



1995 ASSEMBLY BILL 60

January 26, 1995 - Introduced by Representatives HAHN, WARD, OWENS, MUSSER, GROTHMAN, OTT, F. LASEE, SILBAUGH, SKINDRUD, GOETSCH and KLUSMAN, cosponsored by Senator RUDE. Referred to Committee on Agriculture.

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

Analysis by the Legislative Reference Bureau

Current law establishes requirements that a fence must meet in order to be a legal fence. Under current law, in order for a fence to be a legal fence, the fence posts ordinarily may not be set more than 16 feet apart. This bill increases that distance to 20 feet if the wire satisfies specified requirements for tensile strength. This bill also allows high tensile wire to be used instead of barbed wire in legal fences.

Current law requires the occupants of adjoining properties to keep and maintain, in equal shares, partition fences between the properties if one or both of the properties is used for farming or grazing. This bill authorizes the use of markers instead of fences upon agreement of the occupants of both properties.

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

5 **SECTION 1.** 90.02 (1) of the statutes is renumbered 90.02 (1m), and 90.02 (1m)
6 (a) to (c), (f) and (j), as renumbered, are amended to read:
7 90.02 (**1m**) (a) A fence of strong woven wire not less than twenty-six inches
8 wide with ~~three~~ 3 barbed wires or 3 high tensile wires above.

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

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

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

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

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

13 90.02 (1) In this section, "high tensile wire" means wire with a tensile strength
14 of 1,235 to 1,450 mega pascals or 179,000 to 210,000 pounds per square inch.

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

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

