

**TOWN OF BUFFALO
Marquette County
State of Wisconsin**

CHAPTER 13

FENCE VIEWERS

March 2006

- Sec. 1. TITLE/PURPOSE.
- Sec. 2. AUTHORITY.
- Sec. 3. DEFINITIONS
- Sec. 4. ADOPTION OF ORDINANCE
- Sec. 5. FEES
- Sec. 6. BILLING
- Sec. 7. TOWN EXEMPTION
- Sec. 8. PENALTY PROVISIONS
- Sec. 9. SEVERABILITY
- Sec. 10. EFFECTIVE DATE

SECTION 1 – TITLE/PURPOSE

This ordinance is entitled the Town of Buffalo Fence Viewers Ordinance. The purpose of this ordinance is to establish fees for fence viewers in accordance with the provisions set forth in Chapter 90, Wis. stats.

SECTION 2 – AUTHORITY

Chapter 90 of the Wisconsin Statutes, establishes town supervisors, including the town chairperson, as fence viewers.

SECTION 3 – DEFINITIONS

Chapter 90, Wis. stats, 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.

SECTION 4 – ADOPTION OF ORDINANCE

The town board, by this ordinance, adopted on proper notice, with a quorum and a roll call vote by a majority of the town board present and voting, establishes fees for fence viewers in accordance with the provisions set forth in Chapter 90, Wis. stats.

SECTION 5 – 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 as determined by the fence viewers, 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 Wisconsin Statutes:

- A. For each fence viewer, while occupied in the performance of duties related to Chapter 90, \$2.50 per quarter hour (\$10 per hour); with a minimum of 2 1/2 hours whichever is more;
- B. Any publication costs connected with the fence viewing process;
- C. Any process service fees or postal costs connected with the fence viewing process;
- D. A mileage charge in the amount of the allowable IRS deduction for transportation to and from the site.
- E. As a method of helping to ensure payment for said services, a fee of \$50 shall be required of the real property owner(s) requesting fence mediation and/or viewing.
- F. Fence viewing charges shall be assessed against all landowners for the first and any subsequent viewings.

SECTION 6 – 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 or other parties.

SECTION 7 – TOWN EXEMPTION

In the event a landowner directly involved with the fence viewing is the Town of Buffalo, such as under Wisconsin Statute 90.035, no liability for fees shall attach to the Town of Buffalo as a result of this ordinance.

SECTION 8 – PENALTY PROVISIONS

In the event of failure to pay the Town within 30 days of the first billing, delinquent real property owner(s) shall be liable for such remaining debt up to double the amount due, pursuant to 90.15 Wisconsin Statutes.

SECTION 9 – SEVERABILITY

Each of the provisions of the ordinance is severable and if any provision is held invalid for any reason, the remaining provisions shall not be affected but shall remain in full force and effect.

SECTION 10 – EFFECTIVE DATE

The town clerk shall properly post or publish this ordinance as required under s. 60.80, Wis. stats.

Adopted this __th day of February 2006.

Effective Date: April 1, 2006

Gene R. Mucciolo, Chair

Jan Banicki, Supervisor

Fred Wollenberg, Supervisor

Attest: _____
Donna Seddon, Town Clerk

Adopted:
Published:
Posted:
Effective: