

**SENATE BILL NO. 855**

January 28, 1998, Introduced by Senator STILLE and referred to the Committee on Local, Urban and State Affairs.

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~~ \$50.00 to the TOWNSHIP treasurer ~~of~~

1 ~~the 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

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 DETERMINATIONS SHALL  
6 USE A REGISTERED SURVEYOR'S FINDINGS, NOT AN EXISTING FENCE OR  
7 FENCE REMNANTS.

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

10 Sec. 6. (1) If a dispute arises with regard to a fence  
11 ~~which~~ THAT is the boundary line between townships, or partly in  
12 1 township and partly in another TOWNSHIP, 1 fence viewer from  
13 each township ~~shall~~ MAY be selected to settle the dispute OR 1  
14 FENCE VIEWER MAY BE SELECTED BY MUTUAL AGREEMENT OF EACH  
15 TOWNSHIP. IF NO APPRECIABLE DIFFERENCE IN BENEFIT IS DERIVED BY  
16 EITHER TOWNSHIP, EACH TOWNSHIP IS RESPONSIBLE FOR THE COST OF  
17 CONSTRUCTING AND MAINTAINING THAT PORTION OF THE FENCE THAT IS TO  
18 THE RIGHT OF THE CENTER OF THE FENCE AS THE FENCE IS VIEWED FROM  
19 THAT TOWNSHIP'S PROPERTY.

20 (2) If a dispute arises with regard to a fence ~~which~~ THAT  
21 is the boundary line between a township and a city or village, or  
22 partly in 1 township and partly in a city or village, 1 fence  
23 viewer from the township and 1 FENCE VIEWER FROM the city or vil-  
24 lage ~~shall~~ MAY be selected to settle the dispute OR 1 FENCE  
25 VIEWER MAY BE SELECTED BY MUTUAL AGREEMENT OF THE TOWNSHIP AND  
26 THE CITY OR VILLAGE. IF NO APPRECIABLE DIFFERENCE IN BENEFIT IS  
27 DERIVED BY EITHER THE TOWNSHIP OR THE CITY OR VILLAGE, THE

1 TOWNSHIP AND THE CITY OR VILLAGE ARE RESPONSIBLE FOR THE COST OF  
2 CONSTRUCTING AND MAINTAINING THAT PORTION OF THE FENCE THAT IS TO  
3 THE RIGHT OF THE CENTER OF THE FENCE AS THE FENCE IS VIEWED FROM  
4 THE TOWNSHIP'S PROPERTY AND THE CITY'S OR VILLAGE'S PROPERTY.