

**AN ORDINANCE TO AMEND SECTION 8.61 OF ARTICLE I  
OF CHAPTER 83 OF TITLE VIII OF THE CODE OF THE CITY  
OF EAST GRAND RAPIDS**

**THE CITY OF EAST GRAND RAPIDS ORDAINS:**

Section 1. Section 8.61 of Article I of Chapter 83 of Title VIII of the Code of the City of East Grand Rapids is hereby amended in its entirety to read as follows:

**8.61 Requirements and restrictions.**

It shall be unlawful for any person to construct, cause to have constructed, or to maintain any fence or wall upon any property within the corporate limits of the city except in accordance with the requirements and restrictions herein provided:

- A. Fences or walls located in a side or rear yard shall not exceed six (6) feet in height, measured from the natural grade to the uppermost portion of the fence or wall.
- B. Fences or walls erected in any front yard, including both street sides of a through lot, shall not exceed thirty-six (36) inches in height, measured from the natural grade to the uppermost portion of the fence or wall, and shall be no more than fifty percent (50%) opaque.
- C. A fence or wall located within twenty (20) feet of the street right-of-way line on the street side yard of a corner lot shall not exceed thirty-six (36) inches in height, measured from the natural grade to the uppermost portion of the fence or wall, or shall have clear visibility through it (such as a chain link fence) and be set back at least one (1) foot from the right-of-way line.
- D. A fence or wall lawfully in existence as of the adoption of subsections B and C above that does not conform to the requirements of subsections B and C (a "preexisting fence or wall") may be continued so long as it remains otherwise lawful, subject to the following provisions:
  - 1. No preexisting fence or wall may be enlarged or altered in a way which increases its nonconformity.
  - 2. If a preexisting fence or wall is moved for any reason, it shall thereafter conform to the regulations of subsections B and C.
  - 3. Repair and maintenance work may be performed on a preexisting fence or wall provided that its nonconformity as it existed at the time this section was adopted is not increased.
  - 4. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of a preexisting fence or wall or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

- E. Fences and walls shall be constructed and maintained vertical to the contour of the adjoining land. All fences constructed or reconstructed following the adoption of this section shall have the finished side facing neighboring property. The back side of a fence shall face the owner's property and shall contain the fence posts and bracing.
- F. There shall not be attached, affixed, or placed on any fence or wall any spike, nail, barb (including barbwire), or other pointed instrument, and all cleaved selvages and sharp points on wire fences shall be removed or bent to eliminate any sharp extrusions.
- G. No fence or wall shall be constructed or maintained which is charged or connected with an electrical current.
- H. Temporary construction fences and fences for protection around excavations shall comply with all requirements of the National Building Code. Such fences shall not be maintained for a period greater than a year without approval of the Zoning Board of Appeals.
- I. Fences enclosing tennis courts shall not exceed twelve (12) feet in height and shall be of a standard open wire-mesh type and if in excess of six (6) feet in height shall not encroach upon the side yard required to be maintained under the provisions of Chapter 50, Zoning, of this Code without the prior approval of the City Commission. The City Commission, in considering applications to construct such fences, shall give consideration to the character of the neighborhood and the preservation of property values and may attach to its approval such conditions regarding the location, character, landscaping, or treatment thereof as it may deem to be reasonably necessary for the protection of the neighbors and for the furtherance of the intent of this chapter.
- J. No fence or wall shall be erected within one (1) foot of any lot line abutting a street right-of-way line.
- K. Provisions of the City Code in Title VIII dealing with fencing requirements for swimming pools may in some instances be inconsistent with the requirements of this section. Any such inconsistencies shall be addressed by filing for an exception as provided in subsection L below.
- L. The City Commission may, for good cause, authorize exceptions from the strict requirements of this chapter upon written application and following a public hearing. The procedure for such application and hearing shall be as set forth in Section 5.100 to 5.105, inclusive, of this Code with respect to variances from the City Zoning Ordinances.

Section 2. This Ordinance shall be effective on July 18, 2014.

Section 3. This Ordinance shall be published in full pursuant to the provisions of Chapter VII, Section 7.5 of the Charter of the City of East Grand Rapids.