

**TOWN OF RUSH RIVER FENCE ORDINANCE
FOR CERTAIN PARTITION FENCES**

This is an Ordinance to establish minimum requirements for certain partition fences.

WHEREAS, the Town Board of the Town of Rush River, St. Croix County, Wisconsin, has authority to regulate matters affecting the health and general welfare of its residents and has adopted Village powers and is thus empowered to enact this ordinance; and

WHEREAS, the Town deems it expedient and necessary to establish certain requirements with respect to the erection of partition fences between owners of adjoining lands when the lands of one owner are used for farming or grazing purposes and the lands of the adjoining owner are newly subdivided lands;

NOW THEREFORE, the Town Board of the Town of Rush River do ordain as follows:

Section 1. Partition Fences.

Any new partition fence constructed following the sale of a parcel zoned exclusive agricultural or agricultural residential, where the adjoining parcel is used for non-grazing purposes shall be the sole responsibility of the newly subdivided parcel(s). For purposes of this Section an "adjoining parcel" is a parcel of land not involved in the split, i.e., it is not the pre-split parcel or either of the resulting split parcels. The owner of the split parcel(s) shall continue to be responsible for the maintenance of the partition fence so long as the adjoining land is used for non-grazing purposes. Where the adjoining land is used for grazing purposes then the cost of construction and/or maintenance of the partition fence shall be borne equally between the owners.

Section 2. Exotic Animals or Birds.

The owner of exotic animals or birds shall build and maintain partition fences to confine said animals/birds. The cost of such fences shall be the sole expense and responsibility of the owner even where the adjoining land is used for grazing purposes. For purpose of this Section exotic animals or birds are those animals or birds other than common domestic animals or birds.

Section 3. Use of Boundary Markers

Occupants of adjoining lands may agree to the use of markers instead of fences to define boundary lines. Any such agreement shall

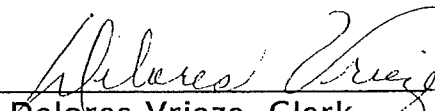
be filed with the Town Clerk and shall be binding upon the parties unless a survey by a licensed surveyor is filed further specifying the location of the boundary line. Such markers shall be treated posts not less than six inches in diameter and shall be accompanied by a steel rod (3/4 x 2 ft.) driven into the ground to permanently mark the points of survey. The Town Board/fence viewers may rely upon such markers erected in accord with any such agreement as accurate representations of boundary lines for purpose of settling any fence disputes.

Section 4. This Ordinance shall take effect upon adoption and posting .

Passed and adopted this 11th day of July, 2000

TOWN OF RUSH RIVER


Wayne Loock, Town Chairman


Delores Vrieze, Clerk

Posted - Town Hall
Dumpster Recycling Center
Antic Glass