

THE VILLAGE OF EDMORE ORDAINS
AN ORDINANCE TO ADOPT ORDINANCE NO 2017-6 "Fence Ordinance"
VILLAGE COUNCIL
VILLAGE OF EDMORE
MONTCALM COUNTY, MICHIGAN
Adopted:
Published:
Effective:
ORDINANCE 2017-6
Fence Ordinance
Fences; walls.

Section 1. Notwithstanding other provisions of this ordinance, fences and walls may be permitted or required subject to the following:

- a. No fence, wall, screening or planted materials with the exception of flowering annuals and perennials not to exceed 12 inches in height shall be erected in the road right-of-way.
- b. No fence along a sidewalk shall be located nearer than one foot from the inside of the sidewalk line.
- c. No fence, wall, screen or planted material shall be erected or maintained in such a way as to obstruct the vision of motorists existing driveways.
- d. No fence, wall, screen or planted material shall be erected or maintained at a street corner in such a manner as to obstruct the vision of motorists within a triangular area formed by the intersection of the street right-of-way lines and a line connecting the two points on those lines located 15 feet from their point of intersection.
- e. It is possible that lots located within a commercial or industrial zone may not contain commercial or industrial activities. If such lots contain only single-family dwellings, duplexes or apartment complexes, then such lots shall comply with the residential zone fence construction and restrictions paragraph in this ordinance.
- f. Gates in fences shall not open over public property.
- g. In areas zoned or used for residential purposes, privacy fences which block the vision shall, in addition to the other requirements of this ordinance, be subject to the following limitations:
 - (1) Privacy fences should not extend beyond the front facade of a residential structure; and
 - (2) All privacy fences are subject to review by the zoning administrator.
- h. All fences shall be constructed with the finished side of fence facing the public.

Section 2. The height of a fence or wall shall be computed as the distance from the base of the fence or wall, at grade level to the top of the highest component.

Section 3. Height requirements shall be as follows:

- a. Residential fences. All fences and walls in areas zoned or used for residential purposes shall not exceed seven feet in height above grade level, except front yard fences, such as chainlink or decorative wrought iron fences which do not block the vision, which shall not exceed five feet in height above grade level.

- b. Business, office, or commercial fences. All fences and walls in areas zoned or used for business, office, or commercial purposes shall not be more than six feet in height above grade level.
- c. Industrial fences. All fences and walls in areas zoned or used for industrial purposes shall not exceed eight feet in height above grade level.
- d. Fences and walls for parks, schools, public buildings, and other institutional uses. The height and type of fences or walls enclosing municipal parks, public and parochial school grounds, public buildings and church grounds or land used for playgrounds, parks, picnic areas, golf courses, golf driving ranges or similar facilities for outdoor exercise and recreation shall require the approval of the zoning administrator.

Section 4. Fences and walls shall be constructed of wood, metal or masonry, and other acceptable materials, excluding plastic interwoven weave designs. Only new material shall be used, which has been manufactured and/or treated in a manner to prevent rust and corrosion, and/or rot and decay. No person shall erect or cause to be erected a fence which is:

- a. Made with or upon which is fixed barbed wire; or
- b. Has any protective spike, nail, or sharp pointed object; or
- c. Charged with electric current.
- d. Any materials that are not manufactured specifically as fencing materials shall be prohibited.

Section 5. All fences and walls must be located entirely on the private property of the person constructing the fence or wall, or provided that if the adjoining property owners consent in writing to the construction of a fence or wall on their property line, it may be constructed on the property line. Such written consent shall be filed with the zoning administrator.

Section 6. No fence or wall shall be erected between the front building line and the front property line of a commercial or industrial use.

Section 7. Fences and walls must be maintained in a neat and safe condition, so as not to endanger life or property. Any fence or wall which, through lack of repair, type of construction or otherwise, endangers life or property is hereby deemed a nuisance. The building inspector shall notify the owner, agent, or person in control of the property on which such fence or wall is located of the existence of such nuisance and specify the required repairs or modifications to be made to render the fence or wall safe or require that the unsafe fence or wall or any portion thereof to be removed and shall provide a time limiting such repairs, modification, or removal.

Section 8. Fences and walls shall not be enlarged or rebuilt/replaced without first obtaining a permit from the zoning administrator.

Section 9. Any newly rezoned property shall comply with all fence and wall requirements for the newly zoned district. Such fences, when replaced or installed shall conform with all provisions of this ordinance. An existing fence when repaired or enlarged does not need to conform to Section 2 and Section 3 of this ordinance.

Section 10. No fence shall be erected or altered without first obtaining a permit from the village zoning administrator.

a. Written application for this permit shall contain a drawing showing the location, type of fence to be constructed, description of the property, and such other information as the zoning administrator shall deem necessary.

b. The village will impose a reasonable fee for processing a permit application.

Section 11. This ordinance will hereby repeal. Section 2.07 of Chapter 2 of the Zoning Ordinance (Ordinance 233) and shall be in effect from and after its adoption. Fences constructed prior to the adoption of this ordinance that meets the criteria listed in Section 4 of this Ordinance will be permitted.