

CHAPTER 1282
Fences and Hedges

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CROSS REFERENCES

Fences generally - see M.C.L.A. Secs. 43.51 et seq.

Galvanized wire fences - see M.C.L.A. Secs. 290.351 et seq.

Damages for failure to erect or maintain fences - see
M.C.L.A. Sec. 433.151

Malicious destruction of fences - see M.C.L.A. Secs. 750.381 et seq.

Destruction of fences - see GEN. OFF. 666.01(16)

1282.01 DEFINITIONS.

Unless indicated otherwise, as used in this chapter:

- (a) "Clear vision fence" means any fence constructed of wire, except for post and supporting members, with all areas, measured over any square foot, at least eighty percent open when viewed at right angles to the fence.
- (b) "Fence" means any permanent fence, partition, structure or gate erected as a dividing marker, barrier or enclosure, and not a part of a structure for which a building permit is required.

- (c) "Grade or grounds" means for areas adjacent to or within five feet of any sidewalk, means the sidewalk grade. For areas adjacent to the public street where no sidewalk exists, "grade or ground" means six inches above the curb level, and if there is no curb, then nine inches above the level of the outside edge of the street. "Grade or ground" otherwise means the average grade one foot on each side of the line of the fence.
- (d) "Hedge" means a series of bushes, shrubs or evergreen trees planted or grown in a compact and continuous line.
- (e) "Ornamental fence" means a fence not exceeding three feet in height, used to set off or protect gardens, bushes or other plantings, and not located within two feet of a property or lot line.
- (f) "Partition fence" means a fence constructed on or within two feet of the property line dividing lots.
(Ord. Unno. Passed 12-14-87.)

1282.02 CONSTRUCTION, REPLACEMENT OR REPAIR OF FENCES.

No person shall erect, construct, replace or substantially repair any fence, except in accordance with this chapter. Any fence existing on or before the adoption date of this section, and not in conformance with the requirements of this chapter, shall not be altered or modified, except to make it more conforming.

(Ord. Unno. Passed 12-14-87.)

1282.03 PERMIT TO CONSTRUCT, REPLACE OR REPAIR FENCES.

No person shall erect, construct, replace or substantially repair any fence, except an ornamental fence, without a construction permit therefor. Written application for such permit shall be filed with the Village, on forms to be furnished by the Village, setting forth the location, type, construction detail and other information as required by the Village, together with a permit fee. The fees for a permit under this chapter shall be those fees on file with the Village Clerk. If it appears to the Building Inspector that the proposed fence is in accordance with this chapter and other applicable ordinances and statutes, he or she shall issue a permit specifying the fence authorized.

(Ord. Unno. Passed 12-14-87.)

1282.04 CONSTRUCTION REQUIREMENTS FOR FENCES.

All fences constructed pursuant to a permit under this chapter shall be soundly constructed, with posts made of either iron pipe with one and five-eighths inches outside diameter, wood posts four inches in diameter, reinforced concrete posts four inches across or the equivalent of other material, with footings or post holes at least three feet in depth and firmly set in concrete, sand or other compacting material. The fencing material shall be firmly and securely fastened to the posts. Only sound material shall be used.

(Ord. Unno. Passed 12-14-87.)

1282.05 DETERMINATION OF PROPERTY OR LOT LINES.

Any person obtaining a fence permit under this chapter and erecting a fence shall determine the location of property or lot lines. The City shall not determine property or lot lines, and the issuance of a fence permit shall in no way be construed as a determination of the correct, valid or legal location for the fence, or prejudice in any way the rights of adjacent or abutting property owners. Notification to the adjacent property owners of the pending issuance of the fence permit must be made by the person requesting the permit. The City may require proof of the notification, at its discretion.

(Ord. Unno. Passed 12-14-87; Ord. 2013-03. Passed 5-13-13.)

1282.06 CONSTRUCTION ON STREETS OR BETWEEN SIDEWALKS AND CURBS.

No person shall construct any fence or barrier in any public street in the City or between the sidewalk and curb, except in conjunction with the excavation for a building or similar structure, as provided in the Building Code.

(Ord. Unno. Passed 12-14-87.)

1282.07 MAINTENANCE OF FENCES.

All fences shall be maintained in a sound and safe condition.

(Ord. Unno. Passed 12-14-87.)

1282.08 PROHIBITED FENCES.

No owner or occupant of land in the City shall build or maintain any fence constructed wholly or in part of barbed wire, any fence, guard wall or other protection upon which there shall be fixed, attached or placed in any manner any spike, nail or pointed instrument or any kind of description, or any fence electrically charged. However, barbed wire or similar instruments may be used along the top of such fences surrounding industrial plants and real estate appurtenant thereto, if such barbed wire or similar instruments are fastened to a portion of the fence extending at an angle over the enclosed property and not over other private property or projecting on the opposite side or the side adjacent to a sidewalk or public way.

(Ord. Unno. Passed 12-14-87.)

1282.09 HEIGHT IN RESIDENTIAL ZONES.

(a) Subject to Section 1282.11(a), the following restrictions shall apply to fences located within residential zones as established in this Zoning Code:

- (1) All fences, except ornamental fences, shall be at least three feet in height above grade.
- (2) Fences located in required front yards shall not exceed four feet in height above grade.
- (3) Fences within ten feet of the property or lot line, abutting on a street, shall not exceed four feet in height above grade.

- (4) Where no other restriction applies, a fence shall not exceed six feet in height above grade.

(b) Hedges shall not exceed the height limitations provided in subsection (a) hereof for fences.

(Ord. Unno. Passed 12-14-87.)

1282.10 HEIGHT IN NONRESIDENTIAL ZONES.

Subject to Sections 1286.10 and 1282.11 the following restrictions shall apply to fences and hedges located in an area other than a residential zone:

- (a) No fence or hedge shall exceed twelve feet in height.
- (b) Fences or hedges located between a building and a street shall not exceed four feet in height above grade, provided that this restriction does not apply to clear-vision fences.

(Ord. Unno. Passed 12-14-87.)

1282.11 HEIGHT IN SIGHT ZONES.

Within the limits of sight zones, fences and hedges shall not exceed two and one-half feet in height above grade, except that such restriction does not apply to clear-vision fences. Such sight zones shall be determined as follows:

- (a) Street Corners. The triangle formed by legs measured twenty feet on each side of a street corner lot, measured on the property or lot lines. Where a sidewalk exists, the inside edge of the sidewalk may be considered the property line for this purpose.
- (b) Driveways. The right triangles formed on each side of a driveway, measured ten feet along the property or lot line on one leg, and along the outside edge of the driveway for the other leg. Where a sidewalk exists, the inside edge of the sidewalk may be considered the property line for this purpose.

(Ord. Unno. Passed 12-14-87.)

1282.12 TRIMMING OF HEDGES.

The property owner or occupant of the land upon which a hedge is growing shall trim the hedge to the limit prescribed in this chapter. Any shrub, bush or other growing plant which projects into or across adjacent land may be trimmed by the adjacent owner back to the lot line.

(Ord. Unno. Passed 12-14-87.)

1282.13 NUISANCES; ABATEMENT.

Any fence or hedge which, through lack of repair, type of construction, location, deterioration or other reason, imperils life or property shall be deemed a nuisance. Where the Building Inspector determines that any fence or hedge is in such a condition as to constitute a nuisance, he or she shall cause such nuisance to be abated.

(Ord. Unno. Passed 12-14-87.)

1282.14 EXCEPTIONS TO CHAPTER.

(a) The height restrictions of this chapter shall not apply to public or private schools, public recreational areas or public utility installations where higher fences are required for the safety and protection of the public.

(b) The height restrictions prescribed by this chapter for residential zones shall not apply to any fence or hedge located in any area of a lot where a building (other than an accessory building) could be constructed as a matter of right.

(c) This chapter shall not apply to construction fences as authorized and required in the Building Code.

(Ord. Unno. Passed 12-14-87.)

1282.15 ENFORCEMENT OF CHAPTER; APPEALS FROM ENFORCEMENT.

The Zoning Administrator shall enforce this chapter. All orders, requirements, decisions and determinations of the Enforcement Officer may be appealed to the Zoning Board of Appeals, including applications for variances, in accordance with the established procedure of the Board. The Board may grant such relief as may be authorized in accordance with the standards as established in the Zoning Code. (Reference Section 1262.06.)

(Ord. Unno. Passed 12-14-87; Ord. 2005-05. Passed 4-11-05.)