

TOWN OF KINNICKINNIC

Town Board Ordinance Regarding Fences and Boundaries of Subdivisions

Whereas, the Town Board deems it advisable to set requirements for Construction of adequate boundary fences between farmlands and newly subdivided lots; and

Whereas, state law (Sections 60.29 (42) and 90.05, 90.10, 90.11 and Section 236.45, Wisconsin Statutes allows the town board to establish such standards

Now, therefore, be it ordained by the Town Board of the town of Kinnickinnic that the following standards be and are hereby established for fences on boundaries of subdivisions:

Applicability. This ordinance applies to all land subdivisions which the Town Board of the town of Kinnickinnic is required to pass upon and approve by virtue of state law (Sec. 236.02(8) and 236.10 Wisconsin Statutes), by virtue of St. Croix County Subdivision Ordinance, or by virtue of the Town Subdivision Ordinance or other ordinances. This ordinance applies to land subdivisions which are brought for town approval after the effective date of this ordinance. It does not apply retroactively to previously approved subdivisions.

Unless specifically waived by the Town Board in the course of its review of a land subdivision, it shall be a mandatory condition for all subdivisions that the subdivider construct a legal fence (as defined in Sec 90.02) along all portions of the perimeter of the subdivision area that abuts farmlands or lands on which farm animals are kept. Such fence shall be competently constructed and shall be completed prior to the occupancy of any home in the subdivision.

Such fence shall be maintained, repaired or rebuilt as conditions warrant, so long as the lands adjoining such fence are in farm use or in a use which involves the keeping of farm animals. Section 90.10 and 90.11, Wisconsin Statutes, shall govern compulsory repairs and costs of repairs of such fences. Partitioning of the cost of maintenance of such fences shall be governed by 90.05(2) under which an undivided one-half of the fence is maintained by the owners of the adjacent non-subdivided lands and one-half is maintained by the owners of the adjoining subdivided lands with the cost divided among them in equal shares.

The subdivider shall make a notation on the face of the certified survey map or final plat to the effect that the perimeter fence is one governed by this ordinance and that the owners of the adjoining lots share in maintenance responsibilities, in order to put lot purchasers on notice

This ordinance shall be published in the official newspaper of the Town of Kinnickinnic and posted in customary locations and shall go into effect on the date of newspaper publication, which is September 10, 1987.