

**TOWNSHIP OF HOLLY
CODE OF ORDINANCE AMENDMENT
CHAPTER 32 ZONING, ARTICLE IV SUPPLEMENTARY REGULATIONS,
SECTION 138 FENCES**

AN ORDINANCE TO AMEND THE HOLLY TOWNSHIP CODE OF ORDINANCES BY AMENDING CHAPTER 32 ZONING, ARTICLE IV SUPPLEMENTARY REGULATIONS, SECTION 138 FENCES, WALLS AND SCREENS.

THE TOWNSHIP OF HOLLY ORDAINS:

SECTION I: DEFINITIONS

- (1) **Fence. Any artificial permanent fence, wall, (except a retaining wall), screen, partition or similar structure existing on a yard, which either encloses or divides land into distinct areas, separates contiguous properties, obstructs the passage of light and air into adjacent land, or obstructs the vision of motorists or pedestrians on or near public roads.**

SECTION II: REQUIREMENTS.

It shall be unlawful for any persons to construct or cause to have constructed any fence upon any property within the township, except in accordance with the requirements and restrictions herein provided

SECTION III: PERMIT.

Any person desiring to build or cause to be built a fence upon property within the township shall first apply to the building department for a permit to do so. Application for such permit shall contain any and all information, including drawings, required and necessary for the determination of whether the erection of such fence would be contrary to the provisions of this chapter or the laws of the State of Michigan.

SECTION IV: PERMIT FEES.

Fee for the permit shall be established by resolution of the township board as amended from time to time.

SECTION V: AMENDMENTS TO SECTION 32-138 FENCES, WALLS AND SCREENS.

Except as otherwise required by this chapter, the following regulations shall apply:

- (1) Within the limits of the front yard space of a lot within a residential district, no fence, wall, or other screening structure shall exceed three feet in height **or shall not exceed four foot in height providing the fence, wall, or other structure is of an open air type and shall permit visibility through at least 80 percent of its area.** No such fence or wall located within a side or rear yard shall exceed six feet in height. **Fences between two properties should be located on the property line and the fence owner is responsible for maintaining the fence.**
 - (2) In a commercial, industrial, or office district, no fence, wall, or other screening structure shall exceed 12 feet in height.
- Temporary construction fences and fences required for protection around excavations shall not be maintained for a period greater than a year without special approval of the zoning board of appeals.**
- (3) The use of barbed wire, spikes, nails, or any other sharp point or instrument of any kind on top or on the sides of any fence, electric current, or charge in such fences is prohibited except in conjunction with

agricultural operations. Barbed wire cradles may be placed on top of fences enclosing public utility buildings or wherever deemed necessary in the interests of public safety.

(4) On lakefront lots, fences which are located between the rear of the main building and the lake shoreline shall be of an open air type, permitting visibility through at least 80 percent of its area. **Fences shall be a Maximum of four (4) feet in height.**

(5) Retaining walls shall be designed and constructed in accordance with applicable building code requirements.

(6) On any corner lot in any district having front and side yards, no fence, wall, screen, hedge, sign, or other structure or planting shall obstruct the visibility of street vehicular traffic between the heights of three feet and ten feet in an area measuring 30 feet from the point of intersection of the street right-of-way lines and the tangent connecting the 30-foot extremities of the intersecting right-of-way lines.

(7) Fences on residentially zoned parcels of record shall be a maximum of six (6) feet in height measured from the surrounding grade at every point along the fence line. Fences having one finished side and shall have the exposed fence posts facing inward with the finished side of the fence facing outward unless otherwise approved by the Building Inspector. There shall not be more than two (2) inches separating the bottom of the face board and the surface of the ground.

Wooden Fences having one finished side shall have the exposed fence posts facing inward with the finished side of the fence facing outward unless otherwise approved by the Building Inspector.

SECTION VI: MAINTENANCE OF NUISANCES.

All fences shall be maintained in a good condition, in an upright position and shall not constitute an unreasonable hazard. Fences shall be maintained 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. If an unsafe condition exists in regard to a fence, the building inspector shall serve on the owner, agent or person in control of the property upon which such fence is located, a written notice describing the unsafe condition and specifying the required repairs or modifications to be made to render the fence safe or requiring the unsafe fence or any portion thereof to be removed, and shall provide a time limit for such repair, modification or removal.

SECTION VII: POWER OF THE BOARD OF APPEALS.

Upon appeal in writing by any person directly or indirectly affected hereby, the zoning board of appeals of the Township of Holly may, after a hearing in accordance with the established procedure of the Board, in its sound discretion and in the interests of the public health, safety or welfare of the inhabitants of the community, reduce or remit the requirements of this chapter in individual cases.

SECTION VIII: REGULATIONS BY THE PLANNING COMMISSION.

The Zoning Administrator may make such other rules and regulations, not in conflict herewith nor inconsistent with public safety, as may be necessary to effectuate the purposes of this chapter.

SECTION VIII: INVALIDITY.

If any word, clause, sentence, paragraph, or section of this Ordinance is held to be unconstitutional, illegal or otherwise unenforceable, such decision shall not affect the validity of the remaining portions of the Ordinance.

SECTION VV: EFFECTIVE DATE.

This Ordinance shall become effective seven (7) days after publication as prescribed by law.

SECTION VVI: REPEALING CLAUSE.

All other ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

SECTION VVII: ADOPTION.

At a regular meeting of the Township Board of the Township of Holly held on April 20, 2011 adoption of the foregoing ordinance was moved by and supported by

Ayes: 5

Nays: 0

Absent: 0

CERTIFICATION

I, duly elected clerk of the Township of Holly, County of Oakland, and State of Michigan, do hereby certify that the foregoing is a true copy of the Holly Township Ordinance Chapter 10, Section 32, Section 138 Fences, adopted by the Township Board of Trustees of the Township of Holly at the regular meeting held on the 20th day of April, 2011 at which a quorum was present.

Karin S. Winchester, CMC
Clerk, Holly Township
Oakland County, Michigan

Jesse Lambert
Supervisor, Township of Holly
Oakland County, Michigan