

State of Wisconsin



1995 Assembly Bill 60

Date of enactment: **August 9, 1995**
Date of publication*: **August 23, 1995**

1995 WISCONSIN ACT 41

AN ACT *to renumber and amend* 90.02 (1); *to amend* 90.02 (2) and 90.03; and *to create* 90.02 (1) of the statutes; **relating to:** requirements for legal fences and the use of markers instead of fences between adjoining properties at least one of which is used for farming or grazing.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 90.02 (1) of the statutes is renumbered 90.02 (1m), and 90.02 (1m) (a) to (c), (f) and (j), as renumbered, are amended to read:

90.02 (1m) (a) A fence of strong woven wire not less than twenty-six inches wide with ~~three~~ 3 barbed wires or 3 high tensile wires above.

(b) A fence of strong woven wire not less than thirty inches wide with ~~two~~ 2 barbed wires or 2 high tensile wires above.

(c) A fence of strong woven wire not less than forty-six inches wide with one barbed wire or one high tensile wire above.

(f) A fence of ~~two~~ 2 boards with ~~three~~ 3 barbed wires or 3 high tensile wires above, firmly fastened to sufficient posts well set not more than eight feet apart, the space between the boards to be not more than six inches.

(j) A fence not less than 48 inches high of 4 or more barbed wires or high tensile wires spaced evenly on a steel post of any diameter or on a wood post at least 3 inches in diameter, ~~which posts are spaced one rod or less apart.~~ Existing fences of a lesser standard are legal until they are rebuilt, repaired or replaced.

SECTION 2. 90.02 (1) of the statutes is created to read:

90.02 (1) In this section, "high tensile wire" means wire with a tensile strength of 1,235 to 1,450 mega pascals or 179,000 to 210,000 pounds per square inch.

SECTION 3. 90.02 (2) of the statutes is amended to read:

90.02 (2) The strands of woven wire shall not be smaller than No. 12 wire and the cross wires ~~and meshes~~ shall not be smaller than No. 16 wire; the strands shall not be more than eight inches apart, and the cross wires not more than twelve inches apart, ~~and the meshes shall not exceed eight inches square.~~ All wires must be tightly stretched and securely fastened to sufficient posts firmly set not more than sixteen feet apart, except as provided in sub. (1m) (f) or (i) and except that the posts may be set not more than 20 feet apart if the wire is high tensile wire. The space between barbed wires or high tensile wires shall not exceed eight inches; and the space between the top board or upper edge of woven wire and the bottom barbed wire or high tensile wire shall not exceed six inches.

SECTION 4. 90.03 of the statutes is amended to read:

90.03 Partition fences; when required. The respective occupants of adjoining lands, used and occupied for farming or grazing purposes, and the respective owners of adjoining lands when the lands of one of such owners is used and occupied for farming or grazing pur-

* Section 991.11, WISCONSIN STATUTES 1993-94: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

poses, shall keep and maintain partition fences between their own and ~~next~~ the adjoining premises in equal shares so long as either party continues to so occupy the ~~same~~ lands, except that the occupants of the lands may agree to

the use of markers instead of fences, and such fences shall be kept in good repair throughout the year unless the occupants of the lands on both sides otherwise mutually agree.
