

Act No. 377  
Public Acts of 1998  
Approved by the Governor  
October 21, 1998  
Filed with the Secretary of State  
October 21, 1998  
EFFECTIVE DATE: October 21, 1998

STATE OF MICHIGAN  
89TH LEGISLATURE  
REGULAR SESSION OF 1998

**Introduced by Senator Stille**

# **ENROLLED SENATE BILL No. 855**

AN ACT 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:*

Sec. 4. (1) The township board in each township shall appoint not less than 1 resident of the township, who may be a township trustee, as a fence viewer. The person or persons appointed shall serve at the pleasure of the township board. The governing body of a city or village shall appoint a fence viewer only under section 6(2).

(2) A person may engage a fence viewer upon written request and upon the payment of \$25.00 to the township treasurer or to the city or village treasurer under section 6(2) for each day that the fence viewer's services are needed. The fence viewer shall notify in writing the person who made the request and the owner or owners of the property to be viewed not less than 5 days before the date on which the fence viewer will render his or her services. The fence viewer shall be compensated 80% of the amount received by the township treasurer or city or village treasurer under section 6(2) when the requested service has been performed.

Sec. 5. (1) If engaged under section 4(2), a fence viewer shall do 1 or more of the following:

(a) Determine if a property owner or tenant in possession of property is using a fence constructed or maintained by an adjoining property owner, and if so, what percentage of the cost of construction and maintenance of the fence the property owner or tenant using the fence is responsible for.

(b) Assess the amount of damage if an animal of a property owner or of a tenant in possession of property causes damage to an adjoining property owner's fence.

(2) Not more than 7 days after a fence viewer renders a decision under subsection (1), the fence viewer shall notify in writing the appropriate property owners or tenant of that decision.

(3) A fence viewer is not charged with the responsibility of settling boundary disputes or determining the location of a boundary. Boundary disputes shall be settled and boundaries determined pursuant to state law.

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

Sec. 6. (1) If a dispute arises with regard to a fence that is the boundary line between townships, or partly in 1 township and partly in another township, 1 fence viewer from each township may be selected to settle the dispute or 1 fence viewer may be selected by mutual agreement of each township.

(2) If a dispute arises with regard to a fence that is the boundary line between a township and a city or village, or partly in 1 township and partly in a city or village, 1 fence viewer from the township and 1 fence viewer from the city or village may be selected to settle the dispute or 1 fence viewer may be selected by mutual agreement of the township and the city or village.

This act is ordered to take immediate effect.

*Carol Morey Viventi*

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Secretary of the Senate.

*Maya Bullard*

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Clerk of the House of Representatives.

Approved \_\_\_\_\_

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Governor.