

Summer 2016

## **County Farm Bureau Issue Backgrounder Summer 2016 Wisconsin Fence Law**

### **Background**

'Good fences make good neighbors,' is an old adage in rural areas. Wisconsin has had a fence law for more than 100 years. Wisconsin's fence law specifies when and what types of fences are required for adjoining property owners.

The law states that if property is used for farming or grazing, a fence is required; however, adjoining landowners can mutually agree not to have a fence or to use markers instead. The law states then when a landowner is facing the neighbor's land, the right-hand half the fence is the landowner's responsibility and the left-hand half is the neighbor's responsibility. This provision still applies to farmland bordered by a subdivision.

The law prescribes several options for a legal fence. In general, a fence must be 50 inches high and the bottom not more than four inches above the ground; however, shorter heights apply to the following types of fences:

- Barbed wire and high tensile fences need four evenly spaced wires with the top wire being 48 inches above the ground.
- Electric fences are required to have two wires with the top wire being between 34 and 36 inches above the ground.
- The law also specifies the parameters for board fences, wire and picket fences and electric fences if both neighbors agree in writing.

If adjoining landowners cannot resolve fence disputes, either landowner may contact town board supervisors who are empowered as fence viewers to resolve fence disputes. It should be noted that fence viewers are not authorized to resolve boundary disputes.

In recent years, there has been increased discussion about changing the fence law. Some rural landowners who are not farming and some non-livestock farmers have raised concerns about the practicality of the fence law in today's world. During the past few years, there has been discussion among Farm Bureau members, rural residents and some legislators about changing the fence law to require livestock owners to be responsible for maintaining all of the fences bordering their property.

### **Current WFBF Policy Fences**

We support the current fence law. We oppose any general requirement that all streams or lakes must be fenced. We urge the Wisconsin Department of Natural Resources (DNR) to comply with the state fence law.

### **Questions to Consider**

1. Should the fence law be modified to require livestock farmers to be responsible for maintaining fences to contain their livestock?
2. Should non-farmers be able to require farmers who do not have livestock to construct or maintain their half of the fence?
3. Does the definition of a legal fence need to be modified? If so, how?
4. Other suggestions?