

TOWN OF BEECHER
MARINETTE COUNTY
BEECHER, WISCONSIN

ORDINANCE 19-01

AGRICULTURE and
LIVESTOCK FENCING
REGULATIONS

SECTION 1

1. FENCEVIEWERS

The Town Chairman or his or her designee of the town shall be fence viewers.

2. FEES

The fee for a fence inspection certificate issued under this section is \$100 for a fenced area that is less than 80 acres in size and \$250 for a fenced area that is 80 acres or more in size. If a person expands a fenced area that is less than 80 acres in size during the period that the fence inspection certificate issued under this section is valid so that the fenced area is 80 acres or more in size, the person shall apply for a new fence inspection certificate and pay an additional fee of \$100. A fence inspection certificate issued herein shall be valid from the date of issuance until the 31st day of December.

SECTION 2

3. FENCES

Fences shall be placed on the lot lines separating parcels as indicated on a certified survey map filed at the Marinette County Register of Deeds Office. There shall be no setbacks.

The following and no other are considered proper fencing:

- (a) A fence of strong woven wire not less than 26 inches wide with 3 barbed wires or 3 high tensile wires above.
- (b) A fence of strong woven wire not less than 30 inches wide with 2 barbed wires or 2 high tensile wires above.
- (c) A fence of strong woven wire not less than 46 inches wide with one barbed wire, or one high tensile wire above.
- (d) A fence of strong woven wire not less than 50 inches wide.
- (e) A fence of boards firmly fastened to posts well set, not more than 8 feet apart, the space between the boards to the height of 30 inches to be not more than 6 inches and at no point to be more than 10 inches.
- (f) A fence of 2 boards with 3 barbed wires or 3 high tensile wires above, firmly fastened to sufficient posts well set not more than 8 feet apart, the space between the boards to be not more than 6 inches.

(g) A fence of 3 or more wires not less than No. 12, with pickets not less than 4 feet long properly woven in or fastened thereto, and set not more than 6 inches apart.

(h) All fences consisting of frails, boards, wires or walls, or any combination thereof, and all brooks, rivers, ponds, creeks, ditches, or hedges, which shall in the judgment of the fence viewers be equivalent to either of the fences before mentioned.

(i) The following minimum requirements shall constitute a standard electric fence and shall be a legal fence with a agreed to in writing by the adjoining property owners. Such a fence shall consist of 2 strands of strong, tightly stretched wire, charged by a standard approved electric or battery fencer and the top wire not over 36 inches and not less than 34 inches from the ground, measured at the post, and firmly fastened with insulator to sufficient post firmly set, and not over 2 rods apart.

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

(k) No barbed wire fencing or electric strand wire fencing is allowed on any property less than 5 acres in size in any zoning district.

All fences consisting of frails, boards, wires or walls, or any combination thereof, and all brooks, rivers, ponds, creeks, ditches or hedges, which shall, in the judgment of the fence viewers be equivalent to either of the fences before mentioned. Fences shall not be less than 4 feet high and not more than 10 feet in height. The bottom of the fences shall be no more than 4 inches from the ground, measurement to be made at the posts. Fences shall be kept in good repair throughout the year. The strands of woven wire shall not be smaller than No. 12 wire and the cross wire shall not be smaller than No. 16 wire; the strands shall not be more than 8 inches apart, and the cross wires not more than 12 inches apart. All wires must be tightly stretched and securely fastened to sufficient posts firmly set not more than 16 feet apart.

4. ELECTRIC FENCING

The following minimum requirements shall constitute a standard electric fence and shall be a legal fence when approved by the town fence viewer in writing to the fence owner. Such a fence shall consist of 2 strands of strong, tightly stretched wire, charged by a standard approved electric or battery fencer, and the top wire not over 36 inches and not less than 34 inches from the ground, measured at the post, and firmly fastened with insulator to sufficient post, firmly set and not over 2 rods apart. If authorized under s. 60.10(2)(c) to exercise village powers, by ordinance require a subdivision to construct a 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. The fences shall be maintained under s. 90.05(2) and repaired under ss. 90.1.0 and 90.11.

If any person neglects to repair or rebuild any partition fence that by law that person is required to maintain, the aggrieved party may complain to 2 or more fence viewers of the town, who, after giving notice as provided in § 90.07, shall examine the fence. If the fence viewers determine that the fence is insufficient, they shall inform the delinquent party of the insufficiency and direct the delinquent party to repair or rebuild the fence within a time that the fence viewers determine is reasonable. If the fence is not repaired or rebuilt within the time fixed by the fence viewers, the complainant may repair or rebuild the fence and recover the expense of repairing or rebuilding the fence as provided under § 90.11.

5. DEER FARMS

Any person who raises Non-White-Tailed deer shall follow the requirements of state statute § 90.20 and have the appropriate permits required by law. Any person who raises White-Tailed deer shall follow the requirements of state statute § 90.21 and have the appropriate permits required by law. No person may keep farm-raised deer if any of the farm-raised deer are white-tailed deer unless all of the farm-raised deer are contained in a fenced area for which the person holds a valid fence inspection certificate issued by the Wisconsin Department of Natural Resources.

SECTION 3

6. ENFORCEMENT AUTHORITY

If a fence fails to comply with the requirements established by rule under this ordinance, the town may issue an order directing the person who is required to maintain the fence to bring the fence into compliance within 10 days after the issuance of the order. If the person fails to comply with the order within 10 days of its issuance, the town may revoke the applicable fence inspection certificate. The town zoning administrator or his designee of the town supervisors has full authority to enforce this ordinance.

7. PENALTIES

Any person who violates this section, or a rule promulgated under this section, shall be subject to a forfeiture of not more than \$500. In addition to or in lieu of the forfeitures specified herein, a court may suspend a fence inspection certificate issued under this section. Each day the fence is not in compliance with this ordinance or a lawful order issued by the fence viewer is considered a separate and distinct violation and may be prosecuted as such.

SECTION 4

RESIDENTIAL FENCE REGULATIONS

8. Fences and Hedges
- a. Definition. For the purposes of this subsection, a fence is herein defined as any partition, wall, structure or gate consisting of vegetation, wood, stone, plastic, or metal that is erected as a barrier, enclosure or divider marker.
 - b. Permit Required. No fence shall be built, enlarged, altered or replaced within the Town unless a permit therefore is first obtained.
 - c. Fence Height.
 1. Any fence placed in the rear or side yard of a property shall not be more than (6) feet in height, measured at ground level of the yard; unless the adjacent property is used as industrial or commercial.
Hedges may be allowed to grow to their natural height.
 2. Any fence placed in the front yard of a property shall not be more than (42) inches in height and must be a minimum of (25) feet from the road right-of-way.
 3. Fences must comply with safe vision requirements.
 - d. Materials.
 1. The finished side of the fence shall be erected to face the adjoining property. The side with protruding support poles or studs shall face the building of the part responsible for the erection of the fence.
 2. Barbed wire fences, electrical fences, and single, double, and triple strand fences are prohibited for residential use unless specifically permitted by this ordinance.

Enforcement Authority and Penalties are listed in Section 3 of this ordinance