
Wisconsin Legislative Council

ACT MEMO



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December 13, 2021

2021 Wisconsin Act 105
[2021 Senate Bill 387]

**Certain Fences in Shoreland
Setback Areas**

BACKGROUND

The Wisconsin statutes require counties to adopt shoreland zoning ordinances to regulate land uses in unincorporated shoreland areas. Those ordinances must adhere to both statutory requirements and standards established by the Department of Natural Resources (DNR). Under one such statutory requirement, county shoreland zoning ordinances must establish a shoreland “setback area,” which is an area within a certain distance of the ordinary high-water mark of a navigable waterbody. Within that setback area, shoreland zoning ordinances must prohibit construction of certain structures. [s. 59.692 (1c), (1d) (a), and (1n) (d), Stats.]

2021 WISCONSIN ACT 105

2021 Wisconsin Act 105 provides a limited exemption from county shoreland zoning ordinances for certain fences. Specifically, under the act, a county shoreland zoning ordinance may not prohibit a fence within a shoreland setback area if all of the following conditions are satisfied:

- The fence is no taller than 15 feet.
- The fence is located at least two feet landward of the ordinary high-water mark.
- The fence is located entirely outside of a highway right-of-way, no less than 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.
- The fence is generally perpendicular to the shoreline.

Effective date: December 5, 2021

AH:jal