

State of Wisconsin
Monroe County
Town of Wellington
Ordinance #11.01
Partition Fencing Ordinance

adopted February 8, 2011

NOTICE: The following ordinance is derived from Wisconsin State Statutes Chapter 90 FENCES. Chapter 90 will be used to clarify any questions concerning this Ordinance's intent or procedures. Forms used to implement this Ordinance are from the Wisconsin Town Law Forms (2009) booklet.

2.1 Partition Fences

Partition fences are required when at least one landowner uses their adjoining lands for farming or grazing purposes. Adjoining owners will share equally the cost of erecting a partition fence and keeping it in good repair. Different fencing arrangements are permissible if mutually agreed to by the adjoining owners.

2.2 Fence Dimensions

Partition fences shall not be less than 50 inches high and the bottom of the fence shall not be more than 4 inches from the ground (see state statute 90.02 for additional fencing specifications).

2.3 Trespass by Animals Across Adjoining Properties

Owners who do not maintain their portion of a partition fence may not recover for damages caused by livestock crossing over from the adjoining owner's property. This restriction does not apply to animals of either owner that enter an enclosed area on the other owner's property.

2.4 Relocation of a Partition Fence

If a partition fence built by one adjoining owner is improperly located, it will be relocated within 30 days of receipt of a written notice from the other owner. The second owner is not liable for any expenses relating to the improperly located fencing. The 30 day requirement may be modified by mutual agreement of the adjoining owners.

2.5 Appointment of Fence Viewers

The Town Board may appoint 3 landowners from the Town to resolve disputes between adjoining owners concerning location, construction and/or maintenance of a partition fence. The Town Board will determine the compensation received by the fence viewers and how these fees will be apportioned. All decisions of the fence viewers are binding on the adjoining owners. The fence viewers' decision will be recorded and retained by the Town Clerk.

2.6 Cost of Construction and Repairs

Cost of partition fence construction and maintenance are to be shared equally by adjoining owners unless other arrangements are made by mutual agreement. Should one owner fail to construct or maintain a fence as required, the other owner can complete the

work and bill the first owner for his/her portion of the expense. Should that expense not be paid within 30 days of receipt of the bill, the owner may request the Town Board to appoint fence viewers. The fence viewers will independently determine expenses and assess the owners for their fair portion of the costs. If within 30 days of receipt of the bill, the expenses have not been paid, those expenses and a \$150 fine may be added as special charge to the owner's town taxes. After the funds have been collected, the Town Treasurer will repay any expenses due the adjoining owners. The fine will be retained in the Town Treasury.

Adopted February 8, 2011 by the Wellington Town Board

Mark O'Rourke, Chair, Pete Degenhart, Supervisor, Evan Summerfield, Supervisor