

2. Variances

A variance from Ordinance standards can only be granted by the Zoning Board of Appeals upon completion of a proper application and review process and according to standards applicable to other variances as defined in this Ordinance.

3. Appeals

Appeals shall be heard by the Zoning Board of Appeals upon completion of a proper application and review process and according to applicable standards of this Ordinance.

4. Enforcement

Sign compliance status based on any false statement in the application or supporting documents is absolutely void and shall be revoked. Violations shall be enforced according to the provisions of this Ordinance.

## 18.2 Fences

(A) Purpose

The purpose of this ordinance is to regulate the size, type, and location of fences within the Charter Township of Chocolay.

(B) Definitions

For the purpose of enforcing the provisions of this ordinance, certain terms and words herein have the following meanings:

Word or Phrase	Definition
Fence	Means any permanent partition, structure, or gate erected as a dividing marker, barrier, or enclosure, including hedges or living bushes or shrubs, within or along the bounds of a lot or parcel.
Height	Means the distance from the grade (ground) to the top of the highest point of the fence at any given point along the fence.
Material	Means the product that is used to construct said fence, including wood, metal, plastic, or vegetation.
Person	Means an individual, firm, corporation, or other entity of any kind.
Setback	Means the distance from the property owner’s property line to the fence.

(C) Application and Permit

A person desiring to build or cause to be built a fence upon his or her property, shall first apply to the Zoning Administrator for a permit to do so. Application for said permit shall contain any and all information, including drawings, required and necessary for the determination of whether the erection of said fence would be contrary to the provisions of this ordinance or the laws of the State of Michigan. Any permit issued



under the provisions of this ordinance in which construction has not been completed within six (6) months from the date of issuance, shall expire. Permit extensions may be granted by the Zoning Administrator not to exceed one (1) six (6) month extension. Permit fees shall be set by the Chocolay Township Board.

**(D) Regulations**

It shall be unlawful for any person to construct or cause to have constructed any fence upon any property within the limits of Chocolay Township, except in accordance with the requirements and restrictions herein provided.

1. Residential Areas (R1, R2, MFR, & WFR)

- a. Fences, on lots of record in residential districts, shall not contain barbed wire, razor wire, concertina, electrification or similar materials that are injurious to people or animals.
- b. No person shall install, construct or maintain any fence on easements, right-of ways or any properties not owned by that person, leased or rented by that person.
- c. Materials shall consist of cyclone-type metal links and posts, wood components or equivalent materials or natural vegetation.
- d. Fences on all lots of record, in all residential districts which enclose property and/or within a required side and rear yard, shall not exceed 6.0 feet in height, measured from the surface of the ground and shall not extend toward the front of the lot nearer than the front of the house or the minimum required front yard setback, which ever is greater.
- e. Fences shall be constructed to allow ample space for maintenance, without having the applicant trespass on the neighboring property to maintain their fence, or there must be a written agreement from all neighboring properties that abut the proposed fence that state they will share the maintenance of the fence. This written agreement will then be registered at the County Register Deed office.
- f. Fences up to 4.0 feet in height may be erected from the front edge of the dwelling to within 15.0 feet of the right-of-way unless the fence is of chain link, split rail or other see through material described in (3) above then can be erected from the front edge of the dwelling to and along the road right-of-way.
- g. Fences shall be constructed such that posts and frame work are on the interior or fence owner's side of the fence and that the sheeting or face of the



exterior, as seen from the adjoining properties or street is the more presentable and attractable side of the fence.

- h. Consideration shall be given to whether a proposed fence enhances the neighborhood or blocks scenic views for nearby property owners and be aesthetically pleasing and in keeping with the character of the neighborhood.
  - i. All fences shall be maintained in good condition. Including but not limited to paint, stain, and repair or damaged portions, rusted metal, holes, loose components and sagging.
  - j. Abandoned and/or un-maintained fences shall be removed within 10 days of a notice given by the Zoning Administrator. In the case of non-compliance, with the notice, the Township reserves the right to contract for the removal and clean up of said fence and assesses the costs to said property.
  - k. A permit, application and inspection shall be required. Compliance review by the Zoning Administrator will be conducted. The land owner shall assume full liability arising from any fence.
2. Commercial And Industrial Districts (C & I)
- a. Fencing proposals shall be included in any plans submitted for review to the Planning Director and be subject to review by the Planning Commission. Site security needs, current commercial and/or industrial recommendations or standards shall be considered. The Planning Commission may approve the plan, approve with conditions, or deny.
  - b. Salvage yards shall be required to have a minimum 8.0 foot high opaque/solid fence encircling the area devoted to that activity. The fence shall obscure the view of the enclosure from ground level to the top.
  - c. Contractors yards, visible from residents' areas, must be screened by an 8.0 high opaque/solid fence.
  - d. Gravel pits, mineral extraction, mining sites and other sites that are inherently dangerous to people or animals shall be protected by an encircling 8.0 foot high fence.
  - e. An application shall be required and a fee shall be assessed on the owner to assure compliance with the approved plan as determined by the Township Board in these districts.



3. Agricultural/ Forest Districts (AF)

- a. Fencing may include barbed, electrified, woven, steel or wooden posts, natural vegetation or other similar fencing materials and shall be of sufficient height and strength to confine domestic animals and/or to deter entry by unwanted animals either domestic or wild. There will be no application fee for those in the AF district or inspection required. The land owner shall assume full liability arising from any fence.

4. Exempt from this ordinance is temporary fencing for gardens in all zones.

**(E) Nuisance**

Any violation of the provisions of this ordinance is hereby declared to be a public nuisance which may be enjoined or subject the violator to civil damages, fines and penalties herein provided for under Section 17.5.

Fences must be maintained so as not to endanger life or property. Any fence which, through lack of repair, nature of construction, or otherwise, that creates an unreasonable risk of harm to person or property, shall be deemed a nuisance. In the case of immediate danger to life or property the Chocolay Township Zoning Administrator may require immediate abatement.

**(F) Construction**

This Ordinance shall not prevent operations or uses legally authorized under the Zoning Ordinance of the Charter Township of Chocolay, and conducted in conformance therewith.

**(G) Severability Clause**

The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of the ordinance other than said part of portion thereof.

