

**FENCE - ZONING PERMIT APPLICATION
CHARTER TOWNSHIP OF BREITUNG, MICHIGAN**

PERMIT #	
FEE	
RECEIPT #	
EXPIRES	

APPLICANT'S NAME _____

PROPERTY OWNER NAME _____

ADDRESS _____

PHONE _____

PROPERTY STREET ADDRESS _____

PROPERTY NUMBER _____

LEGAL DESCRIPTION: LOT _____ BLOCK _____

SUBDIVISION _____ (OR) ATTACHED _____

APPLICATION IS FOR YARD FENCE PRIVACY FENCE
 POOL FENCE LIVING HEDGE FENCE

HEIGHT AND TOTAL LENGTH OF FENCE _____ / _____

TYPE AND STYLE OF FENCE _____

DISTANCE TO/FROM FRONT LOT LINE _____

DISTANCE TO/FROM LEFT SIDE LOT LINE _____

DISTANCE TO/FROM RIGHT SIDE LOT LINE _____

DISTANCE TO/FROM REAR LOT LINE _____

ATTACH A PROPERTY SKETCH TO THIS APPLICATION WHICH SHOWS ALL LOT LINES, STREETS, LOCATIONS OF EXISTING STRUCTURES WITH DIMENSIONS AND DISTANCE TO ALL LOT LINES, DISTANCES BETWEEN ACCESSORY BUILDINGS AND PRIMARY STRUCTURES, ALL EXISTING AND PROPOSED DRIVEWAYS, FENCE LINES AND ANY OTHER STRUCTURES ON THE PROPERTY.

A COMPLETE DETAILED SET OF CONSTRUCTION PLANS FOR COMMERCIAL AND INDUSTRIAL BUILDINGS, INCLUDING A SITE PLAN MUST ACCOMPANY THIS APPLICATION.

BREITUNG TOWNSHIP FENCE CODE AND PERMIT APPLICATION

§ 150.184 Zoning Compliance Permit.

(A) It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered, or enlarged in its use or structure until a zoning compliance permit shall have been issued therefore by the Zoning Administrator. The permit shall state that the building, structure, and lot, and use thereof, conform to the requirements of this chapter. A change in ownership or a change in the use of any building shall require an issuance of a new zoning compliance permit.

(B) The Zoning Administrator shall maintain a record of all zoning compliance permit and said record shall be open for public inspection. Failure to obtain a zoning compliance permit shall be a violation of this chapter. (Ord. § 1005, passed 9-14-2009)

§ 150.187 Fees. *CURRENTLY \$20.00*

The Township Board shall periodically establish by resolution a schedule of fees for administering this chapter. The schedule of fees shall be made available in the office of the Zoning Administrator and may be changed only by the Township Board. No permit or certificate shall be issued unless such fees have been paid in full.

(Ord. § 1008, passed 9-14-2009)

§ 150.004 Definitions.

FENCE. A linear structure erected to divide or enclose yard areas.

(1) **FENCE - PERIMETER.** A fence located on or near a property line to prohibit or impede access to property.

(2) **FENCE - VISUAL SCREEN.** A fence, wall, hedge or living fence consisting of such materials as to obscure the vision beyond the fence line by greater than 50%. Visual screens, on or near the property line, are perimeter fences.

§ 150.059 Fence Regulations.

(A) *Intent and purpose.* It is hereby determined that regulation of the placement, size and construction of fences is necessary to prevent hazards to life and property; protect and preserve the general character of residential neighborhoods and waterfront areas; to ensure the continued attractiveness of the community as a whole; to protect the general health, safety and welfare of the community by preserving visibility for vehicles, pedestrians, and children on our public streets, sidewalks and right-of-ways.

(B) *General regulations.*

(1) *Location.* All fences must be located entirely on the property of the owner constructing them, unless adjoining property owners jointly sign a letter stating the agreement to construct and maintain a fence on the property line.

(a) The owner of a fence or visual screen, consisting of materials requiring painting, staining or other significant periodic maintenance, shall be the responsible for all maintenance of the fence.

(b) No fence shall be permitted to encroach upon a public right-of-way, such as a street or alley.

(c) Hedges or living fences shall be maintained so as not to encroach upon neighboring properties, sidewalks, right-of-ways or hinder the vision of a vehicle driver.

(2) *Materials.* For all fences and walls erected after the effective date of this amendment, the finished face of such fence or wall shall face outside the property, with any visible posts or supports being located inside of the fence or wall.

(3) *Construction sites.* All open excavations, foundations and basements shall be fenced when unattended until filled or completely enclosed.

(4) *Clear vision areas.*

(a) Clear vision areas shall be maintained at all intersections of public roads, alleys and driveways.

(b) Fences and visual screens shall not exceed four feet in height within 25 feet of the intersection of corner lot lines or within 15 feet of a driveway intersection with a lot line to provide visibility for vehicles.

(C) *Zoning district regulations.*

(1) R-1 and RR-1 Zoning Districts.

Maximum Height of Fences in Feet (From Grade)		
Front Yard	Side Yard	Rear Yard
4	6	6

(a) Fences shall not exceed four feet in height within 30 feet of a water body to preserve the visual appearance of the waterfront area.

(b) Fences, within the RR-1 district, for containing horses and livestock that abut a residential property may consist of barbed wire or be electrified, provided obvious and adequate warning signs are placed on the fence.

(2) RR-2, RR-3, RP and SP Zoning Districts.

Maximum Height of Fences in Feet (From Grade)		
Front Yard	Side Yard	Rear Yard
4*	6	6

(a) *Fences enclosing agricultural lands may be six feet.

(b) Fences for containing horses and livestock that abut a residential property may consist of barbed wire or be electrified, provided obvious and adequate warning signs are maintained on the fence.

(3) C-1, C-2, and I Zoning Districts.

Maximum Height of Fences in Feet (From Grade)			
District	Front Yard	Side Yard	Rear Yard
C-1	4	6	6
C-2	6*	8	8
I	8*	8	8

(a) *Fences shall not exceed four feet in height within 25 feet of the intersection of corner lot lines adjacent to a public street to provide visibility at intersections. Fences perpendicular to a driveway shall not exceed three feet in height within 15 feet of the driveway intersection with the lot line.

(b) All non-residential construction sites within 300 feet of a residential dwelling shall be enclosed by a perimeter fence prior to ground breaking to impede unauthorized access to the site.

(c) Barbed wire fencing is allowed in the C-2 and I zoning districts, provided the barbed wire is a minimum of six feet above the ground.

(D) *Construction.*

(1) All fences are to be constructed five feet off of all road and alley rights-of-way to allow for snow plowing.

(2) Fences within or abutting a residential area shall not contain barbed wire, electric current, broken glass, or chain link type fence with the sharp wire edges exposed.

(3) The requirements for swimming pools are outlined in Appendix G of the 2009 Michigan Residential Code, as amended. All swimming pools shall be enclosed by a solid wall or fence, chain link fence or wrought iron fences having vertical bars of at least one-half inch diameter, spaced no farther apart than four inches. No portion of the wall or fence shall have an open area exceeding four inches vertically or horizontally. The walls or fences shall not be less than five feet nor more than six feet in height. All gates shall have self-latching latches, which shall not be less than four and one-half feet above the ground to be inaccessible to small children from the outside.

(4) A fence shall not be constructed within two feet of an already existing fence on a lot line.

(5) A fence (common fence) may be constructed on a joint property line if both property owners sign a letter stating the agreement.

(6) All fences shall be constructed so that should a fire occur on the premise, firemen shall have access. (Ord. passed 3-22-1999; Ord. § 418, passed 9-14-2009; Ord. § 415, passed 11-9-2015)

**Michigan Damage Prevention Board
Best Practice 2015-01**

Fence Post Exemption Bulletin

MISS DIG INFORMATION - call 1-800-482-7171.

MDPB Best Practice

The exemption for “replacing a fence post, sign post, or guard rail in its existing location” is intended to include only the action of pulling a post from the ground and placing the new post back into the exact same hole without use of power equipment to enlarge the hole. It is always advisable to call 811 whenever pulling or placing posts.

PA174 Reference

Section 3(m)(ii)

The definition of “excavation” does not include “Replacing a fence post, sign post, or guardrail in its existing location.”

Discussion

Underground utilities can be placed in close proximity to existing posts. Underground utilities can be immediately adjacent to the wall of the hole left by the removal of posts. These underground utilities are vulnerable to damage when power equipment (or any tool) is used to expand the diameter of the hole for placing a new post.

In some instances, utilities have been found to be bored directly through the base of existing posts and poles. These facilities will be damaged when the post is pulled. Calling 811 and observing marks will alert the excavator that there may be a utility at risk when the post is removed. This knowledge can prevent danger to the excavator and the public.

References

Adoption Date 02/26/15

The MDPB Best Practices are presented as a general guide. The MDPB encourages all users to consult and consider not only the MDPB Best Practices, but also (i) employer practices, (ii) industry practices, (iii) federal and state statutes and regulation, (iv) building and fire codes, and (v) local laws, regulation, and ordinances.