

**STATE OF MICHIGAN
COUNTY OF WAYNE
CITY OF ALLEN PARK**

ORDINANCE #01-2017

AN ORDINANCE OF THE CITY OF ALLEN PARK CODE OF ORDINANCES; REPEALING AND READOPTING SECTION 10-30 “FENCES”, OF CHAPTER 10, “BUILDINGS AND BUILDING REGULATIONS”, AND REPEALING SECTIONS 52-165 “FENCES” AND 52-902 “FENCES” OF CHAPTER 52 “ZONING”; TO UPDATE AND CLARIFY THE FENCE PROVISIONS IN THE CITY .

The City of Allen Park Ordains:

SECTION 1. Amendment to Code.

That Sections 10-30, 52-165, and 52-902 all entitled “Fences”, are hereby repealed and Section 10-30 is readopted to hereafter read as follows:

Chapter 10, Buildings and Building Regulations
Article II, State Construction Code
Division 1, Generally

Sec. 10-30. - Fences.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Boundary fence means any structure or partition constructed or erected parallel to and on or within three feet of any lot line. Fencing installed between a property line and a structure shall meet the requirements of a boundary fence.

Decorative fence means any structure, partition or chain dividing a piece of land, other than a boundary fence, into distinct portions or into two or more separate contiguous parcels of land, regardless of the size of the resulting parcels. A decorative fence shall include any fence, structure, partition or other similar screening device, that is more than 12 inches in height, but less than 31 inches in height.

- (b) *Permit required.* Prior to the construction of any fence, an application for a permit to construct the fence shall be filed with the building department. No fence shall be constructed without first obtaining this permit.
- (c) *Plan required.* A plan showing the location and dimensions of the proposed fence, and a statement of type of fence, its material and height shall be submitted with the permit application. Boundary fences shall also include a mortgage survey or, at the building

inspector's request, a recent survey signed and sealed by a registered land surveyor, showing the proposed fence location and the location and dimensions of the property.

(d) *Permit fee.* The fee for the permit shall be established by council resolution.

(e) *Construction requirements.* Boundary Fence:

- (1) All fence posts shall be set at least 42 inches below grade and all post holes shall be inspected prior to setting the post;
- (2) The fence shall be erected one inch off the lot line, unless the fence abuts a city sidewalk, at which location the fence shall be at least 12 inches from the edge of the sidewalk. Any fence erected alongside of an existing fence shall be placed at least six inches from the existing fence and shall not be attached to the existing fence;
- (3) All bracing for the fence, including cross bars and nailer strips, shall be on the installer's side of the fence;
- (4) When installed alongside of an existing fence, all sections of privacy fence between the posts shall be removable for maintenance. This provision shall not apply if a plastic, metal or similar type fencing material is used;
- (5) All fences shall comply with all other state construction code requirements; and
- (6) All fences shall have a final inspection by the building inspector and any deficiency noted shall be corrected immediately.

(f) *Fencing material.*

- (1) Fences shall not be brick, masonry, concrete or similar material unless the fence is along a commercial alley, expressway, open drainage ditch, railroad or parking facility.
- (2) Fences in nonindustrially zoned properties shall not contain or be constructed with any barbed wire, razor tape or similar type material.
- (3) Fences shall not be constructed of cloth, plastic sheeting, roofing panels or other similar material. Any question concerning a noncustomary fencing material shall be resolved by the building inspector.
- (4) Fences shall not be electrified.

(g) *Boundary fences.* Boundary fences shall only be installed and erected as follows:

- (1) Shall not be installed in the front yard, unless along a commercial alley, in which case the fence may be installed along the alley line toward the front sidewalk.
- (2) Shall not exceed four feet in height, including posts, other supporting structures, decoration or ornaments. A height of six feet shall be permitted along the rear lot line and along the side yard lines up to the rear of the principal building on the lot. Continuation of the six-foot height into the side or front yards shall be allowed only if:
 - a. The lot is adjacent to a commercial alley, in which case the fence shall be reduced to four feet at the front line of the house and then reduced to two feet within six feet of the front sidewalk; or
 - b. The property is a corner lot, in which case the fence may be permitted to be extended along the side yard line two feet beyond any side door adjacent to the street.
- (3) A gate of the same permitted height as the fence may be installed along any of the fence lines.

(h) *Decorative fences.* Decorative fence shall be allowed only if installed as follows:

- (1) Not on or within three feet of any property line;
- (2) Not closer than three feet to any driveway of an abutting property owner;
- (3) If installed in the front yard, the fence shall not be constructed or installed parallel to the city sidewalk for a distance of more than four feet and shall not be installed closer than three feet from the edge of the sidewalk;
- (4) Shall not exceed a height of 30 inches;
- (5) Shall not be constructed of brick, masonry, concrete or similar material;
- (6) If installed in the front yard, the fence shall not be constructed of material which results in a solid-type fence; and
- (7) Shall not enclose any area and shall not have any gate.

- (i) *Maintenance and repair.* The owner of the fence shall maintain the fence in good condition. Maintenance shall include the paint or finish of the fence and maintaining the space between any fence in a neat and weed-free condition. Any

privacy fence not properly maintained may be ordered removed at the owner's expense by the building inspector. Any section of the fence that is repaired, replaced or repainted shall be done so that it is of the same color and design as the remaining segments of the fence.

SECTION 2. Repeal. All ordinance or parts of ordinances in conflict herewith are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. Saving Clause.

Nothing in this Ordinance or in the code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquiring or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 4. Severability.

Should any word, sentence, phrase or any portion of this Ordinance be held in a manner invalid by any court of competent jurisdiction or by any state agency having authority to do so for any reason whatsoever, such holdings shall be construed and limited to such work, sentence, phrase, or any portion of the Ordinance held to be so invalid shall not be construed as affecting the validity of any of the remaining words, sentences, phrases or portions of this Ordinance.

SECTION 5. Publication.

The Clerk for the City of Allen Park shall cause this ordinance to be published in the manner required by law.

SECTION 6. Adoption.

This Ordinance is hereby declared to have been adopted by the City Council of the City of Allen Park, County of Wayne, State of Michigan, at a regular meeting, called and held on the 28th day of March, 2017.

WILLIAM MATAKAS, Mayor
City of Allen Park

MICHAEL I. MIZZI, City Clerk
City of Allen Park