

ARTICLE IX
GENERAL PROVISIONS

SECTION 924: FENCES

The purpose of this Ordinance is to establish guidelines for construction and regulation to control the height, location, appearance, safety and construction materials of fences and walls to ensure proper vehicular and pedestrian visibility with placement of fences.

A. TITLE: This Ordinance shall be known and cited as the RILEY TOWNSHIP FENCE ORDINANCE, and will be referred to herein as "this Ordinance".

B. PURPOSE AND AUTHORIZATION

1. An Ordinance adopted pursuant to and under the provision of Act No. 246 of the Public Acts of 1945, as amended, to regulate and control the height, location, appearance, safety and construction materials of fences, and to insure proper vehicular and pedestrian visibility associated with placement of fences, to prescribe rules and regulations, to provide penalties for the violation of this Ordinance and to provide for the relationship of this Ordinance to other laws and ordinances.
2. This Ordinance is enacted for the purpose of promoting public health, safety and welfare.

C. HEIGHT

1. No fence hereafter erected in the Township of Riley shall be in excess of six (6) feet high nor less than three (3) feet high.
2. Barbed wire cradles may be placed on top offences that are six (6) feet high enclosing public utility uses deemed necessary in the interest of public safety.

D. BUILDING LINE

1. No fence shall be constructed to extend into the road right-of-way.
2. Fences for Agricultural uses may be erected along the property or right-of-way line provided they are wire construction and do not obscure the view of pedestrians.

E. APPEARANCE

1. No solid or other completely obscuring fence more than three (3) feet in height shall be placed parallel to any roadway adjoining the lot or parcel, as established by the Zoning Ordinance.
2. All fences hereafter erected shall be for purposes of enclosure or of an ornamental nature only, as determined by the Building Inspector.
3. Obscuring and ornamental fences shall have the finished or decorative side facing toward all abutting or neighboring properties.

F. MAINTENANCE: All fences shall be maintained in good repair.

G. SAFETY

1. Barbed wire, razor wire, spikes, nails, or any other sharp point or instrument of any kind on top of or protruding from any fences, or electric current or charge in said fences is hereby prohibited, except as permitted by Section D(2) and the following Section H(2).
2. Bona fide farms and agricultural uses may use barbed wire and electric fences for the purposes of containing livestock, consistent with currently accepted, good farming practices.

H. MATERIALS

1. Obscuring fences shall be constructed of wood, pressure treated wood, brick, stone, masonry, or other decorative materials approved by the Building Inspector.
2. Wire-type fences for the purposes of enclosure shall be chain link, woven wire, wrought iron, or similar materials approved by the Building Inspector.
3. The use of salvaged materials for fence construction such as metal panels, doors, and the like, is hereby prohibited.

I. VISIBILITY

1. No fence or wall shall be erected, established, or maintained on any corner lot which will obstruct the view of a driver of a vehicle approaching the intersection, within a triangular area formed by the street right-of-way and a line connecting them at points twenty-five (25) feet from the intersection of the street lines or in the case of a rounded property corner from the intersection of the street right-of-way lines extended.

J. PERMITS REQUIRED: Whenever a fence is proposed for other than agricultural use, it shall require the issuance of a building permit.

K. STATE AND LOCAL REGULATIONS: Must comply with all other state and local regulations.

L. VIOLATIONS AND PENALTIES: A violation of any provision of this Ordinance shall constitute a misdemeanor. Any person who violates any provision of the Ordinance, shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than five-hundred and 00/100 (\$500.00) dollars, or imprisonment in the County Jail for a period not to exceed ninety (90) days, or both such fine and imprisonment at the discretion of the Court.

M. SEVERABILITY: If any portion of this Ordinance or the application thereof to any person or circumstances shall be found to be invalid by a Court, such invalidity shall not affect the remaining portions applications of this Ordinance which can be given effect without the invalid portion or application provided such remaining portions are not determined by the Court to be inoperable, and to this end, this Ordinance is declared to be severable.