



**CITY OF EAST GRAND RAPIDS**  
**FENCE AND WALL PERMIT APPLICATION**

750 Lakeside Drive SE, East Grand Rapids, MI 49506  
Phone 616.940.4817 Fax 616.831.6121 amizikar@eastgr.org

**\*No Fee Required\***

Date: \_\_\_\_\_

Property Address: \_\_\_\_\_

(Check one below)

Interior Lot

Corner Lot

Through Lot

Property Owner(s): \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

(Leave blank if home owner is constructing fence)

Contractor's Name: \_\_\_\_\_

Contractor's Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Fence Description (Height, Type, Location, Etc.):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- **A site plan** of the proposed fence/wall is required as an attachment to this application. Please show where the fence will be in relation to all buildings, structures, and property lines. Include all necessary dimensions and measurements for the fence and its relation to nearby structures and property lines.
- The city must be notified within 24 hours of completion for a **compliance inspection**.

**By signing below**, applicant agrees to construct the proposed fence as is described on the attached site plan and in accordance with the City of East Grand Rapids Fence Ordinance. The city is not responsible for determining property lines, nor is the city liable for any approved fence that is built not in accordance with the City of East Grand Rapids Fence Ordinance. Fences not constructed in accordance with the ordinance may be subject to post construction variance fees, citations, and/or relocation/removal.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

(For office use only)

Date Received: \_\_\_\_\_ Date Approved: \_\_\_\_\_ Inspection Date: \_\_\_\_\_

\_\_\_\_\_  
Zoning Administrator (Site Plan Approval)

\_\_\_\_\_  
Zoning Administrator (Inspection Approval)

**AN ORDINANCE TO AMEND 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. 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:

**ARTICLE I  
GENERAL FENCE REQUIREMENTS**

The intent of this ordinance is to create openness and clear vision within the City's neighborhoods so that pedestrians and vehicles can safely proceed on sidewalks and streets without views of other pedestrians and vehicles being blocked by a fence.

**8.61 Requirements and restrictions.**

- A. Fences or walls located in a side or rear yard shall not exceed six (6) feet in height, measured from the bottom of the fence or wall to the uppermost portion of the sections in-between the support posts or pillars. A gap no larger than 6 inches is allowed between the natural grade and the bottom of the fence to allow for uneven grade. Support posts and pillars are allowed a twelve (12) inch height encroachment for decorative elements.
- B. Fences or walls erected in any front yard, including both street sides of a through lot, shall not exceed forty eight (48) inches in height, measured from the bottom of the fence or wall to the uppermost portion of the sections in-between the support posts or pillars, and shall be no more than fifty percent (50%) opaque for the sections of fence or wall in-between support posts or pillars. A gap no larger than 6 inches is allowed between the natural grade and the bottom of the fence to allow for uneven grade. Support posts and pillars are allowed a twelve (12) inch height encroachment for decorative elements.
- C. A fence or wall up to six (6) feet in height shall be at least ten (10) feet off of the street right-of-way line on the street side yard of a corner lot, or must be in alignment with the current house setback, whichever is less. Any fence or wall within that ten (10) foot setback, or closer than the established side yard setback of the house, shall not exceed forty eight (48) inches in height, measured from the bottom of the fence or wall to the uppermost portion of the sections in-between the support posts or pillars, or shall have clear visibility through it (such as a chain link fence or a metal rod fence) and be set back at least one (1) foot from the right-of-way line. In addition, no fence or wall may be located in the clear vision area required by Section 3.38 of the City Code unless it is no more than fifty (50%) opaque.

- 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. Repair and maintenance are defined as replacing no more than 25% of a section of non-conforming fence within a 12-month timeframe.
  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 or 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 Sections 8.62.A and 8.62.B of this chapter.
- M. Prior to installing or having a fence installed upon a parcel of property, the owner of the property or the owner's contractor must obtain a fence permit from the City. The procedure for obtaining this permit will be set forth in the Fee Resolution adopted by the City from time-to-time for other required permits.

#### **8.62 Maintenance of fences.**

- A. All fences shall be protected from deterioration with properly applied paint, stain, or other protective coating, with the exception of metal fences, redwood and cedar fences, or fences constructed with pressure-treated lumber which are of a type not customarily intended to be so painted, stained or coated, but such fences shall be properly maintained to prevent deterioration.
- B. Fences shall be maintained to retain their original appearance, shape and configuration. Elements of the fence that are missing, damaged, destroyed or deteriorated shall be replaced and repaired to maintain conformity with the original fence design.
- C. Any fence which because of a failure to comply with the provisions of this chapter becomes unsafe so as to create possibility of bodily injury or becomes unsightly to neighbors or the general public is hereby declared a nuisance. The building inspector shall serve the owner, agent or person in control of the property upon which such fence is located, a written notice

describing the unsafe or unsightly condition and specifying the required repairs or modifications to be made or requiring the fence or any portion thereof to be removed, and shall provide a time limit for such repair, modification or removal. Any person failing to comply with such notice within the time limited therefor shall be guilty of a violation of this Code. (Ord., 11-4-84)

#### **8.62.A Appeals, Interpretations, and Variances**

- A. **Board of Appeals.** The City Commission shall act as the Board of Appeals for these regulations. The City Commission shall have the authority to interpret, consider appeals of administrator decisions, and consider request for variances; provided, the City Commission shall have no authority to hear an appeal, interpret provisions or consider a variance from any matter that relates to the construction or design specifications established by the City Building Code. Such decisions shall be the sole province of the Construction Board of Appeals.
- B. **Appeals.** Any person aggrieved by any decision or order of the Director of Public Works or Zoning Administrator in connection with any provisions of these regulations may appeal to the City of East Grand Rapids City Commission within thirty (30) days of the decision or order.
- C. **Interpretation.** The City Commission may interpret any aspect of the regulations of this Chapter. Such interpretation may be required by an application, business owner, property owner, City official, the Zoning Administrator, or the Director of Public Works.
- D. **Variances**
  - 1. The City Commission shall hear variance requests on all applications that do not conform to the provisions of these regulations, relating to location, height, maintenance, and opaqueness.
  - 2. The City Commission shall use the following standards to determine if a variance is warranted. All of the following standards shall be satisfied, as applicable.
    - a. The applicant has demonstrated a variance is needed due to a practical difficulty on the site or unique condition that is more than mere inconvenience.
    - b. A variance is warranted due to circumstances exceptional and peculiar to the property for which the variance is requested, and those conditions do not exist generally throughout the City.
    - c. The variance will not be a hazard to either clear vision or overall safety, and will be harmonious with the surrounding environment.

- d. If applicable, a variance would significantly bring a nonconforming fence closer to conformity with this chapter.
- e. The variance will not be contrary to the purpose and intent of the regulation(s) being considered for the variance.

### **8.62.B City Commission Hearings and Decisions**

- A. Notice regarding a proposed appeal, interpretation (if applicable to a specific property) or variance shall be sent by mail at least fifteen (15) days prior to the City Commission meeting at which the request will be considered, to all property owners of records within three hundred (300) feet of the property in question. The notice shall contain a brief description of the request, the time and place of the City Commission meeting, the hours and location where the application may be inspected, and the address to which written comments may be sent.
- B. Meetings to hear appeals, interpretations, or variance may be held the same evening as the regularly scheduled City Commission meeting, unless a special meeting is called.
- C. Decisions required under this section shall be by majority vote of the full membership of the City Commission, not just a majority of those present.
- D. The City Commission may affirm, annul, or modify the order or action of the Department of Public Works or applicable portion of the regulations of this chapter.
- E. All decisions are final and may not be appealed, except as may be provided by law.
- F. In its capacity as appellate board, the City Commission shall either:
  - 1. Approve the application as presented upon a finding, point by point, that all the criteria in Section 8.62.A, subsection D.2, are met;
  - 2. Subject the approval to certain changes or conditions, such as, but not limited to, changes to fence height, location, material, or opaqueness.;  
or
  - 3. Deny the application.
- G. Any decision shall be in writing and the applicant shall be provided a written explanation of the reasons for the decision and any conditions to an approval.

Section 2. This Ordinance shall be effective on November 1, 2019.

Section 3. Notice of adoption of this Ordinance shall be published within ten days of its enactment by a publication of a digest, summary, or statement of purpose of the Ordinance as provided by Chapter VII, Section 7.5 of the Charter of the City of East Grand Rapids.

**NOTICE OF ADOPTION OF ORDINANCE BY THE CITY OF EAST GRAND RAPIDS:**

Notice is hereby given that on October 21, 2019, the City Commission of the City of East Grand Rapids adopted an ordinance restating Article I of Chapter 83 of Title VIII of the City Code. The purpose of this ordinance is to regulate fences within the City. The ordinance requires that a permit be acquired before installing a fence and contains placement restrictions on the location of fences and height restrictions also based upon the location of fences. The full text of the ordinance is available for inspection by and distribution to the public at the office of the City Clerk. No further or additional publication of this ordinance is required or contemplated.

City of East Grand Rapids

By \_\_\_\_\_  
Karen K. Brower  
City Clerk

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