

Article J: Accessory Uses and Structures; Fences; Swimming Pools

Sec. 10-1-140 Accessory Uses or Structures.

- (a) **Principal Use to be Present.** An accessory use or structure in any zoning district shall not be established prior to the principal use or structure being present or under construction. Any accessory use or structure shall conform to the applicable regulations of the district in which it is located, except as specifically otherwise provided.
- (b) **Placement Restrictions -- Residential District.** An accessory use or structure in a residential district may be established subject to the following regulations:
 - ✕ (1) **Accessory Building Number Limits.** In any residential district, in addition to the principal building, a detached garage or attached garage and one (1) additional accessory building may be placed on a lot.
 - (2) **Accessory Building Size Limits.** No detached accessory building or structure shall exceed the height of the principal building or structure.
 - (3) **Attached Accessory Building Limits.** No attached accessory building or structure shall exceed the height of the principal building or structure. All accessory buildings which are attached to the principal building shall comply with the yard requirements of the principal building.
 - ✕ (4) **Detached Accessory Buildings.** No detached accessory building (non-garages) shall occupy any portion of the required front yard, and no detached accessory building shall be larger than one hundred forty-four (144) square feet or occupy more than thirty percent (30%) of the required rear yard, or be located within three (3) feet of any other accessory building or rear or side lot line. An accessory building shall not be nearer than ten (10) feet to the principal structure unless the applicable building code regulations in regard to one (1) hour fire resistive construction are complied with. In no event can the accessory uses or structures be forward of the front line of the principal structure.
 - (5) **Garages.** Garages, whether attached or detached, shall comply with the dimensional requirements of the zoning district in which located. Garages shall comply with the setback requirements applicable for principal structures on the lot.
 - (6) **Detached Garages.** Detached garages are permitted in the rear yard and side yards only. They shall not exceed the area requirements found in the standards for each zoning district and the roof pitch shall not exceed the steepest pitch of the principal structure. The total lot coverage shall not exceed the total allowed as set forth in the zoning district where the garage will be located. Total lot coverage shall include all buildings located on the lot.
 - (7) **Accessory Building Yard Requirement.** Accessory building yard requirement shall be prescribed for each zoning district.
- (c) **Use Restrictions in Residential District.** Accessory uses or structures in residential districts shall not involve the conduct of any business, trade or industry except for home occupations as defined and authorized herein and shall not be occupied as a dwelling unit.
- (d) **Use Restrictions -- Nonresidential Districts.** An accessory use or structure in a business

or manufacturing district may be established in the rear yard or side yard and shall have setbacks as prescribed in each zoning district.

- (e) **Reversed Corner Lots.** When an accessory structure is located on the rear of a reversed corner lot, it shall not be located beyond the front yard required on the adjacent interior lot to the rear, nor nearer than five (5) feet to the side line of the adjacent structure..
- (f) **Landscaping and Decorative Uses.** Accessory structures and vegetation used for landscaping and decorating may be placed in any required yard area provided it is not in a vision clearance triangle. Permitted structures and vegetation include flag poles, ornamental light standards, lawn furniture, sun dials, bird baths, trees, shrubs and flowers and gardens.
- (g) **Temporary Uses.** Temporary accessory uses such as real estate sale field offices or shelters for materials and equipment being used in the construction of the permanent structure may be permitted by the Zoning Administrator, and shall be removed within thirty (30) days of occupancy of the project.
- (h) **Garages in Embankments in Front Yards.** Where the mean natural grade of a front yard is more than eight (8) feet above the curb level, a private garage may be erected within the front yard, following approval by the Village Board, provided as follows:
 - (1) That such private garage shall be located not less than five (5) feet from the front lot line;
 - (2) That the floor level of such private garage shall be not more than one (1) foot above the curb level; and
 - (3) That at least one-half (1½) the height of such private garage shall be below the mean grade of the front yard.
- (i) **Outdoor Lighting.** Outdoor lighting installations shall not be permitted closer than three (3) feet to an abutting property line and, where not specifically otherwise regulated, shall not exceed fifteen (15) feet in height and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties.
- (j) **Lawn Accessories.** Walks, drives, paved terraces and purely decorative garden accessories such as pools, fountains, statuary, flag poles, etc., shall be permitted in setback areas but not closer than three (3) feet to an abutting property line other than a street line.
- (k) **Retaining Walls.** Retaining walls may be permitted anywhere on the lot, provided, however, that no individual wall shall exceed six (6) feet in height, and a terrace of at least three (3) feet in width shall be provided between any series of such walls and provided further that along a street frontage no such wall shall be closer than three (3) feet to the property line.
- (l) **Agricultural Structures.** Agricultural structures such as barns, silos and windmills in agricultural districts shall not exceed in height twice their distance from the nearest lot line.

Sec. 10-1-141 Outside Storage of Firewood.

- (a) No person shall store firewood in the front yard on residentially zoned property, except that firewood may be temporarily stored in the front yard for a period of fourteen (14) days from the date of its delivery.
- (b) Firewood should be neatly stacked and may not be stacked closer than two (2) feet to any

lot line and not higher than six (6) feet from grade, except adjacent to a fence where firewood can be stacked against the fence as high as the fence. Fences as used in this Section shall not include hedges and other vegetation.

- (c) All brush, debris and refuse from processing of firewood shall be promptly and properly disposed of and shall not be allowed to remain on the premises.
- (d) Woodpiles that contain diseased wood that is capable of transmitting disease to healthy trees and woodpiles that harbor or are infested or inhabited by rats or other vermin are public nuisances and may be abated pursuant to the provisions of this Code of Ordinances.
- (e) Not more than fifteen percent (15%) of the side and rear yard may be used for storage of firewood at any one (1) time.

Sec. 10-1-142 Fences.

- (a) Fences Defined. For the purpose of this Section,
 - (1) *Fence*. An enclosed barrier consisting of wood, vinyl, stone or metal intended to prevent ingress or egress. No fence shall be constructed of unsightly or dangerous materials which would constitute a nuisance.
 - (2) *Boundary Fence*. A fence placed on the property lines of adjacent properties.
 - (3) *Protective Fence*. A fence constructed to enclose a hazard to the public health, safety and welfare.
 - (4) *Architectural or Aesthetic Fence*. A fence constructed to enhance the appearance of the structure or the landscape.
 - (5) *Picket Fence*. A fence having a pointed post, stake, pale or peg laced vertically with the point or sharp part pointing upward to form a part of the fence.
- (b) No person Shall Construct Any Fence Unless Such Person First
 - (1) Obtains a building permit from the Building Inspector
 - (2) Applicant shall provide the Building Inspector with information on fence design, location and construction material.
- (c) **Height of Fences Regulated.**
 - (1) Except as provided in Section 10-1-90, a fence or wall may be erected, placed, or maintained along a lot line on residentially zoned property or adjacent thereto to a height not exceeding six (6) feet above the ground level, except that no fence or wall that is located in a required front or corner side yard shall exceed a height of ~~six (6)~~ **four (4)** feet. Where such lot line is adjacent to a non-residentially zoned property, there shall be an eight-(8) foot limit on the height of a fence or wall along such lot line.
 - (2) No fence or wall shall be erected, placed or maintained along a lot line on any business or industrially zoned property, adjacent to a residentially zoned property, to a height exceeding eight (8) feet.
 - (3) In any residence district, no fence or wall shall be erected, constructed or maintained in the vision clearance triangle to a height exceeding three (3) feet above the street grade nearest thereto, within twenty-five (25) feet of the intersection of any street lines or of street lines projected. (See Section 10-1-90).
- (e) **Setback for Residential Fences.** Fences in or adjacent to a residential property may be constructed on lot lines. Fences may be constructed parallel to lot lines but shall not

- extend into the front setback area as extended to the side lot lines.
- (f) **Security Fences.** Security fences are permitted on the property lines in all districts except residential districts, but shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire or wrought iron fencing.
 - (g) **Prohibited Fences.** No fence shall be constructed which is a picket fence or which is of an otherwise 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 (10) feet above the ground or height and project toward the fenced property and away from any public area.
 - (h) **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.
 - (i) **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 (4) foot intervals. Such fences shall comply with the setback requirements set forth in this Section. The issuance of a permit shall not be necessary for temporary fences as described herein, but said fences shall not be erected for more than ninety (90) days.
 - (j) **Nonconforming Fences.** Any fence existing on the effective date of this Municipal Code and not in conformance with this Section may be maintained, but any alteration, modification or improvement of more than fifty percent (50%) of said fence shall result in the entire fence being brought into compliance with this Section.
 - (k) **Location Determination.** The property owner erecting a fence is solely responsible for ensuring that the fence is located properly on his property.

Sec. 10-1-143 Swimming Pools.

- (a) **Definition.** A private or residential swimming pool is an outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point greater than one and one-half (1-1/2) feet located above or below the surface of ground elevation, used or intended to be used solely by the owner, operator or lessee thereof and his family, and by friends invited to use it, and includes all structural facilities, appliances and appurtenances, equipment and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool.
- (b) **Exempt Pools.** Storable children's swimming or wading pools, with a maximum dimension of fifteen (15) feet and a maximum wall height of fifteen (15) inches and which are so constructed that they may be readily disassembled for storage and reassembled to their original integrity, are exempt from the provisions of this Section.
- (c) **Permit Required.** Before work is commenced on the construction or erection of private or residential swimming pools or on any alterations, additions, remodeling or other improvements, an application for a swimming pool building permit to construct, erect, alter, remodel or add must be submitted in writing to the Building Inspector. Plans and specifications and pertinent explanatory data should be submitted to the Building Inspector at the time of application. No work or any part of the work shall be commenced until a written permit for such work is obtained by the applicant. The minimum building

- permit fee pursuant to the Village Building Code shall accompany such application.
- (d) **Construction Requirements.** In addition to such other requirements as may be reasonably imposed by the Building Inspector, the Building Inspector shall not issue a permit for construction as provided for in Subsection (b), unless the following construction requirements are observed:
- (1) All materials and methods for construction in the construction, alteration, addition, remodeling or other improvements and pool installation shall be in accord with all state regulations and codes and with any and all ordinances of the Village now in effect or hereafter enacted.
 - (2) All plumbing work shall be in accordance with all applicable ordinances of the Village and all state codes. Every private or residential swimming pool shall be provided with a suitable draining method and, in no case, shall waters from any pool be drained into the sanitary sewer system, onto lands of other property owners adjacent to that on which the pool is located or in the general vicinity.
 - (3) All electrical installations, including lighting and heating but not limited thereto, which are provided for, installed and used in conjunction with a private swimming pool shall be in conformance with the state laws and Village ordinances regulating electrical installations.
- (e) **Setbacks and Other Requirements.**
- (1) Private swimming pools shall be erected or constructed on rear or side lots only, and only on a lot occupied by a principal building. No swimming pool shall be erected or constructed on an otherwise vacant lot. A lot shall not be considered vacant if the owner owns the contiguous lot and said lot is occupied by a principal building.
 - (2) No swimming pool shall be located, constructed or maintained closer to any side or rear lot line than is permitted in the Zoning Code for an accessory building, but in no case shall the water line of any pool be less than five (5) feet from any lot line.
- (f) **Fence.**
- (1) Pools within the scope of this Section which are not enclosed with a permanent building shall be completely enclosed by a fence of sufficient strength to prevent access to the pool, or shall have a cover or other protective device over such swimming pool of such a design and material that the same can be securely fastened in place and when in place shall be capable of sustaining a person weighing two hundred fifty (250) pounds. Such cover or protective device shall be securely fastened in place at all times when the swimming pool is not in actual use for swimming or bathing purposes. Such fence or wall shall not be less than four (4) feet in height and so constructed as not to have voids, holes or openings larger than four (4) inches in one (1) dimension. Gates or doors shall be kept locked while the pool is not in actual use.
 - (2) The pool enclosure may be omitted where portable pools are installed above ground and have a raised deck around the entire pool perimeter with an attached enclosed railing or uncovered sidewalls a minimum of thirty-six (36) inches high, provided that ladder or stairs access can be restricted.
- (g) **Compliance.** All swimming pools existing at the time of passage of this Code of Ordinances not satisfactorily fenced shall comply with the fencing requirements of this

- Section or when water is placed in the pool.
- (h) **Draining and Approval Thereof.** No private swimming pool shall be constructed so as to allow water therefrom to drain into any sanitary sewer or septic tank nor to overflow upon or cause damage to any adjoining property. Provisions may be made for draining the contents of any swimming pool into a storm sewer, but such installation shall be subject to prior approval by the Building Inspector.
 - (i) **Filter System Required.** All private swimming pools within the meaning of this Chapter must have, in connection therewith, some filtration system to assure proper circulation of the water therein and maintenance of the proper bacterial quality thereof.
 - (j) **Dirt Bottoms Prohibited.** All swimming pools of a permanent nature shall have the sides and bottom of a smooth finish, and no sand or dirt bottom shall be permitted.

Sec. 10-1-144 Installation and Operation of Solid Fuel Heating Units

- (a) **Application.** This Section shall apply to all solid fuel heating units installed in the Village of Friendship. No person shall install or operate a solid fuel heating unit which fails to comply with the requirement of this Section.
- (b) **Definitions.**
 - (1) Outdoor Recreation Heating Device - shall mean all solid-fuel-burning devices, including but not limited to wood or coal, which are (i) located exterior to any structure and (ii) do not provide usable heat from combustion of solid fuel for the benefit of the interior of any such structure(s).
 - (2) Outdoor Solid Fuel Heating Device - shall mean any all solid-fuel-burning devices, including but not limited to wood or coal, which are (i) located exterior to any structure used or usable for human habitation and (ii) designed or contracted for solid fuel combustion so that the usable heat derived from combustion is intended for the benefit of the interior of any such structure(s).
 - (3) Person. An individual, partnership, corporation, company or other association.
 - (4) Public Nuisance. Any act or failure to perform a duty required by this Section and/or which is defined as a public nuisance under Title 9, Chapter 6 of this Code of Ordinances.
 - (5) Solid Fuel Heating Unit shall mean all solid-fuel-burning devices or appliances described in COMM 23.045, Wis. Admin. Code, as amended from time to time, excluding however, Outdoor Solid Fuel Heating Devices.
- (c) **Prohibition.** No Outdoor Solid Fuel Heating Device shall be operated within the Village of Friendship. Any such devices existing as of the date of enactment of this Ordinance shall be deemed a legal, non-conforming use.
- (d) **Installation of Solid Fuel Heating Units.** All solid fuel heating units shall be installed in accordance with the requirements of COMM 23.045, Wis. Admin. Code, as amended from time to time.
- (e) **Permit for Outdoor Recreational Heating Device.** No person shall install, or cause to be installed, or operate an Outdoor Recreational Heating Device without first obtaining a permit from the Village Administrator or Building Inspector. Any such Outdoor Recreational Heating Device existing prior to February 1, 2004 on registration of complaint to the Building Inspector or Police Department, shall be removed within 90 days of notification of noncompliance from the Village Building Inspector or Police Department unless the owner/operator thereof obtains a permit thereof.

- (f) **Permit Fee.** A fee as stated in the Schedule of Fees shall be paid by the applicant for each Outdoor Recreational Heating Device installed.
- (g) **Standards Adopted.** All Solid Fuel Heating Units and all Outdoor Recreational Heating Devices shall meet all applicable standards of the Environmental Protection Agency of the United States and the Department of Commerce, including any amendments thereto adopted after the effective date of this ordinance.
- (h) **Inspection.** No person shall operate or permit the operation of a solid fuel heating unit without first calling for an inspection and receiving final approval from the Building Inspector.
- (i) **Construction Standards.** All Solid Fuel Heating Units shall comply with all applicable requirements of Chap. COMM 23 of the Uniform Dwelling Code.
- (j) **Setback and Yard Requirements.** All Outdoor Recreational Heating Devices are deemed accessory structures for purposes of zoning requirements. In all residential zoning districts, Outdoor Recreational Heating Devices shall not occupy more than 10% of the rear yard, shall not exceed 15 feet in height (excluding chimney), and shall not be nearer than 8 feet to any lot line. No Outdoor Recreational Heating Device shall be located in the front yard.
- (k) **Penalty.** Any person who constructs, operates, fails to remove or modify any Solid Fuel Heating Unit, Outdoor Recreational Heating Device or an Outdoor Solid Fuel Heating Device that does not comply with the requirements of this Ordinance shall forfeit \$25.00 per day for each day the non-complying unit remains on the premises.

Sec. 10-1-145 through Sec. 10-1-149 Reserved for Future Use.

