

CHAPTER 156: FENCES

GENERAL PROVISIONS

§ 156.01 DEFINITION.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

FENCE. Any artificial permanent fence, partition, structure or gate erected as a dividing marker, barrier or enclosure.

(Prior Code, § 10-1) (Ord. passed 1-5-1967; Am. Ord. 2016-02, passed 3-3-2016)

§ 156.02 UNLAWFUL CONSTRUCTION.

It shall be unlawful for any person to construct or cause to have constructed any fence upon any property within the city, except in accordance with the requirements and restrictions provided in this chapter.

(Prior Code, § 10-2) (Ord. passed 1-5-1967; Am. Ord. 2016-02, passed 3-3-2016) Penalty, see § [10.99](#)

§ 156.03 RESIDENTIAL FENCES.

Residential fences are permitted or required, subject to the following:

(A) Fences on all lots of record in all residential districts, which enclose property and/or are within a side or rear yard that is not waterfront to either the St. Clair River or the Belle River, shall not exceed 6 feet in height. This height shall be measured from the average established grade to the highest point of the fence. No fence, wall or hedge shall rise over 4 feet in height in front of the house or any yard that is waterfront to the St. Clair River or Belle River, or in the minimum front yard, whichever is greater; the measuring technique employed shall be the same as stated above. In addition, no fence, wall, or hedge shall be located within a public right-of-way, occupy a clear vision zone as established by § [156.05](#), or interfere with visibility from a driveway. The Zoning Administrator is hereby empowered to cause obstructions to be removed in the interest of public safety.

(B) No obscuring fence or wall shall be located within the front yard or any yard that is waterfront to either the St. Clair River or the Belle River. All chain-link fencing is obscuring. Decorative fencing that does not materially impede vision shall be permitted in a front or waterfront to either the St. Clair River or the Belle River provided it does not exceed a height of 4 feet.

(C) Fences shall consist of at least 1 side of "finished" quality. The term "finished" refers to the covering of raw material so as to protect it from the natural elements; this includes but is not limited to the painting of metal, and the painting or staining of wood. A finished side of the fence shall be exposed to all adjacent properties including the St. Clair River and the Belle River. The finished side shall generally be the side without post exposure or with the least post exposure. The Building Inspector shall determine the "finished" side.

(D) Fences shall not contain barbed wire, pointed or sharp extrusions on the top, electric current, or charge of electricity. All fences shall be constructed of treated wood, plastic, aluminum, or galvanized metal or similar materials as approved by the Building Inspector and/or Zoning Administrator. Temporary fencing such as chicken wire or plastic snow fencing, shall be prohibited as permanent fencing material.

(E) All fences shall comply with the requirements of the applicable building and zoning codes.

(F) All fences shall be maintained so as to not endanger life or property.

(Ord. 2016-02, passed 3-3-2016) Penalty, see § [10.99](#)

§ 156.04 NONRESIDENTIAL FENCES.

(A) Fences located in other than residential districts or on the boundary between such districts shall not exceed 8 feet in height, measured from the surface of the ground.

(B) Fences, which enclose public or institutional parks, playgrounds, or public landscaped areas situated within an area developed with recorded lots, shall not obstruct vision to an extent greater than 25% of the fences total area. Fences bordering waterfront to the St. Clair River or the Belle River shall not be obscuring.

(C) No fence, wall, or hedge shall be located within a public right-of-way, occupy a clear vision zone established by § 156.05, or interfere with visibility from a driveway. The Zoning Administrator is hereby empowered to cause all such obstructions to be removed in the interest of public safety.

(D) Fences located within 25 feet of an intersection shall not exceed 30 inches in height.

(E) Fences shall not contain barbed wire, electric current, or charge of electricity. In the case where the security of industrial and commercial property is concerned, the Planning Commission may approve a fence 8 feet in height with barbed or razor wire attached to the top as a part of the site plan review.

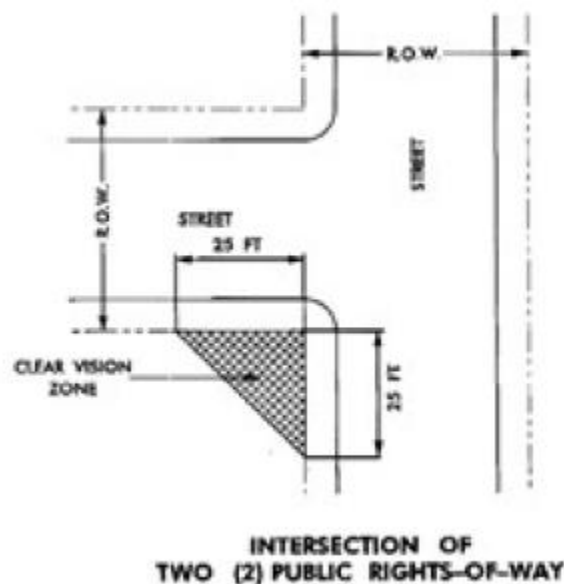
(F) All fences shall comply with the requirements of the Building Code.

(Ord. 2016-02, passed 3-3-2016) Penalty, see § 10.99

§ 156.05 CORNER CLEARANCE AND VISIBILITY.

(A) No fence, wall, structure or planting shall be erected, established or maintained on any corner lot which will obstruct the view of a driver of a vehicle approaching the intersection excepting shade trees which would be permitted where all branches are not less than 8 feet above the road level. Such unobstructed corner shall mean a triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection of the street lines or in the case of a rounded property corner from the intersection of the street property lines extended. In the case of a driveway/street intersection, the aforementioned technique shall also be used however a 10 foot dimension shall be utilized situated along the driveway and property line. Decorative fencing that would be approved on a corner could include open weave, split rail or similar fencing. Refer to illustration 3-1.

Illustration 3-1 Corner Clearance and Visibility



(B) For purpose of this chapter, an unobstructed view bordering the waterfront of the St. Clair River and/or the Belle River, shall include an unobstructed view 90 degrees out from the corners of the main exterior wall most parallel to the water. Fences, walls, or similar barriers may be permitted by the Zoning Board of Appeals.

(Ord. 2016-02, passed 3-3-2016) Penalty, see § [10.99](#)

§ 156.06 BOARD OF APPEALS.

Upon appeal in writing by any person directly or indirectly affected hereby, the Zoning Board of Appeals of the city, after a hearing in accordance with the established procedure of the Board, may in its sound discretion and in the interests of the public health, safety or welfare of the inhabitants of the community, reduce or remit the requirements of this chapter in individual cases.

(Ord. 2016-02, passed 3-3-2016)

PERMIT PROVISIONS

§ 156.20 REQUIRED.

Any person desiring to build or cause to be built a fence upon property within the corporate limits of the city, shall first apply to the Building Inspector for a permit to do so.

(Ord. 2016-02, passed 3-3-2016)

§ 156.21 APPLICATION.

Application for a permit under this chapter shall contain any and all information, including drawings required and necessary for the determination of whether the erection of such fence would be contrary to the provisions in this chapter or the laws of the state.

(Ord. 2016-02, passed 3-3-2016)

§ 156.22 FEE.

A fee in the amount established by resolution of the City Commission shall be paid for each permit under this chapter.

(Ord. 2016-02, passed 3-3-2016)