

03/19/2010

ORDINANCE NO. _____

AN ORDINANCE TO REPEAL ARTICLE VI, FENCES, OF CHAPTER 18 AND TO AMEND SECTION 84-6 OF CHAPTER 84, PROPERTY MAINTENANCE CODE, OF THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, TO MODIFY AND AMEND ALLOWABLE FENCE MATERIALS, REPEAL CONFLICTING ORDINANCES AND PRESCRIBE A PENALTY FOR VIOLATIONS.

THE CITY OF ROCHESTER HILLS ORDAINS:

Section 1. Article VI, Fences, of Chapter 18 of the Code of Ordinances is hereby repealed.

Section 2. Section 84-6 of Chapter 84 of the Code of Ordinances shall be amended as follows:

Sec. 84-6. Fences.

(a) *Nonconforming fences.* It shall be unlawful for any person to keep or maintain any fence to which this article applies that does not conform to the standards for fences set forth herein unless a variance is obtained.

(b) *Applicability.*

(1) *Generally.* The standards for fences contained in subsection (c), below, shall apply to all fences installed or replaced in the city, subject only to those exceptions set forth in subsection (2), of this section.

(2) *Exceptions.* This article shall not apply to the following fences installed or replaced:

a. In accordance with a site plan approved under chapter 138 pertaining to zoning; or

b. Swimming pool enclosures as specified in the state construction code.

(c) *Standards.* Only those fences that meet all of the following standards shall be allowed:

(1) *Location.* Fences shall be located entirely on the owner's property, except that fences owned in common by adjoining property owners may be located on the common property line.

(2) *Height.* Fences shall not exceed eight (8) feet in height measured from the ground surface.

(3) *Materials.* Materials used shall be ~~as follows:~~ wood, metal, bricks, masonry or other solid natural or synthetic material that is all-weather resistant and designed for permanent and stationary fencing or screening. Fabric-type materials are not permitted.

~~a.— *Generally.* Any natural or synthetic material that is all-weather resistant and is engineered and designed to be used for permanent installation as a fence or screening material shall be used.~~

~~b.— *Chainlink slats.* Chainlink fences may be supplemented with woven metal (i.e., aluminum, galvanized or other metal with protective coating) insertable slats.~~

~~c.— *Used materials.* No used materials, not including rock and brick, shall be used as fence material unless approved by the building department.~~

(4) *Barbed wire.* Barbed wire may not be installed on fences, except that barbed wire may be installed above the top line of a six-foot fence located in a nonresidential zoning district and enclosing a storage area. Barbs on a chainlink fence are not allowed on any exposed portion of the fence below six feet.

(5) *Proper installation and maintenance.* Fences shall be installed and maintained free from defects, safety hazards and collapse, and shall be kept in good repair. No signs, words, letters, images or illustrations, except for those signs required in subsection (6), of this subsection, may be painted or otherwise affixed to fences.

(6) *Electrification.* Electrically charged fences are prohibited, except that the building department may approve electric fences for the purpose of retaining animals under the following circumstances:

a. *Nonhazardous.* Sufficient proof has been presented that the fence will not be hazardous to persons or animals;

b. *Power source.* The power source shall be obtained from a listed electric fence controller; and

c. *Signs.* Signs shall be conspicuously located on the fence warning that the fence is electrified.

(7) *Corner clearance.* The corner clearance requirements of chapter 138 shall be observed.

Section 3. Severability. This ordinance and each article, section, subsection, paragraph, subparagraph, part, provision, sentence, word and portion thereof are hereby declared to be severable, and if they or any of them are declared to be invalid or unenforceable for any reason by a court of competent jurisdiction, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

Section 4. Penalty. All violations of this ordinance shall be municipal civil infractions and upon a determination of responsibility therefore shall be punishable by a civil fine of not more than \$500, or as otherwise prescribed herein.

Section 5. Repeal, Effective Date, Adoption.

(1) Repeal. All regulatory provisions contained in other City ordinances, which are inconsistent with the provisions of this ordinance, are hereby repealed.

(2) Effective Date. This ordinance shall become effective on _____, following its publication in the *Rochester Post* on _____, 2010.

(3) Adoption. This ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof held on _____, 2010.

Bryan K. Barnett, Mayor
City of Rochester Hills

CERTIFICATE

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS ADOPTED BY THE CITY COUNCIL OF THE CITY OF ROCHESTER HILLS AT A MEETING THEREOF ON _____, 2010.

Jane Leslie, Clerk
City of Rochester Hills