

ORDINANCE NO. 214-97

AN ORDINANCE OF THE VILLAGE OF BANCROFT, MICHIGAN,
ADOPTING AN ORDINANCE TO BE KNOWN AS:

FENCES

THE Village of Bancroft Ordains:

Section 1. Purpose:

This ordinance regulates fence construction within the Village of Bancroft by requiring the issuance of a permit, the placement of, construction of, alterations to, declaring a fence nuisance, right of appeal, and provides penalties for violations thereof.

Section 2. Definitions:

1. "Fence" as used in this ordinance, shall be defined as a partition, landscape or grate, structure, or planting, erected as a dividing marker, or barrier.
2. "Building and Zoning" as used in this ordinance, shall refer to the Building and Zoning department of the Village of Bancroft.

Section 3. Permit:

1. No fence shall hereafter be erected or altered in the Village of Bancroft, without first obtaining a permit from the department of Building and Zoning of the Village of Bancroft. Application for a permit will be made through the Village Clerks office.
2. Before a permit will be issued, the following requirements must be met:
 - 1) type of fence requested, 2) drawing showing placement of said fence, 3) verification as to property or lot lines, and 4) who is installing the fence.
3. A fee of ten (\$10) dollars shall be paid to the Village Treasurer at the time of approval, and before fence construction can begin.

Section 4. Placement:

1. Any fence placed in the front yard area shall be so installed so as not to substantially impair visibility in or from any driveway direction.
2. No fence shall be placed so that it impairs visibility in or from either direction at corner intersections.

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3. No fence shall be placed so that it will obstruct vision, so as to create a hazard to vehicular traffic or pedestrians, or upon public streets, sidewalks, or on any Village property.
4. No fence shall be placed any closer than six (6) inches to the inside edge of any sidewalk. If no sidewalk exists, then the fence shall not be placed any closer than six (6) inches to the Village right of way, as though a sidewalk existed
5. When property lines are not clearly identified, the Village Building and Zoning may require the owner of said premises or lot to establish such lot lines through the placement of permanent markers. With such markers being located by a licensed surveyor.
6. No fence shall be constructed over, under, attached to or through any utility right of way without written authorization from said utility.
7. Fences may be placed on a property line of said premises (with the exception of sec. 4-4), with the appearance side of the fence facing away from said premises. It is the responsibility of the property owner to keep all grasses trimmed along the fence line.

Section 5. Construction:

1. Any fence hereafter constructed shall be of such design as not to adversely detract from the general appearance of the Village, and shall be of same or nearly the same construction of neighboring fences.
2. Fences shall be constructed as, but not limited to, one of the following construction designs: 1) split rail, 2) post and rail, 3) picket, 4) chain link, 5) wrought iron, 6) hedge or shrub, 7) privacy, or 8) stone and brick.
3. No fence shall be constructed so as to include, but not restricted to, any nail, spike, or barb, that when left exposed will create or pose a danger to the general welfare of the public in such that one may become injured due to said exposure.
 - a) All nail ends, protruding wire, and sharp points shall be removed or bent to eliminate sharp extrusions.
 - b) On all chain link fences, the barbed side of the fence must be located at ground level.

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4. No fence shall be electrically charged or connected to an electrical current source, with the exception of a buried wire, low current pet control system that is purchased from a reputable dealer, and not home made.
5. Fence gates shall not open over Village property, or the property of another, without written authorization from the Village or other property owner.
6. Fence post shall be placed on the inside of the fence line, and shall be of a material designed for that particular type of fence.
7. Fence height shall not exceed six (6) feet for residential properties and not more than eight (8) feet for commercial properties.

Section 6. Alterations:

No existing fence or fence built hereafter, shall be altered, changed, or rebuilt (other than minor repairs) without first obtaining a permit from Building and Zoning. No permit fee shall be charged for alterations, changes, or repairs that are determined to be minor in nature. Such determination is the judgement of the Building and Zoning Department.

Section 7. Nuisance:

1. Any fence, which through the lack of maintenance, type, or construction that poses a danger to the welfare of the general public or adversely detracts from the general appearance of the Village shall be declared a nuisance.
2. The Village Clerk, through certified mail, shall notify the owner or occupant of the lot or premises where said fence is located, stating that such fence has been declared a nuisance, and that they have ten (10) days to repair or remove said fence.

Section 8. Appeal:

1. Any person believing that the notice is not proper or that the repair or removal of said fence within ten (10) days would be an undue hardship or who is aggrieved otherwise may make a written appeal with the Village Clerk, within ten (10) days of having receiving the nuisance notice.
2. Said appeal shall be heard at the next regular council meeting, and said appellant shall appear before council to show cause if any, supporting the appeal.

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3. After hearing the facts so presented, the Village Council may uphold the notice as given, extend the time for repairs or removal, or may set aside the notice entirely.
4. If a notice is upheld by the council, the appellant shall have ten (10) days thereafter, or such additional time as granted by said council, in which to repair or remove said fence.

Section 9. Penalties for Violation:

Any person or persons who violate(s) this ordinance shall be fined one hundred (\$100) dollars or imprisoned for not more than ninety (90) days, or both at the discretion of the court having jurisdiction.

Section 10. Severability:

This ordinance and the several sections and sub-sections is hereby declared severable. If any part or clause is adjudged invalid, the remainder of this ordinance shall not be affected thereby.

Section 10. Conflicting Ordinances Repealed:

All ordinances previously adopted and inconsistent with the provisions of this ordinance are hereby repealed in their entirety

Section 11. Effective Date:

This ordinance shall take effect twenty (20) days after its passage, as set forth hereafter:

Date of adoption: { May 14, 1997 }

Date of publication: { MAY 23, 1997 }

Effective date: { June 3, 1997 }

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Certification

I, Karen K. Cole, being the Clerk of the Village of Bancroft, Michigan, do hereby certify that the foregoing is a true and correct copy of the Village of Bancroft Ordinance No. 214-97 passed on May 14, 1997, by the Village Council, by a vote of 5 ayes, and 0 nays. Further, I do certify that I did cause the same or a synopsis of same to be published in the Argus Press newspaper, Owosso, Michigan, within fifteen (15) days after such adoption by the Village Council of Bancroft, pursuant to M.S.A. 5.1274.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 14th day of May, A.D., 1997.

By: _____

John M. Sedlock

John M. Sedlock Village President

Karen K. Cole

Karen K. Cole Village Clerk

SEAL OF THE
VILLAGE OF BANCROFT

**ATTENTION RESIDENTS
VILLAGE OF BANCROFT**

I, Karen Cole, being the Clerk of the Village of Bancroft, MI does hereby cause to be published the following synopsis of recently adopted ordinances of the Village of Bancroft, pursuant to M.S.A. 5.1274.

At the regular meeting of the Bancroft Village Council, held on May 14, 1997 the following Village ordinances were adopted:

212-97 Private Drain Connections - No partnership, corporation, person or persons, or whoever, shall cause, suffer, or permit any privately owned septic tank, cesspool, or drain whatsoever to be connected with or to remain connected with, or to empty into any Village catch basin, storm sewer, or drain of any kind whatever.

213-97 To License and Regulate Auctioneers and Those Selling Property at Auction - To amend Section 3 of Ordinance No. 106-59.

214-97 Fences - To regulate fence construction within the Village of Bancroft by requiring the issuance of a permit, the placement of, construction of, alterations to, declaring a fence nuisance, right of appeal, and provides penalties for violations thereof.

215-97 Sidewalks - To regulate the construction, rebuilding, and repair of sidewalks under the direction of the sidewalk committee, and to the specifications set forth by the Superintendent of the Department of Public Works; right to appeal, the maintenance of, issuance of permits; financing thereof, snow and ice removal, and provides for penalties for violations thereof.

The aforementioned ordinances may be viewed in their entirety by contacting the Village of Bancroft Clerk, at 106 Higgins St., Bancroft. Phone 517-634-5375

Publish: May 23, 1997
