

VILLAGE OF BANCROFT  
ORDINANCE NO. 301-19  
(Dated July 17, 2019)

**FENCE ORDINANCE**

The Village of Bancroft ordains:

Section 1. Purpose: This ordinance regulates fence construction and maintenance within the Village of Bancroft by regulating fences by providing for the issuance of a permits, regulating the placement of, construction of, alteration of fences, by providing means to deal with fences declared a nuisance, by establishing an appellate process, and providing for penalties for violations.

Section 2. Definitions: As used in this ordinance, the following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- A. "Boundary fence" means any structure or partition that is more than 12 inches in height and constructed or erected parallel to and on or within three feet of any lot line.
- B. "Front yard" means the area of a parcel located between a structure and the nearest street which adjoins the parcel. Where a structure is an equal distance from two or more adjoining streets, the front yard area shall be the area located between the structure and the street upon which the street address is derived.

Section 3. Permit: Prior to the construction or alteration of any fence, an application for a permit to construct the fence shall be filed with the Village Clerk's office. No fence shall be constructed or altered without first obtaining this permit. Prior to issuance of a permit, the fence permit application shall meet the following requirements:

- A. Disclose type fence to be erected or altered, and types of materials to be used in construction.
- B. Drawing outlining dimensions and distances to illustrate placement of fence on property.
- C. Verification as to property boundary lines.
- D. Dimensions of fence and any gate(s).
- E. Name of party installing fence.
- F. Application fee in an amount established by Resolution of the Village Council.

Section 4. Placement: Placement of fences shall be as follows:

- A. Boundary fence: Boundary fences shall only be installed and erected as follows:
  - 1. Shall not be installed in the front yard, unless along an alley, in which case the

- fence may be installed along the alley line toward the front sidewalk.
2. Shall not exceed four feet in height, including posts, other supporting structures, decoration or ornaments. A height of six feet shall be permitted along the rear lot line and along the side yard lines up to the front of the principal building on the lot. Continuation of the six-foot height into the front yards shall be allowed only if:
    - a. The lot is adjacent to an alley, in which case the fence shall be reduced to four feet at the front line of the house and then reduced to two feet within six feet of the front sidewalk; or
    - b. The property is a corner lot, in which case the fence may be permitted to be extended along the side yard line two feet beyond any side door adjacent to the street.
  3. A gate of the same permitted height as the fence may be installed along any of the fence lines.

Section 5. Front Yard Fences: Subject to restrictions in all other sections, fences in front yard areas are permitted as follows:

- A. In a residential district, no privacy fence or wall shall be erected within a front yard; except, however, that on lots with a side lot line adjacent to an alley, a fence may be constructed along the alley line to the front of said lot.
- B. Where a residential lot abuts an alley, open drainage ditch, or a railroad, a solid-type fence may be constructed in a front yard immediately adjacent to the lot line boarding the alley, ditch and/or railroad.
- C. Fences in front yard areas that are enclosing swimming pools shall not be subject to the restrictions of this section, but shall be governed by the state construction code. Such fences shall only be large enough to enclose the pool and an area of four (4) feet around the edge of the pool.
- D. This section shall not apply to retaining walls.
- E. Shrubbery and hedges located in any part of a front yard along the exterior lot line of a lot shall not exceed three feet in height.
- F. No fence in any front yard area shall hereafter be erected, or constructed, of solid brick, masonry, wood or any other material which results in a solid-type fence, or a different placement of height. Fences may be constructed of wood or other materials, providing the construction does not result in a solid-type fence.

Section 6. Construction: All fences shall comply with the following requirements:

- A. All fence posts shall be set at least 42 inches below grade;
- B. Fence shall be erected one inch off the lot line, unless the fence abuts a Village sidewalk, at which location the fence shall be at least six inches (6") from the edge of the sidewalk.
- C. Any fence erected parallel to an existing fence shall be placed at least six (6) inches from the existing fence and shall not be attached to that existing fence;



- D. All supports for the fence, including posts and cross beams, shall be installed on the applicant's side of the fence;
- E. When installed alongside an existing fence, all sections between the posts of a privacy fence shall be removable to allow for maintenance. This provision does not apply if a plastic, metal or similar type solid fence material is utilized in construction;
- F. 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 the same or nearly the same construction of neighboring fences.
- G. 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.
- H. All nail ends, screw ends, bolt ends, staple ends, protruding wire and other sharp points shall be removed or bent to eliminate sharp extrusions.
- I. On all chain link fences, the barbed side of the fence must be located at ground level.
- J. Fence gates shall not open over Village property, or the property of another, without written authorization from the Village or other property owner.
- K. Fence posts shall be placed on the inside of the fence line, and shall be of a material designed for that particular type of fence.
- L. Fence height shall not exceed six (6) feet for residential properties (*except may be up to 8 feet if adjoining a commercial property*) and not more than eight (8) feet for commercial properties.
- M. All fences shall comply with all other state construction code requirements and any other Village ordinances.
- N. All fences shall have a final inspection by the Village and any deficiency noted shall be corrected immediately.
- O. A privacy fence erected along side of an existing fence shall be placed at least six inches from the existing fence and shall not be attached to the existing fence.
- P. No fence, wall or similar structure including posts, other supporting structures and decorations or ornaments, shall exceed six (6) feet in height. The six-foot height shall be permitted only along the rear lot line and along the side yard lines up to the front of the house only. A gate of the same height may be installed along any of these lines.

Section 7. Fencing Materials: All fences:

- A. Shall be constructed as, but not limited to one of the following construction designs: split rail, post and rail, picket, chain link, wrought iron, hedge or shrub, privacy, or stone/brick/masonry/concrete or similar material.
- B. In nonindustrial zoned properties shall not contain nor be constructed with any barbed wire, razor wire, concertina wire, Dannert wire, or similar type material.
- C. Shall not be constructed of cloth, pallets, plastic sheeting, roofing panels or other similar material. Any question concerning a noncustomary fencing material shall be resolved by the fence inspector.
- D. Except for parcels containing five (5) acres or more, fences shall not be electrically

charged nor connected to an electrical current source, except for a pet containment fence consisting of a buried wire, low current, pet control system that is UL approved and properly installed according to factory directions. Parcels of property containing 5 acres or more may install electric fences for the sole purpose of containing livestock. Such an electric fence is limited to those areas of a five (5) or more acre parcel where livestock regularly roam.

Section 8. Maintenance and Repair: The owner of the fence shall maintain the fence in good condition. Maintenance shall include the paint or finish of the fence and maintaining the space between any fence in a neat and weed-free condition. Any privacy fence not properly maintained may be ordered removed at the owner's expense by the fence inspector. Any section of the fence that is repaired, replaced or repainted shall be done so that it is of the same color and design as the remaining segments of the fence.

Section 9. Nuisance: 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. The Village Clerk or Village enforcement official may, through certified mail to the owner of the property where the fence is located, notify the owner that such fence 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 fence.

Section 10. Appeal: Any person believing that a notice of a nuisance fence is not proper or that the removal of the nuisance fence 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 fence shall be completed. The grounds for the granting of any extension of time shall be stated by the Village Council.

Section 11. 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 12. Repeal of Conflicting Ordinances: Ordinance 214-97 is hereby repealed. 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 13. 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 14. 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: C. Hutchins, L. Wert-Fullerm, B. Barnum

NAYS: T. Terpening

ABSENT: K. Bible, 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. 301-19 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 20<sup>th</sup>, 2019.

  
Ashley Goodrich, Village Clerk

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