

DOES THE FENCE VIEWER HAVE ANY ROLE IN ENFORCING THE SPITE FENCE STATUTE, 24 V.S.A. § 3817?

No. The fence viewer is considered an archaic office by most, and has very little authority. In fact, the 2008 legislative session removed the requirement that the selectboard appoint fence viewers, poundkeepers, inspectors of lumber, shingles and wood, and weighers of coal. So, who enforces the spite fence statute if the fence viewer has no role? Well, we believe this is a private matter between the property owners, which would be resolved in Superior Court. The plaintiff would request that the court order the fence to be removed and award damages, including the \$100.00 penalty provided for in the statute.

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