

**ORDINANCE NO. 2018-2**

**AN ORDINANCE ESTABLISHING STANDARDS FOR RETAINING WALLS**

The Village Board of the Village of Bristol, Kenosha County, Wisconsin, do ordain as follows:

**SECTION I. ADOPTION OF PROVISIONS.**

Section 13-1-404 of the Village of Bristol Code is repealed and recreated to read as follows:

**Sec. 13-1-404 Retaining Walls.**

- (a) **Purpose.** The purpose of this Section is to protect private and public property from the adverse effects of inadequately designed, located and constructed retaining walls.
- (b) **Permit Required.**
  - (1) **When Required.** A permit from the Zoning Administrator or Building Inspector shall be required for all retaining walls constructed which exceed twenty-four (24) inches in height, including terraced retaining wall projects where the total height of all walls exceeds twenty-four (24) inches and are located closer than fifteen (15) feet to a property line.
  - (2) **Application.**
    - a. Application shall be made to the Zoning Administrator or Building Inspector and shall include applicant information, a site plan or survey, and a set of construction plans. Plans for retaining walls five (5) feet or greater shall be prepared and sealed by a Wisconsin-licensed engineer. The Zoning Administrator or Building Inspector may require such other information deemed necessary to adequately review the proposed retaining wall may also be required. The Zoning Administrator or Building Inspector shall have the authority, as a condition of granting such permit, to require such additions, changes and safeguards as he/she determines to be necessary.
    - b. The survey or site plan shall accurately portray existing conditions on the parcel.
    - c. Any application for a permit for any retaining wall designed to be five (5) feet or more high or proposed to be located one (1) foot or closer to a property line shall be referred to the Plan

Commission for a determination. No permit shall be issued until the Plan Commission approves the same as to location, materials, appearance, design, drainage and landscaping.

- (3) **Permit Exceptions.** The following types of retaining walls shall not be required to obtain a permit:
  - a. Edgings anywhere on a lot less than eight (8) inches in height of stone, brick, concrete, metal, timber, plastic or other materials around plantings, trees, gardens, patios, driveways or trees.
  - b. Decorative walls not in excess of twenty-four (24) inches in height and located a minimum of five (5) feet from the property line constructed of natural or manufactured stone, brick or timbers around plantings, trees, gardens, patios, driveways or trees.
- (4) **Application Processing.** The Zoning Administrator or Building Inspector may issue a permit for a retaining wall which conforms to the following:
  - a. Is located one (1) foot or more from a property line and is not more than five (5) feet in height.
  - b. Is not constructed in a drainageway, drainage swale or drainage easement, or in a Village right-of-way, unless deemed necessary by the Village Engineer.
  - c. Is not located on an easment.
  - d. Is constructed of structurally sound materials, with a design and color which are generally harmonious with its surroundings.
  - e. Does not have an undue adverse effect on values of adjacent or nearby properties.
- (c) **Standards.** Approval of any retaining wall under the provisions of this Section shall be based on such factors as the Zoning Administrator, Building Inspector or Plan Commission, as the case may be, deems relevant, including, but not limited to, whether:
  - (1) **Appropriate Use.** In the offset area, the difference in grade between lots is best controlled by a retaining wall, or in the setback area terrain makes a slope to the municipal right-of-way impractical.
  - (2) **Sound Design.** The retaining wall will be structurally sound and so constructed that the wall will properly contain and support the ground, pavement, walks and other nearby structures. The retaining wall shall be designed to properly resist the lateral pressure of the retained material in accordance with accepted engineering practices. Retaining walls containing drained earth should be designed for pressure equivalent to that exerted by an equivalent fluid weighing not less than thirty (30) pounds per cubic foot and having a depth equal to that of the retained earth.
  - (3) **Neighborhood Impacts.** The retaining wall's appearance, design, concept, location and height are harmonious with the principal structure on the lot and nearby properties.
  - (4) **Corner Vision Clearance.** If located on a corner lot, the retaining wall shall not unduly obstruct the vision clearance setback area.

- (d) **Maintenance.** Retaining walls shall be properly maintained and be kept in a sound condition. Retaining walls which are determined by the Village to be of a faulty or dangerous condition or are poorly maintained so as to adversely affect the values of adjacent or nearby properties shall be repaired or removed within sixty (60) days by order of the Zoning Administrator or Building Inspector, unless an emergency exists posing a hazard to public safety requires a shorter compliance period.

**SECTION II. SEVERABILITY.**

If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

**SECTION III. EFFECTIVE DATE.**

This Ordinance shall take effect upon passage and publication as provided by law.

ADOPTED this 12<sup>th</sup> day of March, 2018.

VILLAGE OF BRISTOL, WISCONSIN



\_\_\_\_\_  
Village President



\_\_\_\_\_  
Village Clerk-Treasurer

INTRODUCED: 3/12/18  
ADOPTED: 3/12/18  
POSTED/PUBLISHED: \_\_\_\_\_

State of Wisconsin:  
County of Kenosha:

I hereby certify that the foregoing Ordinance is a true, correct and complete copy of an Ordinance duly and regularly adopted by the Village Board of the Village of Bristol on the 12<sup>th</sup>

day of March, 2018, and that said Ordinance has not been repealed or amended and is now in full force and effect.

Dated this 23rd day of April, 2018.

Amy Klemko

Amy Klemko, Clerk-Treasurer