

city of fraser

ARTICLE I. IN GENERAL

fence ordinance

Sec. 9-1. Definitions.

The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them:

Fence means a hedge, structure or partition erected for the purpose of separating, screening, enclosing or protecting property but does not include a landscape treatment.

Fence review committee means a committee comprised of the city manager, public works director, public safety director and building director or their designate(s), which shall consider requests for non-sight obscuring fences and landscape treatments under sections 9-3(c) and 9-5.5.

Front building line means a line formed by extending the line formed by the building setback line to the side lot lines.

Landscape treatment shall mean a non-sight obscuring decorative wooden or metal structure used to enhance, accent or protect the landscaping of a single-family residential property and/or to protect the property from casual trespass.

Non-sight obscuring fence means a non-opaque fence that can be seen through by persons outside its confines and which does not act as a privacy screen.

Privacy screen means an obscuring fence intended to block the line of sight into a premises.

(Ord. No. 134, § 1, 1-22-76; Ord. No. 212, § 1, 11-10-88)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 9-2. Construction.

(a) *Residential fences.* All fences in residential areas shall be of an ornamental type and shall not be more than six (6) feet, nor less than three (3) feet in height above the established grade level of the land where the fence is erected, except as provided in section 9-3(c).

(b) *Industrial or commercial fences.* All fences in areas zoned or used for nonresidential purposes shall not be less than six (6) feet, nor more than eight (8) feet in height above the established grade level of the land where the fence is erected. Lands zoned or used for nonresidential purposes, which abut residential lands, shall be fenced with a decorative masonry obscuring wall facing the residential land.

(c) *Material specifications.* Fences shall be constructed of wood, metal or masonry, and other acceptable materials, excluding plastic interwoven weave designs. Only new material, or material which is as structurally sound as new material shall be used.

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

- a. Two (2) inch iron pipe; or
- b. Two (2) inch angle iron; or
- c. Four (4) inch wooden posts; or
- d. Four (4) inch reinforced concrete posts;

or any other member having equal stability. All posts shall be sunk in the soil to a depth

of at least three (3) feet.

(2) All material fastened on fences shall be woven wire, boards, metal or other accepted materials and shall be placed in a secure manner.

(3) 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 projective spike, nail or other sharp or pointed object;
- c. Charged with electric current;

provided, however, that a fence in a nonresidential area may be erected with barbed wire or arms or brackets extending inward over such property upon application and approval by the zoning board of appeals.

(Ord. No. 134, § 3, 1-22-76; Ord. No. 212, § 2, 11-10-88)

Sec. 9-3. Location.

(a) *Residential fences.* Except as otherwise provided herein, all fences in residential areas shall be located on the lot line of the property. Posts of all fences shall be placed on the side of the lot line for the premises having the higher address number, and the junction of the posts and facing material shall be on the lot line.

(b) *Setback limitation.* No fence shall be erected between the front building line and the front property line of any premises; provided, however, such a fence may be erected on premises where there exists in the immediate area such fences, and upon a determination by the zoning board of appeals that the erection would not be deleterious to the health, safety or welfare of the citizens of the city. No fence shall be erected parallel to any other fence unless they are separated by a minimum of three (3) feet.

(c) *Side yard fences on residential corner lots.* Upon approval by the fence review committee, a non-sight obscuring fence not more than four (4) feet in height may be erected parallel to the side street lot line of a corner lot provided it is located at least one (1) foot inside the side street lot line and does not extend beyond the front building line into the front yard, except as provided in section 9-5.5.

(Ord. No. 134, § 4, 1-22-76; Ord. No. 212, § 3, 11-10-88)

Sec. 9-4. Hedges.

A shrubbery hedge may be planted in lieu of a fence, if the height and location requirements are complied with by the owner. All shrubs planted shall be on the side of the lot line of the person planting them.

(Ord. No. 134, § 5, 1-22-76)

Sec. 9-5. Privacy screens.

(a) All fences used for the purpose of privacy screens shall be located not less than three (3) feet from the lot line, provided it may be on the property line if it is the only fence, and shall extend no closer than three (3) feet to any residence, nor six (6) feet from the established grade of the premises and shall not extend beyond the front building line.

(b) On corner lots, no privacy screen shall be permitted to be located in the side yard abutting

a side street. Non-sight obscuring fences approved by the fence review committee in accordance with section 9-3(c) may be permitted to be located in the side yard abutting a side street.

(Ord. No. 134, § 7, 1-22-76; Ord. No. 212, § 4, 11-10-88)

Sec. 9-5.5. Landscape treatments.

Landscape treatments may be located in a required front yard or in a side yard abutting a side street upon approval by the fence review committee provided such landscape treatment is between two and one-half (2 1/2) feet and four (4) feet in height, is aesthetically compatible with the premises and adjoining properties and does not create a safety hazard to pedestrians, bicyclists and others in the area of such landscape treatment.

(Ord. No. 212, § 5, 11-10-88).

Sec. 9-6. Maintenance.

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

(Ord. No. 134, § 8, 1-22-76)

Sec. 9-7. Contractors.

Contractors installing fences must be licensed by the state pursuant to 383PA 1965 [MCL 338.1501 et seq., MSA 18.86(101) et seq.], as amended.

(Ord. No. 134, § 9, 1-22-76)

Sec. 9-8. Responsibilities.

(a) *Payment of costs.* The city shall not be responsible for the enforcement of any agreements relative to the mutual or separate payments of the cost of construction, maintenance or repair of fences.

(b) *Determination of location.* The city shall not be responsible for the determination of the location of any fence to be erected on a lot line.

(Ord. No. 134, § 6, 1-22-76)

Sec. 9-9. Fence review committee.

(a) A fence review committee is hereby created comprised of the city manager, public works director, public safety director and building director or their designate(s) to review requests for side yard fences on residential corner lots and landscape treatments located in front yard and side yard areas abutting side streets.

(b) A quorum of the fence review committee is three (3) members. The unanimous affirmative vote of all members of the fence review committee present at a meeting shall be required to approve a request made under section 9-3(c) or 9-5.5.

(Ord. No. 212, § 6, 11-10-88)

Secs. 9-10--9-25. Reserved.