

First Reading: April 12, 2012
Second Reading: May 10, 2012
Publication Dates: May 18, 2012 & May 19, 2012
Effective Date: May 21, 2012

**AMENDMENT TO CODIFIED ORDINANCES OF
THE CITY OF NEGAUNEE, CHAPTER 1286 SUPPLEMENTARY REGULATIONS**

The City of Negaunee ORDAINS:

That Chapter 1286 of the Codified Ordinances of Negaunee, Michigan, shall be, and the same hereby is, amended as follows:

REPEALER

Any ordinance, resolution, order or parts thereof in conflict with the provisions of this Amendment is, to the extent of such conflict, hereby repealed. This repeal shall be effective as of the effective date of the following Amendment.

FENCES

1286.07 FENCES, WALLS AND HEDGES

Fences, walls and hedges are permitted in any zoning district provided that they comply with the following requirements and restrictions.

A. Definitions.

1. Fence. Any partition, structure, wall, retaining wall or gate erected as a dividing marker, barrier, or enclosure, including hedges, encircling either wholly or any portion of any area, or within or along the bounds of any portion of a lot or parcel.
2. Height. The distance from the grade to the top of the highest point of the fence at any given point along the fence.
3. Protective Measures Fence. A fence erected for the express purpose of protecting an enclosed area and the property therein, or a fence intended to deny access to a dangerous property or location.

B. Any fence, wall or hedge must be completely contained inside the owner's property line, with a finished side facing the abutting property. Adjoining property owners may enter into an agreement, which may be recorded at the Register of Deeds, to place a fence on the lot line and provide an easement for fence maintenance.

- C. Fences or walls on all lots in all residential zoning districts which enclose property and/or are within a required side or rear yard, shall not exceed 8 feet in height, measured from the surface of the ground and shall not extend toward the front of the lot nearer than the front of the house or the minimum required front yard set-back, whichever is greater. Fences up to 4 feet in height may be erected from the front edge of the dwelling to within two feet of the sidewalk (or of the right-of-way line if there is no sidewalk), unless the fence is of chain-link, split-rail or other “see through” material, in which case it may be up to six feet in height. Fences, walls or hedges shall be placed so that they are contained at least five feet from the right-of-way line of an alley.
- D. No property owner shall allow a hedge, fence or other material to intrude into the public sidewalk space or over the lot line or into the street right-of-way, in the space from the ground to 8 feet above the ground, nor to block clear sight lines of vehicles on streets and driveways.
- E. Fences shall be constructed such that posts and framework are on the interior or fence owner’s side of the fence and so that the sheeting or face of the exterior, as seen from the adjoining properties or street, is the more presentable and attractive side of the fence.
- F. All fences shall be maintained in good condition, including, but not limited to paint, stain, repair of damaged portions, rusted metal, holes, loose components and sagging.
- G. Fences must be maintained so as not to endanger life or property. Any fence which through lack of repair, type of construction, or otherwise, imperils life or property, shall be deemed to be a nuisance.
- H. Requirements in this ordinance for fences, walls and hedges are not intended to restrict landscaping features that exist or may be planted as a part of the beautification of any premises provided such planting does not obstruct the vision of drivers on streets or driveways nor interfere with clear sight lines at corners or adjacent driveways and does not obstruct natural light and air on adjacent premises.
- I. Any violation of the provisions of this Ordinance is hereby declared to be a public nuisance which may be enjoined or abated and may subject the violator to civil damages, fines and penalties, including the costs of abatement, as provided in the City’s Nuisance Ordinance. The City specifically reserves the right to contract for the removal and clean-up of nuisance fencing, walls or hedges and to assess the cost thereof to the property owner. In the event that said cost remains unpaid for more than 30 days, it shall be spread upon the tax roll in the manner prescribed for utility arrears and the City shall have all other rights of collection allowed under Michigan law.

- J. All swimming pools shall be fenced in compliance with Michigan Building Codes.
- K. Fences containing barbed wire, concertina or similar wire, shall not be allowed in any district, except that barbed wire which is part of a protective measures fence approved pursuant to this ordinance will be allowed according to the conditions under which it is approved. Electrified fences may be allowed only in the Rural Residential District for the purpose of containing animals provided that proper signage is maintained.
- L. A protective measures fence shall not be allowable in residential districts and shall constitute a special use in all non-residential districts. A protective measures fence may only be constructed pursuant to a finding by the planning commission of a need for such fence. In approving such a fence, the Planning Commission shall determine that the definition of protective measure fence is met and there is no reasonable alternative to the erection of the fence. The owner of a protective measures fence may be granted permission to erect necessary and reasonable barriers along the uppermost edge of such fence including barbed wire. The applicant may appeal a denial or conditions of an approval by the Planning Commission to the Zoning Board of Appeals.

WHEREUPON, This Ordinance is declared passed and adopted on this 10th day of May, 2012

CITY OF NEGAUNEE

By: Michael Haines, Its Mayor

By: Judith Iwanski, Its Clerk