

Silver Creek Township

Cass County, Michigan

RESOLUTION 20-26

Adopted: DECEMBER 9, 2020

ZONING ORDINANCE TEXT AMENDMENTS

An Ordinance to amend the Zoning Provisions of the Silver Creek Township Code of Ordinances to add a definition of “fence”; to amend the fencing provisions contained at 155.031 to separately address fences in residential, non-residential and waterfront districts; and to provide an effective date.

Silver Creek Township, Cass County, Michigan ordains:

SECTION 1

ADDITION TO TITLE XV “LAND USES”, CHAPTER 155 “ZONING” SECTION 155.006 “DEFINITIONS”

Chapter XV “Land Usage”, Chapter 155 “Zoning”, Section 155.06 “Definitions” of the Silver Creek Township Code of Ordinances is hereby amended by the addition of the following definition(s) to be placed in the correct alphabetical order:

“FENCE: A fixed structure or gate, constructed of standard fencing materials readily available on the retail market such as wood, vinyl, or metal that is erected as a dividing marker, barrier, or enclosure, encircling either wholly or any portion, of any area. No tarps, visquene, tires, or other junk is allowed.

Adjacent Grade Adjacent grade shall be construed as the average grade measured at a point three feet on each side of the fence. In the case of a fence on a retaining wall, adjacent grade shall be the grade of the top of the wall.

HEIGHT The average distance between the top element in the fence and the adjacent grade over a straight section of fence with no corners.

PROTECTIVE MEASURES FENCE A fence erected for the express purpose of protecting an enclosed area and the property therein, or a fence intended to deny access to a dangerous property or location.”

SECTION 2

AMENDMENT TO CHAPTER XV "LAND USAGE", CHAPTER 155 "ZONING" SECTION 155.031 "FENCES"

Chapter XV "Land Usage", Chapter 155 "Zoning", Section 155.06 "Definitions" of the Silver Creek Township Code of Ordinances is hereby amended to read as follows:

" 155.031 FENCES.

(A) *General.*

(1) Fences erected within the required front yard in any district shall not exceed four feet high of unobstructed chain link fence or shall not exceed three feet in height of a type which is not more than 66% solid, so as not to obscure vision at the right-of-way or property line of the lot or parcel on which it is placed.

(2) Fences shall not be erected or maintained in any district in such a way as to obstruct the vision of vehicle drivers within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two points located on those intersecting right-of-way lines 20 feet from the point of intersection. Fences constructed within this area shall not exceed 36 inches in height.

(3) Any fence shall be maintained in good, safe, and sturdy condition.

(B) *Residential districts or uses.*

(1) Fences in the residential districts or residential uses in other districts shall not exceed six feet in height, measured from the surface to the uppermost portion of the fence.

(2) Fences in the residential districts or fences enclosing residential uses in other districts shall not contain barbed wire or be electrified.

(C) *Non-Residential Districts or uses*

(1) Fences in the non-residential districts which enclose storage lots or other areas requiring security may contain barbed wire, provided that the barbed portion of the fence not be nearer than six feet from the surface of the ground. The total height of fences in the non-residential districts shall not exceed eight feet.

(D) *Water Front District*

(1) Fences in the Waterfront District erected between the main building and the shoreline shall not exceed four feet high of unobstructed chain link fence or shall not exceed three feet in height of a type which is not more than 66% solid, so as not to obscure vision at the property line of the lot or parcel on which it is placed.

(2) Fences in the Waterfront District shall not be placed lakeward of the ordinary high water mark.

- (3) Fences in the Waterfront District shall not exceed six feet in height, measured from the surface to the uppermost portion of the fence.
- (4) Fences in the Waterfront District shall not contain barbed wire or be electrified.
- (5) Fences in the Waterfront District shall not be placed lakeward of the ordinary high water mark.”

SECTION 3

SEVERABILITY

The various provisions of this ordinance are severable from each other. If any part or portion is deemed by a court of competent jurisdiction to be unconstitutional or of no force and/or effect, such determination shall not affect the remainder of the ordinance.

SECTION 4

REPEAL

All ordinances or parts of ordinances in conflict herewith are repealed.

SECTION 5

EFFECTIVE DATE

This ordinance shall be effective on the 8th day following publication of a summary hereof, after adoption.

Lorri Behnke, Clerk
Silver Creek Township
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Dowagiac, MI 49047
(269) 424-3025
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Attest: Date: _____

Bill Saunders, Supervisor
Silver Creek Township