

Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

SFA**BILL ANALYSIS**

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 855 (as introduced 1-28-98)
Sponsor: Senator Leon Stille
Committee: Local, Urban and State Affairs

Date Completed: 2-10-98

CONTENT

The bill would amend Public Act 34 of 1978, which relates to fences on certain lands and fence viewers, to do the following:

- Increase from \$25 to \$50 the daily compensation that must be paid to a township, city, or village for a fence viewer's services.
- Specify that a fence viewer would not be responsible for determining the location of a boundary, and require that boundary determinations use a registered surveyor's findings and not an existing fence or fence remnants.
- Provide that, in boundary disputes regarding a fence between townships or between a township and a city or village, one fence viewer could be selected for each township, city, or village, or one fence viewer could be selected upon mutual agreement of the local governments.
- Require a township, city or village, in a boundary dispute, to be responsible for the cost of constructing and maintaining a portion of a fence, if no appreciable difference in benefit would be derived by any of the local governments.

Fence Viewer Compensation

Under the Act, a township board is required to appoint at least one resident of the township to serve as a fence viewer. The governing body of a city or village must appoint a fence viewer only when a dispute arises over a fence that is the boundary line between a township and a city or village. A person may engage a fence viewer upon written request and payment to the township, city, or village treasurer of \$25 for each day the fence viewer's services are needed. The bill would increase the daily payment to \$50.

Boundary Disputes

Currently, a fence viewer is not responsible for settling boundary disputes. The bill would add that a fence viewer would not be responsible for determining the location of a boundary.

Under the Act, if a dispute arises concerning a fence that is the boundary line between townships or partly in one township and partly in another township, one fence viewer from each township must be selected to settle the dispute. The bill would permit the selection of one fence viewer from each township and also would permit one fence viewer to be selected by mutual agreement of each township. If no appreciable difference in benefit were derived by either township, each township would be responsible for the cost of constructing and maintaining that portion of the fence that was

to the right of the center of the fence as it was viewed from that township's property.

Currently, if a dispute arises regarding a fence that is the boundary line between a township and a city or village, or partly in one township and partly in a city or village, one fence viewer from the township and one fence viewer from the city or village must be selected to settle the dispute. The bill would permit, instead of require, the selection of one fence viewer from each local government as well as permit the selection of one fence viewer by mutual agreement of the township and the city or village. If no appreciable difference in benefit were derived by either the township or the city or village, the township and the city or village would be responsible for the cost of constructing and maintaining that portion of the fence that was to the right of the center of the fence as it was viewed from the township's property and the city's or village's property.

MCL 43.54-43.56

Legislative Analyst: L. Arasim

FISCAL IMPACT

This bill would increase the daily fee paid to cities, villages, and townships from \$25 to \$50 for services rendered by a fence viewer. The bill would have no State fiscal impact.

Fiscal Analyst: R. Ross

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.