

Town of York
Fencing Ordinance
08-1

The Town Board of the Town of York, Green County, does ordain as follows:

WHEREAS, Chapter 90 of the Wisconsin Statutes sets forth a procedure for enforcement of fence line regulations and establishment of responsibility for erection and maintenance thereof, and;

WHEREAS, 90.01 of the Wisconsin Statutes establishes town supervisors, including the town chairperson, as fence viewers;

1. DEFINITIONS: Chapter 90 of the Wisconsin Statutes, or any amendments or successors thereto, is hereby incorporated into this ordinance for procedural and definitional purposes, where no further definition or procedure is provided herein.

2. FENCES BORDERING SUBDIVISIONS:

If a fence is constructed by a subdivider and the land adjoining the subdivision is not subdivided, the partition shall require that an undivided one-half of the fence be maintained by the owner of the adjoining land not subdivided and one-half of the fence divided into equal shares be maintained by all of the owners of the adjoining subdivided land.

In the event the adjoining land becomes subdivided, then an undivided one-half of the fence shall be maintained by the owners to the right of the middle of the fence and the remaining one-half of the fence shall be maintained by the owners to the left of the middle of the fence.

For purposes of this paragraph "owners of the adjoining land" shall be defined as owners whose lands abut each other to the right side of the fence and owners whose lands abut each other to the left side of the fence.

3. FEES: Whenever the services of fence viewers are requested by any person and provided, the following fee schedule shall apply, with each landowner of each parcel responsible for payment proportionate to ownership, but in the event one or more persons fail to pay the Town within 30 days of the first billing, the remaining delinquent owner(s) shall be liable for such remaining debt up to double the amount due, pursuant to 90.15 Wisconsin Statutes:

- A. For each fence viewer, while occupied in the performance of duties related to Chapter 90, per diem of \$40.00 per incident.
- B. Any publication costs connected with the fence viewing process;
- C. Any process service fees or postal costs connected with the fence viewing process;

D. As a method of helping to ensure payment for said services, a deposit fee of \$50 shall be required of the real property owner(s) requesting fence mediation and/or viewing.

4. **BILLING:** Billings for said charges established herein shall be submitted by the fence viewers to the Town Clerk, who shall notify each landowner of the amount due in total and proportionate liability of each owner, by regular or certified mail, within 30 days of receipt of billing information, which billing may also include a statement as to such liability being personal. Such billing shall include an appropriate credit for any deposit by a paying party complying with section (2)(E) above. Fees when paid shall be deposited into the Town funds similar to license fees deposit, and paid out according to the terms of this ordinance, payable to the fence viewers or other parties.
5. **TOWN EXEMPTION:** In the event a landowner directly involved with the fence viewing is this Town, such as under Wisconsin Statute 90.035, no liability for fees shall attach to this town as a result of this ordinance.
6. **ENFORCEMENT:** In the event any owner fails to pay assessed fees when due, the Town Board or its authorized representative may commence any legal procedure allowed by law for collection of said amounts, court costs associated with such action, and reasonable attorney fees when allowed.
7. **SEVERABILITY:** If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the provision or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.
8. **EFFECTIVE DATE:** This ordinance shall take effect and be in force the day after its passage by the Town Board of Supervisors of the Town of York, publication and posting as required by law. Dated this 8th day of January, 2008.

Attested: _____...signed
Town Clerk

Chairman

1st Supervisor

2nd Supervisor

Adopted: January 8, 2008
Published: January 17, 2008
Posted: January 13, 2008
Effective: January 18, 2008