

ORDINANCE NO. 532

**AN ORDINANCE TO AMEND APPENDIX B (ZONING ORDINANCE) OF
THE CODE OF ORDINANCES OF THE CITY OF BELDING.**

THE CITY OF BELDING ORDAINS:

**SECTION 1. AMENDMENT OF CHAPTER 2 – GENERAL PROVISIONS, SECTION
2.3 – FENCES**

Section 2.3 of Appendix B of the City of Belding Code or Ordinances (“City Code”) will read in its entirety as follows:

- A. Fences in Residential Districts shall not exceed six (6) feet in height, measured from the surface to the uppermost portion of the fence.
- B. Fences erected within the front yard or the principal front yard in any district shall not exceed three (3) feet in height. Fences up to six (6) feet in height may be located in the secondary front yard, however they shall not be located within the secondary front yard setback. Fences within the front yard or the principal front yard shall be of a type which is not more than twenty-five (25) percent solid, so as not to obscure vision at the right-of-way or property line of the lot or parcel on which it is placed. Where adjacent residential properties are found to have a deviation in building lines, a fence that is not parallel to the building line but is located in the front yard of one (1) property and in the side yard of the adjacent property may be built in excess three (3) feet in height but not greater than six (6) feet in height and may be of a type greater than twenty-five (25) percent solid with the approval by the following party:
 - 1. Zoning Administrator, when such fence in excess of three (3) feet in height runs a distance of ten (10) linear feet or less when located in a front yard.
 - 2. Planning Commission, when such fence in excess of three (3) feet in height runs a distance greater than ten (10) linear feet when located in the front yard.
- C. Fences in Residential Districts or enclosing residential uses shall not contain barbed wire or be electrified.
- D. Fences in Business, Industrial and Parking Districts which enclose storage lots or other areas requiring security may contain barbed wire, provided that the barbed portion of the fence shall not be nearer than six (6) feet from the surface of the ground. The total height of fences in any non-residential district shall not exceed eight (8) feet.
- E. Fences shall not be erected within any public right-of-way in any district.

- F. Fences shall not be erected or maintained in any district in such a way as to obstruct the vision of vehicle drivers within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two (2) points located on those intersecting right-of-way lines twenty-five (25) feet from the point of intersection.
- G. Fences shall not be erected within two (2) feet from a sidewalk, where the sidewalk is within the public right-of-way.
- H. Fences constructed of wood or other material having one (1) side designed and considered the decorative side shall be erected with that side facing the adjoining street or abutting property owner's premises. All fences located along a property line shall have exposed posts and/or bracing of the fence located so as to face the interior of the property. [Amended 8/5/08]

SECTION 2. **Severability.**

The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

SECTION 3. **Repeal.**

All ordinances and resolutions and parts thereof, insofar as the same conflict with the provisions of this Ordinance, are hereby repealed.

SECTION 5. **Effective Date and Publication.**

This Ordinance shall become effective seven (7) days after publication. This Ordinance or a summary thereof shall be published in the *Greenville Daily News*, a newspaper of general circulation in the City of Belding.

ORDINANCE ADOPTED ON FEBRUARY 19, 2013.

Ronald Gunderson
Mayor

Kareen Thomas
City Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance which was first introduced at a meeting on February 5, 2013, 2013 and duly adopted by the City Council of the City of Belding, County of Ionia, State of Michigan, at a meeting held on February 19, 2013, the original of which is on file in my office and available to the public. Public notice of said meeting was given pursuant to and in compliance with the Open Meetings Act, Act No. 267 of the Michigan Public Acts of 1976, including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for said meeting.

I hereby certify that the following Council Members were present at said meeting: Feuerstein, Scheid, Belding, Jones and Gunderson and that the following Council Members were absent: None.

I hereby certify that Council Member Belding moved for adoption of this Ordinance, and that said motion was supported by Council Member Scheid.

I further certify that the vote for adoption of said Ordinance was as follows:

YEAS: Council Members Feuerstein, Scheid, Belding, Jones and Gunderson.

NAYS: None.

I further certify that this Ordinance has been recorded in the Ordinance book and that such recording has been authenticated by the Mayor and City Clerk.

Dated: February 19, 2013

Kareen Thomas
City Clerk