposed changes

THEREFORE, BE IT RESOLVED, THE ONEIDA COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

Section 1. Any existing ordinances, codes, resolutions, or portions thereof in conflict with this ordinance shall be and hereby are repealed as far as any conflict exists.

Section 2. This ordinance shall take effect the day after passage and publication as required by law.

Section 3. If any claims, provisions or portions of this ordinance are adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

Section 4. Chapter 9 of the General Code of Oneida County, Wisconsin, is amended as follows [additions noted by underline, deletions noted by strikethrough]:

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9.74 FENCES, WALLS, AND HEDGES

Fences, walls and hedges erected, placed or maintained on a lot line or adjacent thereto shall be regulated by the following:

A. No fence, wall or hedge shall be constructed that would constitute a nuisance, pursuant to ~~see~~ s. 844.10, Wis. Stats.

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- B. No fence, wall or hedge shall exceed a height of six (6) feet, except as provided in the following circumstances.
1. There shall be no height limitation for fences that protect playgrounds, baseball backstops, tennis courts and similar activities.
 2. There shall be an eight (8) foot height limit to act as a screen between residential districts and any land use that would require a conditional use permit.
 3. ~~No fence, wall, hedge or shrubbery shall be erected, maintained or grown to a height exceeding three feet above the road or street grade nearest thereto, where the lot is bound by intersecting roads or streets, within 20 feet of the intersection of any road or street line or road or street lines projected.~~
- C. Fences erected may be decorative fences of either wood, or wire, plastic, composite, or similar materials, and shall have a smooth surface on the side facing the adjacent property, and shall be kept neat and in good repair, except as provided in Section 9.74(F). Barbed wire fences are forbidden, except as provided in Section 9.74(E).
- D. No fence shall be erected in the waterfront setback that would parallel the waterfront, except as provided in Section 9.74(E), or 9.74(H).
- E. No barbed wire fence shall be used except to fence livestock, protect crops, industrial junk yards, utility or municipal property. Open fences that do not obstruct vision and are used to fence livestock, protect crops, industrial, utility or municipal property may be in both the highway and waterfront setback areas and may exceed the height restrictions.
- F. Wood, or plastic, or similar material snow fencing may be erected and maintained only on a temporary basis during the months of October, November, December, January, February and March and must be removed within three (3) weeks after road limits have been lifted for a town.
1. Snow fence of any type is not allowed within 200 feet of the ordinary high water mark, except as provided in Section 9.74(H).
 2. Snow fence is also permitted on a temporary basis in the months referenced above, for designated snowmobile trails.
- G. Anyone erecting a fence or wall must have a zoning permit, pursuant to Article 3.
- H. Fences near Public Highways (s. 59.692(1n)(d)7, Wis. Stats.)
1. Fences that border highways are permitted, that meet all of the following criteria:
 - a. No taller than 15 feet;
 - b. Located no less than two (2) feet landward of the ordinary high water mark;
 - c. Located entirely outside of a highway right-of-way, no less than ten (10) feet from the edge of a roadway, and no more than 40 feet from the edge of a roadway or highway right-of-way, whichever is greater;
 - d. Generally perpendicular to the shoreline;
 - e. Can be "open" or "privacy" type fencing.
- Note: "Roadway" means that portion of a highway between the regularly established curb lines or that portion which is improved, designed or ordinarily

103 used for vehicular travel, excluding the berm or shoulder. In a divided highway the
104 term "roadway" refers to each roadway separately, but not to all such roadways
105 collectively.
106 (s. 340.01(54), Wis. Stats.)
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108 Article 10 remains the same except:
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110 Fence: An independent structure forming a barrier at grade between lots, between a lot and a
111 street or road, or between portions of a lot or lots.
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113 Fence, Open: a fence that is constructed that at least 80% of the total vertical area of the fence
114 permits visibility.
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116 The County Clerk shall, within seven (7) days after adoption of Ordinance Amendment #06-
117 2023 by the Oneida County Board of Supervisors, cause a certified copy thereof to be
118 transmitted by mail to the Town Clerks of Oneida County and the Wisconsin Department of
119 Natural Resources.
120

121 Approved for presentation to the County Board by the Planning and Development Committee
122 this 5th day of April, 2023.
123

124 Consent Agenda Item: _____ YES NO

125
126 Vote Required: Majority = 2/3 Majority = _____ 3/4 Majority = _____
127

128 The County Board has the legal authority to adopt: Yes No _____ as reviewed by
129 the Corporation Counsel, _____, Date: 4.11.23
130

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132 Offered and passage moved by:

133 *Scott Holmquist*
Supervisor
134 *John H. Linn*
Supervisor
135 *Mark A. Kinn*
Supervisor
136 _____
Supervisor
137 _____
Supervisor
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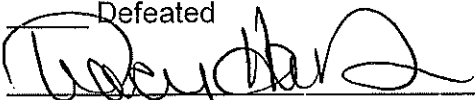
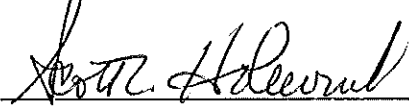
143
144 21 Ayes

145 0 Nays

146 0 Absent

147 0 Abstain
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154 X Enacted
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156 by the County Board of Supervisors this 18 day of April, 2023.
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158 Defeated
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160 
161 Tracy Hartman, County Clerk Scott Holewinski, County Board Chair

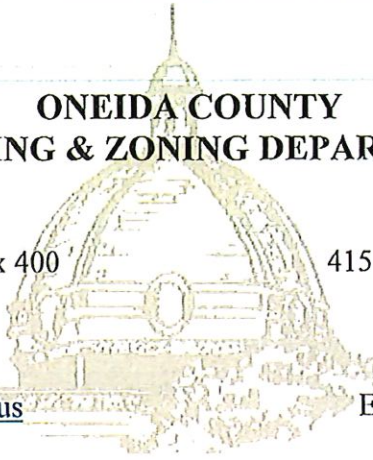
Resolution # 51-2023

Supervisors	AYE	NAV	ABS	ABSTAIN
Fried	X			
Cushing	X			
Kelly	X			
Briggs	X			
Rio	X			
Almekinder	X			
Schultz	X			
Winkler	X			
Fisher	X			
Showalter	X			
Newman	X			
Oettinger	X			
Jensen	X			
Roach	X			
Timmons	X			
Ryden	X			
Condado	X			
Schreier	X			
Sorgel	X			
Harris	X			
Holewinski	X			
TOTALS	21			
TAGS				

Resolution # 51 – 2023/Ordinance Amendment # 06 – 2022:
 Offered by the Supervisors of the Planning and Development Committee to Amend Chapter 9 of the Oneida County Zoning and Shoreland Protection Ordinance Section 9.74 Fences, Walls and Hedges.


**ONEIDA COUNTY
PLANNING & ZONING DEPARTMENT**

Courthouse Building
1 South Oneida Avenue, P.O. Box 400
Rhinelander, WI 54501
Phone: (715)369-6130
Fax: (15)369-6268
Email: zoning@co.oneida.wi.us



Minocqua Branch Office
415 Menominee Street, P.O. Box 624
Minocqua, WI 54548
Phone: (715)369-6219
Fax: (715)358-3276
Email: zoning@co.oneida.wi.us

Memorandum

To: Oneida County Town Clerks and Chairs,
Oneida County Board of Supervisors 

From: Karl Jennrich, Planning and Zoning Director

Date: March 9, 2023

Re: Ordinance Amendment 06-2022 authored by the Planning and Development Committee to amend Chapter 9, Article 7 General Performance Standards, Section 9.74 Fences, Walls, and Hedges and Article 10 Definitions of the Oneida County Zoning & Shoreland Protection Ordinance.

Enclosed for your review are Ordinance amendments to both Section 9.74 Fences, Walls, and Hedges and Article 10 Definitions. The purpose of the Ordinance amendments are as follows:

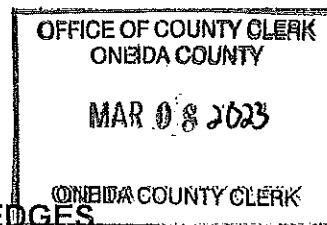
1. The department has not run into situations where Section 9.74(B)3 has been used. Therefore, it is proposed to be removed; and
2. Section 9.74(C) was amended to incorporate new types of materials used for fencing such as plastic or composite; and
3. Section 9.74(F) was amended and applies to temporary snow fencing. Language was added to clarify that section; and
4. The State of Wisconsin has created a specific exemption for a fence to meet the 75 foot setback requirement (s. 59.692(1n)(d)7, Wis. Stats.). Section 9.74(H) has been created to comply with state statute; and
5. The last change is in Article 10 definitions. An Open Fence was not previously defined. The Planning and Development Committee felt that it would be appropriate to define how much open space is actually required to call a fence an open fence.

If you have any questions or concerns, please feel free to contact me at kjennrich@co.oneida.wi.us.

ORDINANCE AMENDMENT #06-2022

CHAPTER 9

ARTICLE 7 – SECTION 9.74 FENCES, WALLS, AND HEDGES,
AND ARTICLE 10 DEFINITIONS



Additions noted by underline; deletions noted by ~~strikethrough~~

Section 9.74 remains the same except:

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d. Generally perpendicular to the shoreline;

e. Can be "open" or "privacy" type fencing.

Note: "Roadway" means that portion of a highway between the regularly established curb lines or that portion which is improved, designed or ordinarily used for vehicular travel, excluding the berm or shoulder. In a divided highway the term "roadway" refers to each roadway separately, but not to all such roadways collectively. (s. 340.01(54), Wis. Stats.)

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Fence: An independent structure forming a barrier at grade between lots, between a lot and a street or road, or between portions of a lot or lots.

Fence, Open: a fence that is constructed that at least 80% of the total vertical area of the fence permits visibility.