

Town of Burns Fencing Ordinance #1

The Town Board of the Town of Burns, La Crosse, 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 established 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. **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 Wisc. Statutes:
 - A. For each fence viewer, while occupied in the performance of duties related to Chapter 90, \$5.00 per quarter hour (\$20 per hour), this does include travel time from the viewer's home;
 - B. Any publication costs connected with the fence viewing process;
 - C. Any process service fees or postal costs connected with the fence viewing process and any legal fees deemed appropriate and/or necessary;
 - D. A mileage charge for each fence viewer at the current approved Town rate per mile;
 - E. As a method of helping to ensure payment for said services, a deposit fee of \$100.00 shall be required of the real property owner(s) requesting fence viewing.
3. **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 of other parties.

4. **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.
5. **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.
6. **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 effect the provision or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.
7. **EFFECTIVE DATE:** This ordinance shall take effect upon its passage and publication or posting as required by law.

The foregoing ordinance was adopted at a Town Board regular meeting of the Town of Burns on November 20, 2003.

Vote for: 3 against: 0

Posted in 3 public places on
12/10/03

Carolyn Hewes
Clerk

PM Kl
Chairperson

[Signature]
Supervisor

[Signature]
Supervisor