

**CITY OF CLAWSON
OAKLAND COUNTY, MICHIGAN
ORDINANCE NO. 750**

**AN ORDINANCE TO AMEND THE CITY OF CLAWSON CODE OF ORDINANCES CHAPTER 34,
ARTICLE X, DIVISION 19, SECTION 34-1037 TO UPDATE FENCE REGULATIONS.**

NOW THEREFORE, THE CITY OF CLAWSON ORDAINS:

PART 1. Amend Chapter 34, Article X, Division 19. Amend Section 34-1037 to read as follows:

ARTICLE X, DIVISION 19. – General Supplemental Regulations

Sec. 34-1037. - Fence, wall and privacy fence regulations in the R-1 and R-2 districts.

Fences, walls and privacy screens are permitted in the R-1 and R-2 districts, subject to the following:

- (1) Permits. The erection, construction or alteration of any fence, wall or privacy screen shall be meet the requirements of all municipal codes and shall require a building permit. In order to obtain a permit, the applicant shall file with the Building Department a complete signed and dated fence application containing a plan with all the following information:
 - a. Proposed location of fence
 - b. Type of fence
 - c. Fence materials and colors
 - d. An elevation showing the design, including fence height and depth of footings
- (2) Placement and Height. The following placement standards shall apply to all residential fences and walls:
 - a. Fences and walls shall not be placed in a front yard, except as otherwise permitted by this ordinance.
 - b. A privacy fence up to six feet high may be erected in the rear yard of any residential property.
 - c. On an interior lot, fences and walls shall not extend further toward the front lot line than the front building line. Privacy fences in interior side yards may have a height of up to six feet.
 - d. Chain link fences may not exceed a height of four feet and shall not extend toward the front of the lot farther than the front building line.
 - e. On corner lots where the rear yard abuts another rear yard, privacy fences in the exterior side yard may have a maximum height of 6 feet, and shall be constructed a minimum of six inches from the edge of the public sidewalk.
 - f. Where the exterior side yard of a corner lot shares a common street line with a front yard in the same block, a privacy fence in the exterior side yard may have a maximum height of six feet, and shall be constructed a minimum of six inches from the edge of the public sidewalk. The exterior side yard fence shall not extend toward the front of the lot farther than the front setback line.
 - g. Fences which are a part of a deck structure shall not exceed four feet in height above the surface of the deck.
 - h. Open fences less than 30 inches in height that serve an architectural or decorative landscaping function and that neither enclose nor obscure property may be placed in any yard. Chain link shall not be permitted.
- (3) Materials. All fences shall be constructed of durable materials, such as painted or stained wood, vinyl, or chain link. Chain link fences shall not include woven or otherwise appended screening materials.
- (4) Construction and Maintenance.
 - a. All fences in residential districts must be of sound construction with adequate supports and footings (typical spacing is from eight to ten feet and posts are generally set in concrete). The fence shall be installed plumb and maintained as not to become unsightly. Wooden and vinyl fences shall be freestanding and not attached to other fences or the former support posts of other fences, such as chain link fences.
 - b. Damaged or deteriorated fences, including fences with peeling paint, shall be repaired or removed within 30 days of damage or notice of nuisance from the building department.
 - c. A fence may be installed by the owner any residential lot in the city at the sole expense of the owner desiring to construct the fence. Such partition fences shall at all times be maintained in a neat, substantial and safe condition at the sole expense of the owner constructing such fence, or upon such other basis as may be mutually agreed upon with the adjoining property owner.

- (5) Institutional Fences in the R-1 and R-2 districts. Fences which enclose public or institutional playgrounds shall not exceed six feet in height above grade, and shall not obstruct vision to an extent greater than 25 percent of their total areas.
- (6) Appearance. All fences shall be constructed such that the finished side of the fence faces outward from the property on which the fence is erected.
- (7) Security Materials. Fences shall not contain barbed wire, razor wire, electric current or charge of electricity.
- (8) Clear Vision Area. A clear vision area shall be established where any driveway meets a public sidewalk. The clear vision area shall be a triangle formed by measuring a distance of 15 feet along the outermost edges of both the sidewalk and driveway from their point of intersection. Within the clear vision area, no fence, wall, shrubbery, sign or other obstruction to vision above a height of thirty (30) inches from grade at its base shall be permitted.
- (9) Gates. Any fence or wall which is equipped with a gate shall maintain the gate in an operable condition, and shall keep the gate securely closed at all times when not in actual use.

PART 2. SAVINGS CLAUSE.

The amendments referenced herein do not affect or impair any act done, offense committed, or right accruing or acquired, or liability, penalty or forfeiture or punishment pending or incurred prior to the effective date of this amendment.

PART 3. SEVERABILITY.

This Ordinance and its various parts, sentences, paragraph, sections, clauses and rules promulgated hereunder are hereby declared to be severable. If any part, sentence, paragraph, section, clause, or rule promulgated hereunder is adjudged to be unconstitutional or invalid for any reason, such holdings shall not affect the remaining portions of this Ordinance.

PART 4. REPEALER.

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

PART 5. EFFECTIVE DATE; PUBLICATION.

This Ordinance shall become effective after publication of a brief notice in the newspaper circulated in the City, stating the date of the enactment and the effective date of the Ordinance, and that a copy of the Ordinance is available for public use and inspection at the office of the City Clerk, and such other facts as the City Clerk shall deem pertinent.

STATE OF MICHIGAN)
)
 COUNTY OF OAKLAND)

I, the undersigned, the duly qualified and active City Clerk of the City of Clawson, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of an ordinance made, passed, and adopted by the Council of said City at a regular meeting via video and phone conference on December 1, 2020 at 7:30 p.m., further this Ordinance was duly published in the Daily Tribune, December 3, 2020 edition of the Daily Tribune, a newspaper of general circulation in the City of Clawson.



 Reese Scripture, Mayor
 Dated:



 G. Machele Kukuk, Interim City Clerk
 Dated: