

- 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:

7.10.1. PERMIT REQUIREMENTS. A Site Plan, including a cross section of the pond, shall be submitted to the Building Inspector for his determination that it meets the requirements and standards of this Section as follows:

- A. The existing drainage patterns shall not be altered so as to result in flooding of any adjacent or surrounding properties nor shall ponds be constructed in such a manner that run off, overflow, spillage, or seepage encroach upon adjacent properties, owned by another person.
- B. Any artesian well or other water overflow from a pond that could affect adjacent property shall be provided with adequate drainage
- C. Ponds shall be of the excavated type, only; as defined by the Soil Conservation Service Engineering Standard; and shall be constructed to the SCS, Standard No. 378, as amended.
- D. No pond shall be constructed without first obtaining a permit from the Department of Natural Resources, if such pond would be:
  - 1. five (5) acres or greater in area, or
  - 2. connected to an existing lake or stream, or
  - 3. located within five hundred (500) feet of the ordinary high water of an inland lake or stream.
- E. The obtaining of the permit from the D.E.Q. shall not relieve a person from also complying with the requirements of this Section.

7.10.2. LOCATION. All approved ponds shall be located on a contiguous parcel, with a minimum of three (3) acres as follows; except, when used for irrigation and/or livestock watering, when the minimum requirement is forty (40) acres.

- A. The pond shall be a minimum distance of forty (40) feet from any property line.
- B. A front yard pond must be located at least fifty (50) feet from the road right-of-way.
- C. Ponds shall be located a minimum of fifty (50) feet from the septic tank or field; subject to approval of the Health Department.

7.10.3. CONSTRUCTION. All ponds shall be constructed to the following requirements.

- A. The pond is not to be excavated prior to the commencement of construction of the residence; except that all ponds, used for agricultural purposes, on parcels of forty (40) acres or more are exempt from this requirement.
- B. The submerged side slopes of the pond shall extend no less than three (3) feet into the pond, per every foot of drop (ie. 3:1 slope).
- C. Ponds shall have warning signs and lifesaving equipment, as required by the State of Michigan.
- D. Ponds shall be a minimum of 10 feet deep over 25% of the pond's surface area which may be no less than 8400 sq. ft.

### **7.11 Private Roads (Added 10-4-2010)**

#### **Section: 1 Frontage**

Every dwelling or principal building shall be located on a lot or parcel which fronts upon a public road and/or a private road for the full width of the lot or parcel, as measured between side lot lines; providing said lot lines are in a straight line from the