

ORDINANCE NO. 05-23**CITY OF HAZEL PARK
OAKLAND COUNTY, MICHIGAN**

AN ORDINANCE TO AMEND THE HAZEL PARK MUNICIPAL CODE, TITLE 15, BUILDINGS AND CONSTRUCTION, BY AMENDING CHAPTER 15.12 – FENCES, TO PROVIDE FOR THE PLACEMENT, CONSTRUCTION, AND MAINTENANCE OF FENCING AND SCREEN WALLS, AND TO PROVIDE PENALTIES FOR VIOLATIONS THEREOF.

THE CITY OF HAZEL PARK ORDAINS:**PART I. AMENDMENT.**

The Hazel Park Municipal Code, Title 15 – Buildings and Construction, Chapter 15.12 – Fences, Sections 15.12.010 through 15.12.050, to read as follows:

15.12.010 – Definitions.

The following definitions pertain to this Chapter:

1. “City” means the City of Hazel Park.
2. “Construction site barrier” means a temporary chain-link fence between six (6) and eight (8) feet in height to protect a construction site from vandalism and/or unauthorized entry.
3. “Fence” means a structure of any height that serves or is intended to serve as a boundary marker or as a means of restricting access to or from a lot or parcel of land, whether enclosing all or part of such lot or parcel.
4. “Fence owner” means any person or entity who owns and/or is a tenant of the property upon which a fence, landscape treatment, privacy screen, or screen wall is located.
5. “Front building line” means the line established by the main wall of the front of the primary building on a property, extending horizontally to each side lot line.
6. “Front lot line” means the front boundary of a lot extending to each side lot line.
7. “Landscape treatment” means a non-sight obscuring decorative object intended to enhance, accent, or protect the landscaping of a site. It includes, but is not limited to, timbers, boulders, and planter boxes, but excludes fencing and lampposts.
8. “Privacy screen” means a sight-obscuring structure intended to screen, but not enclose, an area behind it or within its confines, including but not limited to a patio, deck, courtyard, swimming pool, or hot tub, and shall include a structure, vegetation, trees, shrubs, flowers, or other materials when used for this purpose.
9. “Rear building line” means the line established by the main wall of the rear of the primary building on a property, extending horizontally to each side lot line.
10. “Rear lot line” means the rear boundary of a lot extending to each side lot line.
11. “Screen wall” means a barrier that visually shields a nonresidential use from view.
12. “Side lot line” means any lot line other than a front or rear lot line.
13. “Vacant lot” means a standalone residential property that does not contain a primary structure (e.g., a house).

15.12.020 – General Requirements.

The following requirements apply to all property, including both residential and nonresidential uses. For additional requirements that apply to residential uses, see Sec. 15.12.030; for additional requirements that apply to nonresidential uses, see Sec. 15.12.040.

1. Placement

- a. Construction site barriers shall be in place at all times on active construction sites. Additionally, the Building Official may require the placement of construction site barriers on a site if needed to protect public health, safety, or general welfare.
- b. No portion of a fence, landscape treatment, privacy screen, or screen wall may project beyond the owner's property line.
- c. No portion of a fence, landscape treatment, privacy screen, or screen wall may be placed on, project into or over, or otherwise obstruct an easement, alley, roadway, sidewalk, or other public property without the express consent of the City.
- d. No property shall have more than one fence or screen wall adjacent or parallel to the nearest property line.
- e. A fence, landscape treatment, privacy screen, or screen wall placed within a ten (10) foot radius of the intersection of a driveway or parking lot exit and any public right-of-way shall permit a motorist or pedestrian an unobstructed view of the public right-of-way when exiting the driveway or parking lot. The right-of-way shall be visible for at least ten (10) feet on both sides of the driveway or parking lot exit, with visibility being judged from 30 inches above the surface of the right-of-way. These requirements shall apply regardless of whether the fence, landscape treatment, privacy screen, or screen wall is located on the same property as the driveway or parking lot exit.
- f. The City Manager or his/her designee shall be the judge of visibility as applicable under this Chapter, and may alter the minimum requirements for visibility at a given property if strict application of said requirements would endanger pedestrians or vehicular traffic.

2. Construction and Maintenance

- a. Fence height shall be measured from the lowest existing adjacent grade.
- b. The use of bright, fluorescent colors or imagery prohibited elsewhere in the Hazel Park Municipal Code is not permitted without the express consent of the City.
- c. Fences and screen walls shall be constructed of masonry, metal, vinyl, wood, or other durable materials. A wooden fence, landscape treatment, privacy screen, or screen wall shall be constructed of treated wood or properly surface-coated with stain or paint.
- d. A fence, landscape treatment, privacy screen, or screen wall shall be freestanding, straight, secure, and not attached to another object or structure for support.
- e. No fence, landscape treatment, privacy screen, or screen wall shall contain any barbed wire, concertina wire, razor wire, electric current, or any other material(s) used for the purpose of causing injury or harm, as determined by the Building Official or a Code Enforcement Officer.
- f. The fence owner shall maintain the area between a fence, landscape treatment, privacy screen, or screen wall and the adjacent property line(s).

- g. When placing a fence, landscape treatment, privacy screen, or screen wall next to an existing fence, landscape treatment, privacy screen, or screen wall, maintenance of the area in between the two shall be the responsibility of the owner of the fence, landscape treatment, privacy screen, or screen wall that was more recently placed or replaced.
- h. Fence owners shall maintain their fences, landscape treatments, privacy screens, and screen walls in good repair, plumb and true, with adequate support, in a safe and sightly manner, and in accordance with the provisions of this Chapter and all other relevant laws, rules, and regulations, and shall remove or repair a fence, landscape treatment, privacy screen, screen wall, or portion thereof, that is dangerous, dilapidated, or otherwise in violation of this Chapter as determined by the Building Official or a Code Enforcement Officer.
- i. Existing fences, landscape treatments, privacy screens, and screen walls that do not comply with the provisions of this Chapter shall not be enlarged, extended, reconstructed, relocated, or structurally altered, other than to achieve compliance with this Chapter.

15.12.030 – Residential Requirements.

The following requirements apply to property lawfully used for residential purposes:

1. Fences

- a. Fences shall not exceed six (6) feet in height, except for fences abutting a nonresidential use, which shall not exceed eight (8) feet in height.
- b. Fences may only be constructed in the rear yard of a property and shall not extend forward of the rear building line, except that a fence may be constructed up to the front building line on a given side of a property if:
 - i. The side lot line does not abut a neighboring driveway or parking lot exit.
 - ii. No other provision(s) of this Chapter would be violated.
- c. Fences and privacy screens shall not be placed on a vacant lot.
- d. Fences that abut a nonresidential street shall be set back at least ten (10) feet from the sidewalk.

2. Landscape Treatments

- a. Landscape treatments shall not exceed 30 inches in height.
- b. Landscape treatments may be located in front, rear, or side yards, provided that they shall not exceed 20% of the area of a front yard. Those located in a front yard and which are parallel to a lot line shall not exceed eight (8) feet in aggregate length and must be set back at least two (2) feet when adjacent to the front lot line or an adjoining property owner's driveway or parking lot exit.

3. Privacy Screens

- a. Privacy screens shall not be located in a front yard and shall not exceed six (6) feet in height above the surface of the patio, deck, courtyard, or other area to be screened.

15.12.040 – Nonresidential Requirements.

The following requirements apply to property lawfully used for nonresidential purposes:

1. Screen Walls

- a. Placement requirements are as follows:
 - i. When a nonresidential use abuts a residential use, a screen wall shall be placed adjacent to that property line.
 - ii. When an alley or street separates a nonresidential use from a residential use, a screen wall shall be placed adjacent to the alley or street if it is determined by the Building Official that a screen wall would provide additional protection for the residential use.
 - iii. When a nonresidential use abuts another nonresidential use, a screen wall is not required.
- b. Screen walls shall be eight (8) feet in height, unless located within a ten (10) foot radius of the intersection of a driveway or parking lot exit and any public right-of-way, in which case that portion of the screen wall shall be reduced to 30 inches in height.
- c. The Building Official may alter the minimum screen wall requirements for a given property if strict application of said requirements would endanger pedestrians or vehicular traffic.

2. Fences

- a. Fences shall not exceed eight (8) feet in height.

3. Plans & Permitting

- a. Plans for proposed fences or screen walls must be submitted to the Building Department and are subject to approval by the Building Official and Planning Department. Fences or screen walls may require permits from the Building Department.

15.12.050 – Violations and Penalties.

A violation of this Chapter is hereby declared to be a public nuisance, a nuisance per se, and is declared to be offensive to the public health, safety, and general welfare. Any person who violates any provision of this chapter shall be responsible for a civil infraction. A person found responsible for a civil infraction shall be fined not less than two hundred fifty dollars (\$250.00) and not more than five hundred (\$500.00). Each day that a violation exists shall be deemed a separate offense. Penalties for violations of this chapter may be added, deleted, or amended by Resolution of the City Council.

PART II. SAVING CLAUSE.

This amendment to Title 15 – Buildings and Construction, Chapter 15.12 – Fences, Sections 15.12.010 through 15.12.050, does not affect or impair any act done, offense committed, or right accruing or accrued or liability, penalty, forfeiture, or punishment, pending or incurred to these amendments.

PART III. REPEAL.

This ordinance hereby repeals any ordinance which conflicts with the provisions hereof.

PART IV. SEVERABILITY.

If any section, clause, or provision of this Chapter is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, such declaration shall not affect the remainder of the Chapter. The City Council hereby declares that it would have adopted this Chapter and each part, section, subsection, phrase, sentence, and clause, irrespective of the fact that any one or more part, section, subsection, phrase, sentence, or clause is declared invalid.

PART V. EFFECTIVE DATE; PUBLICATION.

The provisions of this ordinance shall become effective ten (10) days after publication and shall be published within ten (10) days of its adoption by 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, a brief statement as to the subject matter of this ordinance and such other facts as the Clerk deems pertinent, and that a copy of the ordinance is available for purchase and/or inspection at the office of the City Clerk.

MADE, PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF HAZEL PARK, OAKLAND COUNTY, MICHIGAN ON THE 12TH DAY OF SEPTEMBER, 2023.


MICHAEL WEBB, MAYOR


LISA K. MAYO, CITY CLERK

Date of Adoption: 9-12-23
Date of Publication: 9-20-23
Effective Date: 9-29-23

CERTIFICATE OF ADOPTION

It is hereby certified that the foregoing is a true and complete copy of an Ordinance passed at a regular meeting of the City Council of the City of Hazel Park, held on the 12TH day of SEPTEMBER, 2023.


LISA K. MAYO, CITY CLERK