

- 7.6.2. **FENCING.** Trash containers in all zoning districts other than single-family shall be screened on four (4) sides with an opaque fence or wall at least as high as the trash container and shall be constructed of material which is compatible with the architectural materials used in the site development. Gates which provide access to the container for maintenance shall be made of an opaque material also compatible with the architectural materials used in the site development. The location of the dumpster or other trash container unless specific exception is provided by the Planning Commission, shall be fifteen (15) feet from any off-site building or lot line. The container shall not constitute a hazard and shall not be within the required yard setbacks of that zoning district. The Commission may further require internal storage and/or the use of trash compactors where, in the determination of the Commission, the public health, safety, and welfare is served.

### **Section 7.7. Reserved for Future Use (Previously Drains and Drainage, repealed 8-24-2005)**

#### **Section 7.8. Building Grades.**

In establishing the grade on a lot or parcel for the purpose of any construction thereon, the following conditions shall control:

- 7.8.1. **EXISTING SUBDIVISIONS.** Where there is existing development in the area or where the adjacent lands are subdivided, the grades about the new development or construction shall be set to conform to the grades of the existing development or subdivision.
- 7.8.2. **NEW DEVELOPMENT.** All new development shall be accomplished as to contain all runoff on the site or direct runoff to storm facilities without crossing abutting developed or platted lands.
- 7.8.3. **GRADE CHANGES.** Where the grade on a site is in any way to be increased above the existing grade, the owner of the property shall, upon application for a building permit, submit a certified survey signed and sealed by a Land Surveyor or a Civil Engineer licensed to practice in the State of Michigan stating the existing and proposed grades and that all the conditions set forth in this ordinance are met. This certification shall be accompanied by a drawing which contains at least the following information:
- A. A property line survey showing lot shape and dimension, drawn to a scale of (1") inch equals ten (10') feet on lots eighty-five (85') feet in width or less and up to one (1") inch equals thirty (30') feet on lots greater than eighty-five (85') feet.
  - B. Elevations of abutting properties and the crown of abutting road pavement shall be shown.
  - C. Existing and proposed changes in grade shall be shown in sufficient detail to establish current and proposed drainage patterns, grades of any proposed structures, adjacent properties and existing structures, including contoured elevations of up to one foot if deemed necessary.
  - D. The proposed location and first floor elevation of the proposed construction shall be shown.
- 7.8.4. **FINAL APPROVAL.** Upon completion of the project and prior to the issuance of a Certificate of Occupancy, a revised certified survey shall be submitted indicating the actual grades on the property and elevation and location of the construction.
- 7.8.5. **FEES AND BONDS.** Fees and/or Bonds for inspection and completion of the new grade shall be paid at the time of application for a permit. The amounts shall be established by a resolution of the Township Board and shall cover the cost of the inspection and completion of the project.

#### **Section 7.9. Fences, Walls and Screens.**

All fences, walls and other protective barriers (referred to in this Section as "fences") of any nature, description or location in St. Clair Township shall conform to the following regulations:

- 7.9.1. PERMIT. The erection, construction or alteration of any fence shall require the issuance of a zoning permit approved in compliance with the provisions of this Ordinance.
- 7.9.2. CONSTRUCTION. All fences hereafter erected shall comply with the following:
- A. Safety. With the exception of Rurally zoned property, barbwire, spikes, nails or any other sharp instruments of any kind are prohibited on top of, or on the sides of any fence, except that barbed wire cradles may be placed on top of fences enclosing public utility buildings or equipment in any district, or wherever deemed necessary by the Planning Commission in the interest of public safety or protection of private property.
  - B. Visibility. Where any fence would be located within twenty-five (25') feet of a street intersection, the wall shall be angled or off-set in such a manner so as to comply with the intersection visibility provisions found in this ordinance.
  - C. Construction. All exposed horizontal and vertical structural members of a fence shall be located facing the inside of the property they are intended to fence.
- 7.9.3. AGRICULTURAL USES. All animals raised for agricultural uses shall be enclosed by fencing suitable to retain such animals
- A. Notwithstanding the general provisions and intent of this section, barbed wire or other sharp, pointed material may be used in the construction of any fence in rural zoned areas so long as such fence is used exclusively to contain those animals kept or maintained for personal use.
- 7.9.4. RESIDENTIAL USES. Fences or walls in residential districts may be constructed along or inside the property line of a side or rear yard as follows:
- A. Side/Rear Yard Height. Fences on all lots and parcels of record in all rural/residential districts which enclose property and/or are within a required side or rear yard, shall not exceed six (6) 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 required minimum front yard, whichever is greater. However fences within a required side or rear yard may be allowed to exceed six (6) feet in height after review and approval of the plans by the Planning Commission.
  - B. Front Yard Height. Fences are allowed in the front yard provided they are decorative in nature, do not exceed a maximum visual impairment of thirty percent (30%) and do not exceed four (4) feet in height.
  - C. St. Clair River. Man made decorative and chain link fences on lots with frontage on the St. Clair River shall be allowed to be erected in the yard on the river side, provided they do not exceed an average of five (5) feet in height and do not exceed a maximum visual impairment of thirty percent (30%). Fences or screening that do not exceed an average of six (6) feet in height, may be constructed after an "Improvement Review" and approval by the Planning Commission.
- 7.9.5 NON RESIDENTIAL USES. Fences in other than Rural/Residential Districts shall only be permitted to be located and constructed as approved by the Planning Commission after an "Improvement Review".

**Section 7.10. Ponds and Retention.**

Ponds or retention areas, created for livestock watering, irrigation, fish or aquatic life, or for recreational or retention purposes, are a permitted use when approved by the Building Inspector subject to the following standards and requirements: