

**CITY OF SWARTZ CREEK
ORDINANCE NO. 422**

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF SWARTZ CREEK TO BRING SAID ORDINANCE INTO COMPLIANCE WITH THE MICHIGAN ZONING ENABLING ACT, ACT 110 OF THE PUBLIC ACTS OF 2006, AS AMENDED; TO AMEND THE REGULATIONS REGARDING FENCES AND HEDGES.

THE CITY OF SWARTZ CREEK ORDAINS:

Section 1. Repeal of Section 4 of Ordinance 400, Fences & Hedges, City Code of Ordinances and replace it with Section 20.10, Fences.

Section 20.10 of the City of Swartz Creek Zoning Ordinance is hereby to read as follows:

Section 20.10. FENCES AND HEDGES.

- (A) A fence is defined as any partition, structure or gate that is erected as a dividing marker, barrier or enclosure (excluding hedges as defined below).
- (B) A hedge is defined as any bush, shrub or any living green screen of any nature that serves as a dividing marker, barrier or enclosure.
- (C) Regulations applicable to R-1, R-2, R-3, R-4, RM-1, PMSHDD, PUD, O-1, CBD, NBD, and GBD.
 - 1. A fence shall not exceed six (6) feet in height in the rear or side lot of any parcel;
 - 2. Front yard fences or hedges must be less than fifty percent (50%) solid, impervious, or of an obscuring nature above a height of 30" above the curb or centerline of the street, and not exceed four (4) feet in total height. Front yard fences may not be constructed of chain link fence unless such fence is coated or sealed to prevent rusting, such as vinyl coated fencing;
 - 3. Fences and hedges in front yards that function as exterior side yards must follow front yard height restrictions unless the fence or hedge is installed or planted in the following manner:
 - a) The fence is at least 25 feet back from the intersection of the front yard and side yard right-of-way lines, and
 - b) The fence is at least 20 feet back from the intersection of any driveway or alley with that of a street, and
 - c) The fence is at least 10 feet back from the intersection of any driveway or alley with that of a sidewalk.
 - 4. No fence or hedge shall extend across property lines;
 - 5. The finished side of any fence shall face away from the property on which the fence is located;
 - 6. No portion of any fence shall be constructed with or contain barbed wire, electric current or charge of electricity, glass, spikes or other sharp protruding objects;

7. Fences must be maintained so as not to endanger life or property. Any fence which, through lack of maintenance or type of construction which will obstruct vision so to create a hazard to vehicular traffic or pedestrians upon the public streets and/or sidewalks shall be deemed a nuisance.
8. Fences shall not be constructed, in whole or in part, with any of the following materials:
 - a) Junk or other debris
 - b) Scrap building materials or metals
 - c) Organic materials known to be poisonous or hazardous to human or animal life
 - d) Materials which may be deemed unsafe to person or property by the Zoning Administrator or Building Official.
9. No hedge shall be constructed with noxious weeds or grasses, as defined by PA 359 of 1941, being MCL 247.62.

(D) Regulations applicable to industrial districts.

1. Fences, walls and screens are permitted in the required front, side and rear lots provided they do not exceed six (6) feet in the front yard and eight (8) feet in the side and rear lots. To preserve open space and aesthetic character in the front yard, fences higher than four (4) feet must be setback two (2) feet for each additional foot above four (4) feet and all front yard fences must be black vinyl chain link or decorative in nature.
2. In the I-2 zoning district, barbed wire strands are permitted on fences six (6) feet or higher on industrial parcels with the barbed wire tilted in toward the fenced parcel.
3. On any corner lot, no fence, wall or screen, whether structural or botanical, shall be more than thirty (30) inches above the curb or the centerline of the street pavement within twenty-five (25) feet of the intersection of the two (2) right-of-way lines, so as to interfere with motorists' vision across the corner.

(E) The Zoning Administrator or Building Official may require removal, reconstruction, or repair of any fence or wall which, in their judgment is dilapidated, unsafe, or a threat to the health, safety and welfare of the residents of the City of Swartz Creek.

(F) A permit shall be required for new fence construction, with a fee to be prescribed by resolution of the council.

Section 2. Repeal of Inconsistent ordinances.

Section 4 of Ordinances No. 400 and any other ordinances of the City of Swartz Creek which are in conflict with the provisions of this ordinance are hereby repealed.

Section 3. Penalties; Sanctions.

Any person who violates any provision of this Ordinance is subject to the penalties and sanctions provided for in Article 32 of the Zoning Ordinance.

Section 4. Effective Date.

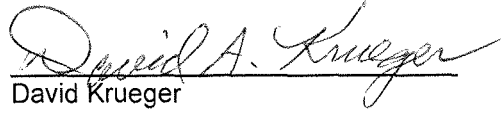
This ordinance shall be effective 20 days after publication.

At a regular meeting of the City Council of the City of Swartz Creek held on October 12, 2015, adoption of the foregoing ordinance was moved by Councilmember Gilbert and supported by Councilmember Porath.

Voting for: Krueger, Pinkston, Porath, Abrams, Gilbert, Hicks.

Voting against: None.

The Mayor declared the ordinance adopted.


David Krueger
Mayor

CERTIFICATION

The foregoing is a true copy of Ordinance No. 422 which was enacted by the City Council of the City of Swartz Creek at a regular meeting held on October 12, 2015.


Juanita Aguilar, City Clerk

