

ORDINANCE NO. 02-13

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF CORUNNA, MICHIGAN, CHAPTER 86 – ZONING, ARTICLE XII. COMPREHENSIVE REGULATIONS ,SEC. 86-353. FENCES.

THE CITY OF CORUNNA, MICHIGAN ORDAINS:

SECTION 1. AMENDMENT TO SECTION 86-353. FENCES, shall be as follows:

Sec. 86-353. Fences.

- (a) Scope; permit. The installation, erection or maintenance of a fence is hereby prohibited except in strict compliance with this chapter. A permit, to be issued by the building inspector, shall be obtained prior to installation or erection of any fence within the corporate limits of the city. Application shall be made upon a form provided by the building department and shall require such information as may be required by the city clerk. All applications for a fence permit shall be accompanied by a filing fee as may be established by city council resolution.
- (b) Calculation of height. The height of *a rear yard fence or of a side yard* ~~the fence~~ shall be computed as the distance from the base of the fence at normal grade to the top of the highest component of the fence. *The height of a front yard fence shall be computed as the distance from the curb or the centerline of the street to the top of the highest component of the fence. The City of Corunna Building Inspector may allow a deviation from these measurement requirements, if failure to allow a deviation would result in practical difficulty or unnecessary hardship due to exceptional topographic or physical conditions with respect to the parcel and compatibility with surrounding lands.*
- (c) *Height and Type* ~~Design~~ requirements.
 - (1) *Single-Family or Two-Family* Residential fences. All *rear or side yard* fences in areas ~~physically occupied~~ *zoned or used for single-family or two-family residential purposes shall be of an ornamental type, and shall not be more than six feet in height above grade level. Any metal or masonry fence shall not be more than four feet in height above grade level. All front yard fences in areas physically occupied for single-family or two-family residential purposes shall not be more than forty two inches (42”) in height, provided that for corner lots, no fence shall be more than thirty inches (30”) in height within twenty five feet (25’) of the intersection of the two right-of-way lines, so as not to interfere with motorist vision across the corner. Front Yard Fences shall be of an ornamental type only. Rear Yard and Side Yard Fences may be of an ornamental, privacy or standard type.*
 - (2) Business, office or commercial fences. All fences in areas zoned or used for business, office or commercial purposes ~~shall be of an ornamental type, and shall not be more than six feet in height above grade level~~ *and shall comply with Planning Commission Site Plan Review requirements. Fences shall be of an ornamental, privacy or standard type.*

- (3) Industrial fences. All fences in areas zoned or used for industrial purposes shall not exceed eight feet in height ~~above grade level~~ **and shall comply with Planning Commission Site Plan Review requirements. Fences shall be of an ornamental, privacy or standard type.**
- (4) **Multiple-Family Fences.** ~~Fences separating single or two family residential property from multiple family residential property.~~ Areas zoned or used for multiple-family residential purposes, with ~~five to 16~~ **three or more** total number of units, which abut single-**family occupied, single-family zoned,** or two-family **occupied** property, shall have erected upon the adjoining property line a fence ~~of an ornamental type,~~ to be six feet in height ~~above grade level~~ **and shall comply with Planning Commission Site Plan Review requirements. Fences shall be of an ornamental, privacy or standard type.**
- (5) Fences for parks, schools, public buildings, etc. The height and type of fences enclosing municipal parks, public and parochial school grounds, public building and church grounds or land used for playgrounds, parks, picnic groves, golf courses, golf driving ranges or similar facilities for outdoor exercise and recreation shall require the approval of the city council after receiving the recommendation of the building department. **Fences shall be of an ornamental, privacy or standard type.**
- (6) **Safety Fences.** ~~Fences for swimming pools and ponds.~~ For the protection of the general public, any swimming pool, reflector pool, fish pond, lily pond or artificially constructed body of water which contains 18 inches or more of water in depth at any point shall be enclosed by a fence not less than four feet in height ~~above grade level~~ **and shall be subject to maximum height requirements for the zoning and/or use district where in constructed.** ~~The~~ All gates shall be of a self-closing and latching type, with the latch on the inside of the gate not readily accessible for children to open. Gates shall be capable of being securely locked ~~when the pool is not in use for extended periods.~~ If the entire premises are enclosed with a fence of not less than four feet in height ~~above grade level,~~ this subsection, **with the exception of gating requirements,** may be waived by the building department. **Front Yard Fences shall be of an ornamental type only. Rear Yard and Side Yard Fences may be of an ornamental, privacy or standard type. Business, Office, Commercial, Industrial & Multiple Family fences shall comply with Planning Commission Site Plan Review requirements.**
- (d) ~~Material specifications~~ **Fence Specifications and types.** Fences shall be constructed of wood, metal or masonry, **vinyl** and other acceptable materials, ~~excluding plastic interwoven weave designs.~~ Only new **appropriate** material shall be used, which has been manufactured or treated in a manner to prevent rust and corrosion, and rot and decay.

(1) All fences *posts* shall be constructed ~~of a minimum of:~~

- a. ~~Two inch iron pipe;~~
- b. ~~Two inch angle iron;~~
- c. ~~Four inch wooden posts; or~~
- d. ~~Four inch reinforced concrete posts;~~

~~or any other member having equal~~ *as to maintain proper stability, safety and strength*. All posts shall be sunk in the soil to a depth of at least three feet.

(2) No person shall erect or cause to be erected a fence which is:

- a. Made with or upon which is fixed barbed wire;
- b. Has any protective spike, nail or sharp pointed object; or
- c. Charged with electric current;

provided, however, that a fence in an industrial area may be erected with barbed wire on arms or brackets extending inward over such property upon application and approval by the ~~City Council~~ *Planning Commission under Site Plan Review requirements*.

(3) *Fences shall be constructed in accordance with the following type requirements:*

- a. *Ornamental Type. Ornamental fences shall be of approved materials, and of a style listed below:*
 - i. *Wooden or vinyl Post and Rail*
 - ii. *Wooden or vinyl Split Rail*
 - iii. *Wooden or vinyl picket*
 - iv. *Ornamental wrought iron or aluminum*
 - v. *Other styles of ornamental fences not listed above must be approved by the City Building Inspector prior to any placement.*

Visibility: Ornamental Type Fences shall be of such material and construction so as not to impair visibility in any direction. The Building Inspector and or the Chief of Police shall have the authority to determine compliance with this section and may request removal or changes in any fence erected under the above requirements to meet public safety.

- b. *Privacy Type. A completely obscuring fence or sight proof barrier constructed of brick, stone, masonry units or wood products that are determined by the building inspector to be durable and weather resistant.*
- c. *Standard Type. A chain link and/or cyclone style fence or other style as approved by the City Building Inspector prior to any placement.*

(e) Location *and Special Requirements*.

- (1) All fences must be located entirely on the private property of the person constructing the fence; provided that, if the adjoining property owner consents in writing to the construction of a fence on this property line, it may be so constructed. Such written consent shall be filed with the application for a permit.
 - ~~(2) No fence shall be erected between the front building line and the front property of the premises.~~
 - (2) ***Gates: Gates in fences shall not open over public property or over private property owned by other persons.***
 - (3) ***Visibility at intersections of driveways or alleys with streets. No fence, wall or screen, whether structural or botanical, may obstruct vision within twenty five feet (25') in any direction of the intersection of the edge of a driveway or alley with street right-of-way line.***
 - (4) ***Sidewalks and right-of-ways: No fence shall be located nearer than (24") to the inside line of any sidewalk or street/alley right-of-ways.***
- (f) Maintenance of nuisance. Fences must be maintained in a neat and safe condition, so as not to endanger life or property. Any fence which, through lack of repair, type of construction or otherwise, endangers life or property is hereby deemed a nuisance. The building department shall notify the owner, agent or person in control of the property on which such fence is located of the existence of such nuisance and specify the required repairs or modifications to be made to render the fence safe, or require the unsafe fence or any portion thereof to be removed, and shall provide a time limit for such repairs, modification or removal.
- (g) Existing fences.
- (1) Fences presently in existence shall not be enlarged, rebuilt or reconstructed without first having obtained a permit ~~therefore~~ from the building department. Such fences, when repaired or replaced, shall conform with all provisions of this chapter.
 - (2) Any newly rezoned property ***or changes in use*** shall comply with all fence requirements ~~for the newly zoned district.~~
 - ~~(3) Areas zoned or used for multiple family residential purposes, with 17 or more total number of units, shall comply with all applicable regulations upon a change in the nature of the property rights in the individual units, such as a change of rental apartments to condominiums, cooperatives or townhouses, or a change to rentals or condominiums, or any similar type of change.~~
 - (3) ***Existing fences may be ordered removed or altered if it deemed by the Chief of Police or Building Inspector to impede visibility.***

SECTION 2. Severability.

This Ordinance and the several sections, sub-sections, paragraphs, clauses and parts thereof are hereby declared to be severable. If any part or clause thereof is declared or adjudged invalid by present or future legislation or decree, the balance of the Ordinance shall not be affected thereby.

SECTION 3. Conflicting Ordinances Repealed.

All Ordinances previously adopted and incorporated in the Code of the City of Corunna, Michigan, through codification procedures, or any existing Ordinances that are inconsistent with the provision of this Ordinance are hereby repealed, and in the case of inconsistencies, to the extent of such inconsistency, are hereby repealed.

SECTION 4. Copies Available.

This Ordinance may be purchased or inspected in the City Clerk's Offices, Monday through Friday, between the hours of 9:00 a.m. and 4:30 p.m.

SECTION 5. Effective Date.

This Ordinance shall take effect pursuant to the Corunna City Charter, immediately upon publication hereof.

DATE OF PASSAGE: 11-18-02
DATE OF PUBLICATION: 11-24-02
EFFECTIVE DATE: 11-24-02

CITY OF CORUNNA

BY: _____
Steve Corey
ITS: MAYOR

BY: _____
Yvonne F. Long
ITS: CLERK

STATE OF MICHIGAN }
 }ss.

COUNTY OF SHIAWASSEE }

I, Yvonne F. Long, being Clerk of the City of Corunna, do hereby certify that the foregoing is a true and accurate copy of the City of Corunna **ORDINANCE NO. 02-13 passed on the 18th day of November, A.D., 2002.** Further, I certify that I caused the same to be published in a local newspaper within 12 days after adoption by the Corunna City Council, Corunna, Michigan.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 18th day of November, A.D., 2002.

Yvonne F. Long
Corunna City Clerk