



## Iowa County Highway Department Policies and Procedures RIGHT OF WAY FENCE DAMAGE AND REPLACEMENT

**Title:** Fence Damage and Replacement Policy

**Effective Date:** October 6, 2014

**Expiration Date:**

**Number:** Fences - 01

**Date Last Revised:** Monday October 6, 2014

### **PURPOSE:**

The purpose of this policy is to define the fence damage and replacement method of operations for the Iowa County Highway Department. This policy supersedes any and all previously written documents and unwritten policies or resolutions of the Iowa County Highway Department regarding fence damage and replacement along the county trunk highway system.

### **IN GENERAL:**

The Iowa County Highway Department recognizes that damages sometimes occur to landowner's private property along the county highway right-of-way. Personal property of landowner's within the county highway right-of-way is determined to be an encroachment onto lands of the public reserved for highway purposes by Wisconsin State Statutes. Therefore, it is the policy of the Department to notify landowners when they have constructed encroachments of personal property along the county highway right-of-way.

### **RESPONSIBILITY:**

Some encroachments, in particular mailboxes or newspaper delivery boxes will be allowed to exist along the county trunk highway right-of-way for delivery of service to residents in accordance with state or federal laws. Other encroachments; such as fences, create an obstruction in the performance of duties related to the easements and accesses granted for the use of the general travelling public. The Department shall be responsible for the replacement, temporary repair, installation, and final replacement of fences located outside of or at the county highway right-of-way line (as determined through the Department's archives for right-of-way locations or a dimension of 33 feet from the centerline of the roadway in instances of a lack of information) in the instance where they are hit with equipment or machinery during operations. The Department shall not be responsible for damages incurred to fences which are not maintained in a condition in compliance with the Wisconsin State Statute for fences. The Department shall not be responsible for damages incurred to fences which are erected within the county highway right of way, or are outside of the county highway right-of-way if damaged by snow or ice coming off of the equipment plows or wings.

At the Department's discretion, the department shall replace the damaged fences as determined to be replaced by the above listed criteria through the following remedies:

1. The Department may salvage or buy the necessary materials and replace with the Department's work force.
2. The Department may hire a third party vendor to install and fix the damaged fencing materials.
3. The Department may buy the necessary materials for replacement of the fence and provide to the landowner for installation, at the landowner's discretion.
4. The Department shall replace the fencing materials in-kind in instances where the fencing is typical of that for containing livestock (either woven wire or barbed wire). In the instance

where the fencing materials are plastic, ornamental, or of special materials, the Department will match the existing fence as close as feasibly possible.

All re-installations shall be placed at the proper right of way distance and location or that of the existing fence, whichever is most restrictive.

Adopted by the Iowa County Transportation Committee, dated this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

---

Greg Parman, Chairperson