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Township of Helena
Scott County, Minnesota

Ordinance No. 271B

FENCE ORDINANCE

**Relating to Partition Fences; changing certain responsibilities
and procedures; as provided in Minnesota Statute 344.20**

Pursuant to authorization granted by the electors of Helena Township at an Annual Meeting held on March 10, 1998 and in accordance with 344.20 the Board of Supervisors of the Town of Helena ordains:

That the Town of Helena hereby adopts the following alternative language relating to Minnesota Fence Law, Chapter 344, Partition Fences.

Section 1. Types of Fences. In addition to the legal and sufficient fences defined by Minnesota Statutes, Section 344.02, other mutually agreed upon fence types may be considered by the fence viewers. In all cases where adjoining landowners disagree as to the kind of fence to be built on any division line, the matter shall be referred to the fence viewers, who shall determine what kind of fence shall be built.

Section 2. Adjoining Owners. Notwithstanding Minnesota Statutes 1992, Section 344.03, Subdivision 1 no landowner shall be required to pay any share of the construction or maintenance of a partition fence if that landowner has no need for a fence to retain livestock on the premises. If a landowner is exempt from payment of any of the costs of a partition fence because the fence is not needed, but that landowner's needs change to include the need for a partition fence within ten years of completion of the partition fence, that landowner shall pay a share of the cost of construction and maintenance of the fence as if the landowner had never been exempt. In the alternative, either party may request the fence viewers perform a re-evaluation and reassignment of shares of costs of construction and maintenance in accordance with the change of circumstance. The fence viewers' determination shall be final unless appealed from.

Section 3. Appeals. Any decision of fence viewers concerning partition fences may be appealed within 30 days to the district court of the county in which the boundary to be fenced is located. Construction, maintenance, or repair of a fence or payment of costs is not required until appeals are completed.

Section 4. Incorporated by Reference. All other portions of Minnesota Statutes Chapter 344, Partition Fences, shall remain in effect and are incorporated herein

unless subsequently modified in a like manner or changed by law.

This ordinance becomes effective from and after its passage and publication.

Passed this 25 day of August, 1998, by the Town Board of Supervisors of Helena Township, Scott County, Minnesota, by a vote of Aye 3, Nay 0.

HELENA TOWN BOARD OF SUPERVISORS

Edward Nyles
Chair

ATTEST:

DeAnn Croatt
Clerk

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