

1977 Assembly Bill 779

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CHAPTER 229, Laws of 1977

AN ACT to renumber 90.05; and to create 60.29 (42) and 90.05 (2) of the statutes, relating to fence construction on boundaries of town subdivisions.

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

SECTION 1. 60.29 (42) of the statutes is created to read:

60.29 (42) FENCES IN SUBDIVISIONS. If the town board is authorized by resolution of the town meeting under s. 60.18 (12) to exercise the powers relating to villages and conferred on village boards, the town board may by ordinance require a subdivider to

construct a legal fence under s. 90.02 on the boundary of a subdivision, as defined under s. 236.02 (8), as a condition of plat approval by the town. For purposes of maintenance, such a fence shall be partitioned between the adjoining owners under s. 90.05 (2). Compulsory repair of the fence shall be as provided under ss. 90.10 and 90.11.

SECTION 2. 90.05 of the statutes is renumbered 90.05 (1).

SECTION 3. 90.05 (2) of the statutes is created to read:

90.05 (2) If a fence is constructed by a subdivider under a town ordinance adopted under s. 60.29 (42) and the land adjoining the subdivision is not subdivided, the partition under sub. (1) shall require that an undivided one-half of the fence be maintained by the owner of the adjoining land not subdivided and one-half of the fence divided into equal shares be maintained by all of the owners of the adjoining subdivided land.
