

Chapter 17

Fence Viewers

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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;

17.01 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.

17.02 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 thirty (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:

1. For each fence viewer, while occupied in the performance of duties related to Chapter 90, \$2.50 per quarter hour (\$10.00 per hour);
2. Any publication costs connected with the fence viewing process.
3. Any process service fees or postal costs connected with the fence viewing process.
4. A mileage charge for each fence viewer of IRS approved rate.
5. As a method of helping to ensure payment for said services, a deposit fee of \$120.00 shall be required of real property owners(s) requesting fence viewing.

17.03 Billing

Billing 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 17.02 (5) 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.

17.04 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.

17.05 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 actions, and reasonable attorney fees when allowed.

17.06 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 unconstitutional shall not affect the provision or applications of this Ordinance which can be given effect without the invalid or unconstitutional provision or application.