

**CITY OF GROSSE POINTE WOODS
WAYNE COUNTY, MICHIGAN**

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF GROSSE POINTE WOODS, CHAPTER 8 – BUILDING AND BUILDING REGULATIONS, ARTICLE IX FENCES, TO DELETE CERTAIN DEFINITIONS RELATED TO OPEN FENCES, SEMI-OPEN FENCES AND SOLID FENCES, TO PROVIDE FOR REPEALER, SEVERABILITY AND EFFECTIVE DATE.

THE CITY OF GROSSE POINTE WOODS ORDAINS:

Section 1. The City of Grosse Pointe Woods Code of Ordinances, Chapter 8 – Building and Building Regulations, Article IX Fences, Sec. 8-274, is hereby amended as follows:

Sec. 8-274. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adjacent property means a property having a common boundary line.

Fence means any structure erected or placed along or within four feet of the property line to act as a boundary marker or erected for the purpose of restricting access to or from a lot or parcel of land, whether enclosing all or a part of said lot or parcel in all zoning districts.

Front yard means that portion of the front yard established between the sidewalk and ten feet behind the front most main building line. If a sidewalk does not exist, the front yard shall mean that portion of the front yard established between the end of the city right-of-way and ten feet behind the front most main building line.

~~*Open fence* means and includes fences commonly known as chain link, post and rail, wrought iron, and picket, which allow 50 percent or more open space between the boards, slats, or rails. Examples of open fences are on file and available for inspection with the building department.~~

Ornamental tops means wood, vinyl or metal decorative caps placed on the tops of fence posts, corners, ends or gateposts.

Property grade line, for determining the height of a fence or landscaping used in place of fencing, means the level of the ground or pavement adjacent to the fence or landscaping.

Rear yard means that portion of the yard between the rearmost corner of the main building line and the rear property line.

~~*Semi-open fence* means and includes fences commonly known as "shadowbox" and "board on board" fences, which allow spacing between the boards, slats, and rails when viewed from a 45 degree angle. Examples of semi-open fences are on file and available for inspection with the building department.~~

Side yard means that portion of the yard between the residential home and side property line, beginning at ten feet back from the front most main building line to the rearmost corner of the main building line.

~~*Solid fence* means a fence constructed of opaque or substantially opaque material (such as wood or vinyl) that prevents viewing the other side of the fence, thereby providing a visual barrier. A visual barrier exists if less than 50 percent of the vertical or horizontal surface of the entire fence is open to the free passage of air and light, and the distance or open space between the boards, slats, or rails is less than or equal to two inches when viewed~~

~~at 90 degrees to the fence line. Solid fences includes fences commonly referred to as privacy fences and other sight obscuring fences. Examples of solid fences are on file and available for inspection with the building department. Determination of whether a fence is solid or not shall be made by the building official utilizing this article and the examples on file with the building department.~~

Section 2. The City of Grosse Pointe Woods Code of Ordinances, Chapter 8 – Building and Building Regulations, Article IX Fences, Sec. 8-279, is hereby amended as follows:

Sec. 8-279. General requirements and maintenance.

The following are general requirements for fences:

- (1) *Approved fence materials.* All fence material must be approved by the building official and include materials normally manufactured for and used as fencing material such as; wrought iron or other decorative metals suitable for fence construction, wood, chain link and vinyl composite manufactured specifically as fencing material. Alternative material may be approved by the building official if the official finds that the proposed design is satisfactory and complies with the intent of this article and that the materials are at least the equivalent permitted in this article with respect to quality, strength, effectiveness, durability and safety.
- (2) Fences shall not be constructed with sharp points at the uppermost portion of the fence.
- (3) The supporting framework of any fence shall not face adjacent properties or streets.
- (4) Fences shall not be attached to existing fences, i.e., cyclone fence attached to wooden fence.
- (5) No fence shall be erected adjacent to another fence.
- (6) No fence shall have barbed wire, razor wire, electrical current, concertina wire or other similar material.
- (7) The owner of any fence shall maintain their fence in accordance with the provisions of this Code.
- (8) All fences shall be maintained plumb and true with adequate support in a safe manner. The owner of a fence shall remove and/or repair a fence that is dangerous, dilapidated or otherwise in violation of this Code.
- (9) Any person who erects, builds and/or constructs any fence upon property which such person owns and/or leases shall be responsible for the repair, upkeep and maintenance of the fence.
- (10) Any person who owns property upon which a fence has been constructed by a previous owner shall be responsible for the care, upkeep and maintenance of the fence.
- (11) It shall be the responsibility of the person installing the fence to ensure such fence is placed on or within their own property line.
- ~~(12) Solid fences are prohibited except as provided in section 8-284(3).~~
- ~~(13) Semi open fences are permitted provided that they meet the two inch spacing requirement in section 8-274 and other requirements of this article.~~
- ~~(14) Open fences are permitted provided they meet the other requirements of this article.~~

Section 3. The City of Grosse Pointe Woods Code of Ordinances, Chapter 8 – Building and Building Regulations, Article IX Fences, Sec. 8-284, is hereby amended as follows:

Sec. 8-284. Exceptions to this article.

- (a) *Exceptions.* Notwithstanding anything to the contrary provided in this article, exceptions from the provisions of this article shall be made under the following circumstances:
- (1) *Rear fences.* Rear yard fences may be constructed to a maximum height of six feet from the property grade line with the adjacent property owners' consent. Consent from the adjacent property owners must be submitted to the building department in writing with the permit application. If a rear yard is directly parallel to a public street and not a residential lot, property owners are then the city, and consent from the city administrator is required.
 - (2) *Side yard fences.* Side yard fences may be constructed to a maximum height of six feet from the property grade line with the adjacent property owners' consent. Consent from the adjacent property owners must be submitted to the building department in writing with the permit application. If a side yard is directly parallel to a public street and not a residential lot, property owners are then the city, and consent from the city administrator is required.
 - ~~(3) *Solid fences.* Notwithstanding the general requirements found in subsection 8-279(1), solid fences are permitted under the following circumstances:~~
 - ~~a. For that portion of a fence that faces a street on a corner lot;~~
 - ~~b. When a fence faces an alley.~~
 - {4}(3) *Special circumstances.* Applications meeting the requirements of this article and subsections (a)(1), (2) or (3) above do not require a public hearing, and shall be approved by the building inspector if the application otherwise meets the requirements of this chapter. All other exceptions from the provisions of this article require a public hearing and approval from the city council. The council may consider any or all of the following, along with other information:
 - a. Balancing the relative hardships between the property owner and adjacent property owners;
 - b. Whether special circumstances or conditions exist;
 - c. Whether pedestrian or vehicular vision will be affected;
 - d. The general health, safety and welfare of the neighborhood.
- (b) *Public hearing.* Any applicant seeking a hearing under the provisions of this article shall pay to the city a hearing notice fee set by council resolution for the scheduling of such hearing. Payment shall be made at the time the application is made for a hearing. The public hearing fee may be modified by a resolution of the city council as adopted from time to time. The city shall mail notice of the hearing to adjacent property owners at least seven days prior to the hearing date.

Section 4. Repealer Clause. Any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 5. Validity and Severability. Should any portion of this Ordinance be found invalid for any reason, such a holding shall not be construed as affecting the validity of the remaining portions of the Ordinance.

Section 6. Effective Date. This Ordinance shall be effective twenty (20) days from and after its adoption by the City of Grosse Pointe Woods City Council.

AYES _____

NAYS _____

ABSENT _____

Arthur W. Bryant, Mayor

Attested:

Paul P. Antolin, City Clerk

CERTIFICATION OF CLERK

I, Paul P. Antolin, City Clerk of the City of Grosse Pointe Woods, Wayne County, Michigan, do hereby certify that Ordinance No. _____ was adopted by the City Council of Grosse Pointe Woods, assembled in regular session on June _____, 2022. Said Ordinance was posted in the following places:

Notice of said posting was published in _____ (*insert newspaper*) on June _____, 2022.

Paul P. Antolin, City Clerk

First Reading: _____

Proposed Second Reading: _____

Published by Title: _____

Adopted: _____

Effective: _____

Published Final: _____