

BARBED WIRE FENCES

Section I. Title/Purpose. This Ordinance is entitled “Barbed Wire Fences.” The purpose of this ordinance is as follows:

To promote the safety, health and general welfare by mandating the removal and prohibiting the installation of barbed wire structures in residential areas in the Town of Shelby.

Section II. Adoption of Ordinance. The Town Board of the Town of Shelby hereby adopts the following:

A. **Prohibition.** No individual, corporation, partnership or other entity shall erect or cause to be erected any structure utilizing barbed wire as a component in the Town of Shelby, unless the barb wire structure is being used to fence in an area for grazing purposes.

B. **Violation-Notice.** In the event of a violation of Section II.A., the Town of Shelby shall notify in writing the occupant or owner of the land upon which the structure containing barbed wire is located. Within twenty-four (24) hours of receipt of the notice, the occupant or owner shall remove the structure.

Section III. Enforcement and Penalties.

A. In the event of a violation of this Ordinance, the occupant or owner shall forfeit and pay to the Town of Shelby the sum of One Hundred Dollars (\$100.00).

B. In the event of violation of this Ordinance if the occupant or owner has not removed the encroachment within twenty-four (24) hours after the receipt of the written notice is provided in Section II.C., the occupant or owner shall pay to the Town of Shelby the sum of One Hundred Dollars (\$100.00), for everyday after the expiration of the twenty-four (24) hour period, during which the structure remains in place. The penalties provided in this Section III.B. are in addition to those provided in Section III.A. An action to recover such penalty may be brought in any court of record. In all cases where judgment is entered, the judgment shall order that the occupant or owner remove the structure within the time fixed by the judgment. Upon failure to obey the order, the Town Board may remove the encroachment and recover from the occupant or owner the cost of said removal.

ORDINANCE 2.11

Section IV. Severability. The provision of this Ordinance shall be deemed severable, and it is expressly declared that the Town Board would have passed provisions of this Ordinance irrespective of whether one of more provisions may be declared invalid. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the Ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

Section V. Effective Date. This Ordinance shall take effect upon passage and publication. The provisions of this Ordinance shall prevail over any previous Ordinances of the Town of Shelby that are or may be in conflict therewith.

Date passed: March 22, 2010

Lynnetta P. Kopp, Town Chair

Randall R. Knapp, Town Supervisor

John O. Zahn, Town Supervisor

ATTEST:

Catherine Brott, Town Clerk