

Ordinance No. 39

SNOW FENCE ORDINANCE

AN ORDINANCE FOR PROTECTION OF HEALTH, SAFETY AND WELFARE; TO PROVIDE REGULATIONS FOR THE CONSTRUCTION AND REMOVAL OF SNOW FENCES; TO PROVIDE FOR ISSUANCE OF PERMITS FOR SNOW FENCES AND FOR THE ADMINISTRATION, ENFORCEMENT, AND FOR FEES TO DEFRAY THE COST OF ENFORCEMENT; TO REPEAL AND REPLACE INCONSISTENT ORDINANCES; AND TO PROVIDE A PENALTY FOR VIOLATION HEREOF.

THE TOWNSHIP OF ROLLIN, LENAWEЕ COUNTY, MICHIGAN ORDAINS:

SECTION 1. TITLE

This Ordinance shall be known and cited as the Rollin Township Snow Fence Ordinance.

SECTION 2. PURPOSE

This Ordinance is intended to promote the public health, safety and welfare by permitting snow fences at critical locations to effectively trap and control blowing and drifting snow during the months of November through March. To be effective, snow fences must be properly designed and located with respect to property and driveways that are in need of protection from the drifting of snow. Placement of snow fences must be in a manner so as to avoid drifting of snow in a manner that interferes with neighboring properties and private or public rights of way. Not all properties will benefit from snow fences. Accordingly, this Ordinance regulates the permitting and removal of snow fences to assure proper placement of snow fences and for the removal of temporary snow fences in Rollin Township.

SECTION 3. DEFINITIONS

"Snow fence" is a temporary type of porous fencing that forces windblown, drifting snow to accumulate in a desired place rather than accumulating on roads, private drives and other property areas where accumulation and drifts of snow are not desirable. A snow fence can be either a perforated plastic sheeting or a lightweight wood strip and wire fence, attached to metal "T" posts or "U" posts at regular intervals. As used in this ordinance, the term "snow fence" includes not only the fencing material but also all posts to which the fencing material is attached.

SECTION 4. REGULATIONS FOR SNOW FENCES

4.1. *When permitted.*

- A. Snow fences may be installed and maintained pursuant to a permit issued under this Ordinance from November 1st through March 31st.

- B. Snow fences, including posts, that are erected prior to November 1st or that are not removed after March 31st are a violation of this ordinance and subject the person erecting the fence and/or the property owner where the snow fence is located to the penalties specified in Section 8 of this ordinance.

4.2. *Placement.*

- A. Proper placement of snow fencing requires that the fence be placed within 25 degrees of perpendicular to prevailing winds and parallel to the area to be protected.
- B. An effective snow fence should be placed upwind of the area to be protected at a distance roughly 35 times the height of the snow fence.
- C. The bottom 10% to 15%, or 5 inches at the bottom of the fence, should be left open so that snow does not settle directly under the fence.
- D. Snow fences shall not be erected in such a manner as to cause snow to accumulate on neighboring properties or on any roads or highways.

- 4.3. *Maintenance.* Snow fences require proper maintenance and must be properly anchored to avoid any part of the fence from being blown over and onto adjacent roads and properties.

SECTION 5. NUISANCE PER SE

Any violation of this ordinance is deemed to be a nuisance per se.

SECTION 6. VIOLATIONS, PENALTIES

- 6.1. It shall be a violation of this ordinance for any person, firm, association, partnership, corporation, or company of any kind to:
 - A. Fail to move a snow fence if ordered by the Township Building or Zoning Official to move it to abate accumulations of snow on adjacent walks or driveways.
 - B. Fail to remove a snow fence as required under this ordinance.
 - C. Violate any other provisions of this ordinance.
- 6.2. Upon discovering a violation of this ordinance, the Township Building or Zoning Official shall notify the violator in writing by means of first class letter. Such notice shall give the violator up 7 days to abate the violation.
- 6.3. Any person who fails to abate the violation within the time permitted shall be deemed responsible for a civil infraction. Penalties may be imposed as set forth in Ordinance No.

34 as amended, the Rollin Township Civil Infractions Ordinance.

- 6.4. Any person, firm or entity that assists with or enables the violation of this Ordinance shall be responsible for aiding and abetting, and shall be considered to have violated the provision of this Ordinance involved for which such aiding and abetting occurred. Furthermore, any attempt to violate this Ordinance shall be deemed a violation of the provision of this Ordinance involved as if the violation.
- 6.5. In addition to pursuing a municipal civil infraction proceeding pursuant to Section 8.3 hereof, if the violator fails to abate the violation within the time permitted in Section 8.1, the Township may also:
 - A. Initiate an appropriate action in a court of competent jurisdiction seeking injunctive, declaratory, or other equitable relief to enforce or interpret this ordinance or any provision of the ordinance; and/or
 - B. Enter upon the property where the snow fence is located, remove the snow fence and place the dismantled snow fence on the property. In the event the Township exercises its right to abate the violation, the applicant and/or property shall be liable for all costs associated with the Township abating the violation and the Township may recover its costs as a lien against the property to be collected with the tax bill.
- 6.6. All remedies available to the Township under this ordinance and Michigan law shall be deemed to be cumulative and not exclusive.

SECTION 7. SEVERABILITY

The provisions of the Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect any portion of the Ordinance other than said part or portion thereof.

SECTION 8. REPEALER

The enactment of this Ordinance hereby repeals and replaces any other ordinance or parts of ordinances in conflict with any provisions of this Ordinance.

SECTION 9. SAVINGS CLAUSE

The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation or prosecution of any right established, occurring prior to the effective date hereof.

SECTION 10. PUBLICATION AND EFFECTIVE DATE

The Township Clerk shall cause this Ordinance to be published in the manner required by law. This Ordinance shall be effective thirty (30) days after final publication of the Ordinance.

YEAS: (5) Combs, Jenkins, Walker, Willett and Wilson

NAYS: (0) _____

ABSENT: (0) _____

Ordinance declared adopted on February 10, 2016.

John Jenkins
Supervisor for the
Township of Rollin

CERTIFICATE OF ADOPTION AND PUBLICATION

I, Denice Combs, the duly elected Clerk of the Township of Rollin certify that the foregoing ordinance is a true and correct copy of the ordinance enacted by the Township Board of the Township of Rollin on July 8, 2014 and published in the _____, a newspaper circulated in the Township of Rollin, on _____, 2016.

Denice Combs
Township Clerk for the
Township of Rollin