

**VILLAGE OF WINDSOR  
ORDINANCE 2019-27**

**AN ORDINANCE TO AMEND CHAPTER 38, SECTION 38-579 OF THE CODE OF  
ORDINANCES PERMITTING FENCES AND LANDSCAPE PLANTINGS TO BE  
ERECTED IN UTILITY EASEMENTS**

**WHEREAS**, Village Staff recommends certain amendments be made to section 38-579 of the Village of Windsor Code of Ordinances to permit the erection of fences and landscape plantings in utility easements under specified conditions; and

**WHEREAS**, the Village of Windsor Plan Commission held a public hearing regarding the proposed amendments on September 12, 2019; and

**WHEREAS**: the Plan Commission recommended approval to the Village Board of the proposed amendments in Plan Commission Resolution 2019-16 and as set forth herein; and

**WHEREAS**: the Village Board finds it to be in the public interest to amend Chapter 38 concerning fences and landscape plantings erected in utility easements.

**NOW, THEREFORE**, the Village Board of the Village of Windsor, Dane County, Wisconsin do ordain as follows:

**SECTION 1.** Section 38-579 of the Windsor Code of Ordinances is hereby repealed and recreated as set forth herein,

**DIVISION 6. - EASEMENTS**

**Sec. 38-579. - Utility easements.**

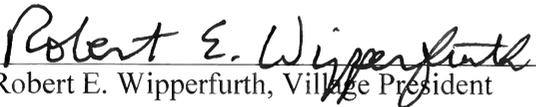
The Village Board, on the recommendation of appropriate agencies serving the Village, may require dedication of utility easements for poles, wire, conduits, storm and sanitary sewers, gas, water and head mains or other utility lines. The land divider shall establish easements ~~so as to ensure proper grade, ensure maintenance of the established grade, prohibit construction of permanent fences or retaining walls over underground installation and prohibit the planting of trees in the easement area.~~ for the installation and maintenance of utilities. ~~The land divider~~ All persons shall be prohibited from constructing a building or structure in a utility easement. ~~Per Sec. 10-194,~~ fences and landscape plantings may be placed in a utility easement ~~subject to the property owner acknowledging in writing the fence only in accordance with section 10-194, and~~ but are subject to ~~may be removed by the appropriate agency at the expense of the property owner. as provided therein.~~

**SECTION 2.** All other provisions of Code of Ordinances not specifically amended herein shall remain unmodified and in full force and effect.

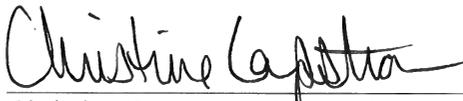
**SECTION 3.** This ordinance shall take effect upon passage and publication as provided by law.

The above and foregoing Ordinance was duly adopted at a meeting of the Village Board of the Village of Windsor held on October 3, 2019, by a vote of 5 in favor and 0 opposed.

**VILLAGE OF WINDSOR**

  
Robert E. Wipperfurth, Village President

*Attested by:*

  
Christine Capstran, Village Clerk

Published: October 10, 2019

Effective: October 11, 2019