

**VALLEY TOWNSHIP  
ALLEGAN COUNTY, MICHIGAN**

**AMENDMENT TO VALLEY TOWNSHIP ZONING ORDINANCE**

**ORDINANCE NO. 227**

**ADOPTED: September 25, 2003**

**EFFECTIVE:**

An Ordinance to amend the Valley Township Ordinance to add Sections 3.23a, 3.24a, 11.18 and 11.19 to provide general fencing requirements, to require the fencing of swimming pools, set forth fence measuring procedures; and to repeal all parts of ordinances in conflict herewith and to provide for an effective date of said ordinance.

**VALLEY TOWNSHIP  
ALLEGAN COUNTY, MICHIGAN**

**ORDAINS**

**SECTION I**

**CHAPTER III DEFINITIONS**

Chapter III, entitled Definitions shall be amended to include the following:

1. Definitions:

3.23a FENCE. A fence is defined as any wall, screen, partition or similar structure existing on a yard which separates properties, encloses or divides land into distinct areas or obstructs the passage of air and light onto adjacent land or obstructs the vision of motorists or pedestrians on or near public roads.

3.24a HEDGE. Hedge is defined as a dense row of trees, shrubs, vines or other plants which separates properties, encloses or divides land into distinct areas or obstructs the passage of air and light onto adjacent land or obstructs the vision of motorists of pedestrians on or near public roads.

**SECTION II**

**AMENDMENT TO SECTION 11.18 GENERAL FENCING REQUIREMENT**

Valley Township Zoning Ordinance is hereby amended to add Section 11.18 to read, as follows:

Section 11.18 General Fencing Requirements. All fences of any nature, type or description located in Valley Township shall conform to the following requirements:

- (a) No fence in excess of six (6) feet in height shall be erected, constructed, located or maintained in any residential district. In addition, no fences in excess of 48 inches in height shall be erected, constructed, located or maintained in any front yard set-back area in any residential district. All fences in the front yard setback area shall be designed or constructed of materials that provide for a clear field of vision through the fence. No fence located in a residential zoning district may contain barbed wire, spikes, nails or other sharp points or instrument of any kind on the top or on the side of any fence or electrical current or charge in said fence.
- (b) All fences hereafter constructed shall be of ornamental nature, consisting of wood, vinyl, chain link and/or metal, brick or block standard fencing materials, and approved by the Zoning Inspector. The finished portion of the fence shall face outward, toward adjoining properties. In no case shall items such as, or similar to, the following be used in the construction of any fences: Pallets, tires, scrap metal, etc.
- (c) In the case of lakefront lots or lots bordering on a river or stream, no fence shall be located on the lake side or fronting upon a river or stream except as in conformance with the front-yard requirements as set forth above.
- (d) No solid fence or hedge shall obstruct vision between a height of three (3) and ten (10) feet above established grade within the area formed by the intersection of two street right-of-way lines and a line connecting them at points twenty-five feet from the intersection of the right-of-way lines.
- (e) Fences in the agricultural/rural estate district may be located on the property lines or road right-of-way lines of a parcel of land providing such fences are maintained in a good condition and do not result in an unreasonable hazard to persons who might come near them.
- (f) No fence in excess of eight (8) feet in height shall be constructed, located or maintained in the Neighborhood Business District, the General Business District or the Industrial District. No fence located in the Neighborhood Business District or the General Business District shall contain barbed wire, spikes, nails or other sharp points or instrument of any kind on the side on any fence, or electrical current or charge in said fence.
- (g) Within the Industrial District, barbed-wire cradles shall be permissible, provided they have no more than three (3) strands of barbed wire and have a height from top to bottom of the cradle of no more than one (1) foot. However barbed wire cradles shall not be considered as part of the fence for purposes of determining compliance with the maximum eight (8) foot height limitation.
- (h) Measurement of Fence Height. Any fence, wall, screen, shrubbery, hedge or view-obstructing object subject to the provisions of this ordinance shall be measured from the immediate adjacent ground on either side of and along such fence, wall, screen or other, so that such fence, wall, screen or other does not exceed the maximum height requirements at any point along its traverse. Further, such measurement shall be determined from ground level at its natural grade existing at the time of fence installation.
- (i) Interior fences within a mobile home park shall not exceed 48 inches in height and shall not have less than two (2) access gates which provide free access to all sides of the mobile home for fire fighting purposes.

- (j) The Zoning Board of Appeals shall have authority to waive the fence height limitations within the Neighborhood Business District, the General Business District or the Industrial District if the Zoning Board of Appeals determines, based upon the nature of the site, nature of the properties and streets adjoining the subject property and the nature of the proposed use, that such a waiver will not have a material adverse impact upon persons or property in the surrounding area and will otherwise be consistent with the purposes of this section.
- (k) Fences either existing or constructed in accordance with this ordinance shall be properly maintained, replaced or removed.
- (l) Existing fences may remain for the period of its useful life and shall be repaired or modified where repairs and/or modifications shall bring such fences into full compliance with this ordinance based on the zoning administrators final approval. However, existing fences that are unsafe (meaning, but not limited to such hazards as barbed wire, electric current, protruding sharp points) or dilapidated or unsightly in appearance because of rust, crinkled metal, disrepair, and non complying materials such as tires and pallets shall be completely removed within ninety days of the effective date of this ordinance.
- (m) Site Plan Approval for fences B Fences to be constructed in zoning districts requiring site plan approval shall be included as a component of the initial site plan approval. If a fence is proposed for construction after site plan approval has been granted, a zoning permit must be obtained as required in this Chapter. An existing site plan shall be amended to reflect the addition of a fence on the site, if so required by the Zoning Inspector. All requirements of Section 15.03 (c) also apply.
- (n) Location Requirements. All fences of any nature, type or description located in Valley Township shall conform to the following requirements:
  - (1) Fences must be able to have proper, regular maintenance performed without trespassing or encroaching on any adjacent properties.
  - (2) The property owner must insure that the fence or hedge is placed within their property lines and does not extend onto adjacent properties.
  - (3) No part of any fence or hedge may extend into the public right-of-way.
  - (4) No fence or hedge shall be located in a way to create a dead space between an existing fence and the proposed fence or hedge.
  - (5) Fences shall be constructed in accordance with Section 11.13, Additional Setbacks for Structures Adjacent to Major Streets, if applicable.
- (o) Fence Approval Process. If a site plan is not required for a property, a property owner seeking to erect a fence must submit plans and receive a zoning permit from the Zoning Administrator or his/her designee, prior to erection of the fence. The property owner shall submit a site plan sketch and include the location of the fence,

the height and proposed materials. All required yard setbacks and clear vision areas must be depicted on the plan. The drawing may be prepared by the property owner, if the above requirements can be accurately depicted.

### **SECTION III**

#### **AMENDMENT TO SECTION 11.19 SWIMMING POOL FENCES**

The Valley Township Zoning Ordinance is hereby amended to add Section 11.19 to read, as follows:

Section 11.19. Swimming Pool Fences: All swimming pools constructed outside of a building shall be enclosed by a fence or wall extending from the ground to a point at least four (4) feet above any ground or, in the case of a climbable object, within three (3) feet of said fence. Such fence shall be one of the following types:

- (a) Vertical board of pole fence with boards or poles spaced not greater than two (2) inches with all horizontal members on the pool side of the fence;
- (b) Solid fencing having a flush exterior;
- (c) Chain link or metal mesh, the openings of which shall not exceed two and one-fourth (2 1/4) inches;
- (d) Gates shall meet the requirements for fence construction, shall be self-closing, self-latching, and equipped with a key lock capable of securely holding the gate closed. Service gates not ordinarily used for ingress or egress for swimmers need not be self-closing or self-latching, but must be securely locked when not in use;
- (e) The zoning Board of Appeals is hereby given authority to grant variances to allow for suitable, alternative types of fencing and gates for swimming pools, provided that the alternative shall be reasonably equivalent to the type herein specified.

### **SECTION IV**

#### **EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES**

This ordinance shall take effect eight days following proper publication of notice of its adoption in accordance with and subject to Michigan Public Act 297 of 1996. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Valley Township**  
Sally James, Clerk  
2054 North M-40  
Allegan, MI 49010