

VILLAGE OF BANCROFT
ORDINANCE NO. 300-19
(Dated July 17, 2019)

MAILBOX INSTALLATION ORDINANCE

The Village of Bancroft ordains:

Section 1. Purpose: This ordinance regulates the placement and installation of mailboxes in the Village of Bancroft including installation on the public right-of-way adjacent to streets in order to protect the safety of the public, protect passing vehicles as well as to preserve Village streets and facilitate traffic flow.

Section 2. Placement: Mailboxes shall be installed in the following manner:

- A. Distance from street or alley: The portion of the mailbox nearest the street or alley is not less than 6 inches nor more than 8 inches away from:
 - 1. On paved streets without curbs: The nearest edge of the paved portion of the street.
 - 2. On paved streets with curbs: The highest portion of the curb that is closest to the paved portion of the street.
 - 3. On unpaved streets or alleys: The traveled portion of the street or alley.
- B. Height: The slot or door of the mailbox shall be between 41 and 45 inches above the grade of the street or alley.

Section 3. Construction: All mailboxes shall be installed as follows:

- A. Except as noted in subsection C, if a mailbox is installed on a post, the post shall be no larger than four (4) inches by four (4) inches with the post buried a sufficient distance to support the weight of the mailbox, the mailbox post and any attachments to keep the post vertical and prevent the post and/or mailbox from leaning or tilting in one direction. However, such post shall not be buried more than 24 inches below the grade of the ground.
- B. Posts may be installed on a temporary basis in a pot or bucket if the pot or bucket is filled with sand, cement, concrete or other filler sufficient to support the weight of the mailbox, the mailbox post and any attachments so as to keep the post vertical and prevent the post or mailbox from leaning or tilting in any direction. Temporary posts may be utilized for a period not to exceed 30 days except when ground is frozen. Temporary posts must be utilized for a period not to exceed 30 days except when the ground is frozen. If ground still frozen after 30 days, temporary posts must be removed upon ground thawing.
- C. A post or other mailbox support may be installed even if not vertical or perpendicular to the ground if such support allows the mailbox to be installed horizontal to the street.
- D. Supports made of metal, brick, stone, cement and/or mortar may be used if the support(s) are installed on private property and not within the right of way of the road.

Section 4. Maintenance and Repair: The owner of the mailbox shall maintain the mailbox and its supports in good condition. Maintenance shall include the paint or finish of the mailbox and supports.

Section 5. Nuisance: Any mailbox or support which through the lack of maintenance, type, or construction that poses a danger to the welfare of the general public, adversely detracts from the general appearance of the Village, and/or the use of which causes or would tend to cause damage to a Village street or address, shall be declared a nuisance. The Village Clerk or Village enforcement official may, through certified mail to the owner of the property where the mailbox and/or support is located, or if located in the right-of-way then to the owner of the adjacent property that the mailbox serves, that such mailbox and/or support has been declared a nuisance, and then the owner shall have twenty (20) days after mailing of the notice, to repair or remove the offending mailbox and/or support.

Section 6 Appeal: Any person believing that a notice of a nuisance mailbox and/or support is not proper or that the removal of the nuisance mailbox within twenty (20) 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 received notice of a violation of this ordinance. The written appeal shall articulate all grounds for which the appellant wishes the Council to consider the validity of the appeal. The appeal shall be heard at the next regular Village Council meeting and the appellant shall appear before Council to show cause, if any, supporting the appeal. After hearing the facts, the Council may uphold the notice as given, extend the time for repairs or removal, or may set aside the notice. If upheld by the Council, the appellant shall have ten (10) days thereafter, or such additional time as granted by the Council, in which the repair or removal of the mailbox and/or supports shall be completed. The grounds for the granting of any extension of time shall be stated by the Village Council.

Section 7. Penalties: Any person or persons who violate this Ordinance shall be responsible for a municipal civil infraction with fines set by Resolution of the Council.

Section 8. All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give all provisions of this Ordinance full effect.

Section 9. Severability: If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Village of Bancroft declares that it would have passed this ordinance and each section, subsection, clause, or phrase hereof, irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase be declared unconstitutional.

Section 10. This Ordinance and the related rules, regulations, provisions, requirements, orders, and matters established shall take effect immediately upon publication, except any penalty provisions which shall take effect twenty (20) days after publication, pursuant to MCL 66.1.

Adopted at a Special Meeting of the Village Council held on the 17th day of July 2019.

YEAS: T. Terpening, K. Bible, C. Hutchins, L. Wert-Fuller, B. Barnum

NAYS: None.

ABSENT: A. Miller, R. Miller.

Signed:


Brian Barnum, Village President

CLERK'S CERTIFICATION

I certify that the above is a true and complete copy of Ordinance No. 300-19 adopted by the Village Council at a Special Meeting held on the 17th day of July 2019 and published in the Argus Press newspaper on August 20th, 2019.


Ashley Goodrich, Village Clerk

Drafted by:
Christopher S. Johnson (P-58746)
Gornley & Johnson Law Offices, PLC
Village Attorneys
101 East Grand River
Fowlerville, Michigan 48836
517.223.3758