

HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 855

A bill to amend 1978 PA 34, entitled  
"An act to revise the laws relating to fences on certain lands  
and fence viewers; and to repeal certain acts and parts of acts,"  
by amending sections 4, 5, and 6 (MCL 43.54, 43.55, and 43.56).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 4. (1) The township board in each township shall  
2 appoint not less than 1 resident of the township, ~~which~~ WHO may  
3 ~~include~~ BE A township ~~trustees~~ TRUSTEE, as a fence viewer.  
4 The person OR PERSONS appointed shall serve at the pleasure of  
5 the township board. The governing body of a city or village  
6 shall appoint a fence viewer only ~~when required~~ under section  
7 6(2).  
8       (2) A person may engage a fence viewer upon written request  
9 and upon the payment of \$25.00 ~~for each day that the services of~~  
10 ~~the fence viewer are needed~~ to the TOWNSHIP treasurer ~~of the~~

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1 ~~township~~ or to the CITY OR VILLAGE treasurer ~~of the city or~~  
2 ~~village~~ under section 6(2) FOR EACH DAY THAT THE FENCE VIEWER'S  
3 SERVICES ARE NEEDED. The fence viewer shall ~~inform~~ NOTIFY in  
4 writing the person who made the request and the OWNER OR owners  
5 of the property to be viewed ~~at least~~ NOT LESS THAN 5 days ~~in~~  
6 ~~advance of~~ BEFORE the date on which the fence ~~viewer's~~ VIEWER  
7 WILL RENDER HIS OR HER services. ~~shall be rendered.~~ The fence  
8 viewer shall be compensated 80% OF the amount received by the  
9 TOWNSHIP treasurer OR CITY OR VILLAGE TREASURER UNDER SECTION  
10 6(2) when the requested service has been performed.

11 Sec. 5. (1) If engaged under section 4(2), a fence viewer  
12 shall DO 1 OR MORE OF THE FOLLOWING:

13 (a) Determine ~~whether an adjoining~~ IF A property owner or  
14 tenant ~~using the~~ IN POSSESSION OF property ~~of the adjoining~~  
15 ~~property owner~~ is ~~in fact~~ using a fence constructed or main-  
16 tained by ~~a neighboring~~ AN ADJOINING property owner, and if so,  
17 what ~~amount the adjoining property owner or tenant should con-~~  
18 ~~tribute to~~ PERCENTAGE OF THE COST OF construction and mainte-  
19 nance of the fence THE PROPERTY OWNER OR TENANT USING THE FENCE  
20 IS RESPONSIBLE FOR.

21 (b) Assess the amount of damage ~~caused where~~ IF an animal  
22 of a property owner or of a tenant ~~on the~~ IN POSSESSION OF  
23 property ~~of the property owner~~ causes damage to ~~the fence of~~  
24 ~~the~~ AN adjoining property ~~owner~~ OWNER'S FENCE.

25 (2) ~~Within~~ NOT MORE THAN 7 days after a FENCE VIEWER  
26 RENDERS A decision ~~is rendered~~ under subsection (1), the fence

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1 viewer shall notify in writing the appropriate property owners or  
2 tenant of ~~the~~ THAT decision.

3 (3) A fence viewer is not ~~responsible for the~~ CHARGED WITH  
4 THE RESPONSIBILITY OF settling ~~of~~ boundary disputes OR DETER-  
5 MINING THE LOCATION OF A BOUNDARY. BOUNDARY DISPUTES SHALL BE  
6 SETTLED AND BOUNDARIES DETERMINED PURSUANT TO STATE LAW.

7 (4) A person may appeal the decision of a fence viewer to a  
8 court of competent jurisdiction.

9 Sec. 6. (1) If a dispute arises with regard to a fence  
10 ~~which~~ THAT is the boundary line between townships, or partly in  
11 1 township and partly in another TOWNSHIP, 1 fence viewer from  
12 each township ~~shall~~ MAY be selected to settle the dispute OR 1  
13 FENCE VIEWER MAY BE SELECTED BY MUTUAL AGREEMENT OF EACH  
14 TOWNSHIP.

15 (2) If a dispute arises with regard to a fence ~~which~~ THAT  
16 is the boundary line between a township and a city or village, or  
17 partly in 1 township and partly in a city or village, 1 fence  
18 viewer from the township and 1 FENCE VIEWER FROM the city or vil-  
19 lage ~~shall~~ MAY be selected to settle the dispute OR 1 FENCE  
20 VIEWER MAY BE SELECTED BY MUTUAL AGREEMENT OF THE TOWNSHIP AND  
21 THE CITY OR VILLAGE.