

ELY TOWNSHIP

"An Ordinance Regulating the construction of fences in the Township of Ely" Ordinance Number 1-2026

The Board of Ely Township, Marquette County, Michigan ORDAINS:

An Ordinance to secure the public peace, health, safety, welfare of and for the residents and property owners of the Township of Ely, Marquette County, Michigan, by the regulation of the construction of permanent fencing within said Township; and, to provide civil penalties and civil remedies for violation of this Ordinance.

PURPOSE

The purpose of this ordinance is to provide reasonable regulations for fence installation while allowing property owners the ability to install a fence for aesthetic, screening, separating or security purposes in Ely Township; and to provide for the removal of permanent fencing on lands within Ely Township.

ARTICLE 1

SECTION 1.1: SHORT TITLE

This Ordinance shall be known as "Ely Township Fence Ordinance."

1. A Zoning Compliance Permit shall be required in any District for the construction of any type of permanent fence.
2. Specifications are as follows:
 - a. Fences in any platted subdivision or lot of record shall not contain barbed wire or be electrified.
 - b. No fence shall obscure the vision of drivers of vehicles at any driveway entrance or exit, street intersection, or other pedestrian or vehicle property access point.
 - c. A screening fence shall be an obscuring fence no less than four (4) feet, and no greater than six (6) feet in height above the existing grade. Total area of any openings shall be no more than 20% of the total vertical surface (on one side) of the actual fence height.

d. Any "fence" exceeding the 20% passage of light shall be defined as a "fence" and not a "screening fence". Any such fence shall be no greater than six (6) feet in height above the existing grade and may be located at side or rear yards.

e. All fences shall be constructed within property lines.

f. Protective and adequate fencing to enclose a swimming pool shall be required around all outdoor swimming pools, and shall not be less than four (4) feet, six (6) inches above the established grade.

g. Hedges, tree lines, vines and other types of vegetation shall not constitute any type of fence.

ARTICLE 2

SECTION 2.1: NOTICE TO REMOVE

On the advice of the Township Board or on his/her initiative, the Township Supervisor or the designated Ordinance Enforcement Officer, is hereby authorized to send out written notice to the owner or occupant of such real property to remove Permanent fencing located on such property. The notice shall be sent by first-class mail to the owner or occupant at such person's last known address. The notice will require removal of the permanent fencing within which time shall not be more than thirty (30) days, from the date of the notice sent. The occupant shall be deemed an agent of the owner of the real property for service of such notice. Complaints regarding violations of this ordinance shall be directed to the person designated by the Township Board for giving notice of such violations, and such designated person shall have the authority to review all such complaints and to confirm whether such complaints constitute a violation of the provisions of this ordinance.

The Township Board shall serve in the same capacity as an Ordinance Compliance Committee.

SECTION 2.2 RIGHT TO HEARING

A. Hearing:

1. Any person affected by any notice pursuant to this Ordinance may request, and shall be granted a hearing with the Ordinance Compliance Committee provided that such person files with the clerk of the township a written petition for a hearing and a statement of the grounds for non-compliance with the removal demand within the required time after delivery of the notice.
2. The Ordinance Compliance Committee may approve an extension of time to correct a violation provided in a written notice when there are documented extenuating circumstances beyond the control of the responsible person and /or where the responsible person has made a substantial documented effort to correct violations.

ARTICLE 3

SECTION 3.1: PENALTIES AND ENFORCEMENT

- A. Any person who violates the provisions of this Ordinance shall be deemed responsible for a civil infraction and shall be subject to a civil penalty of not more than Five Hundred Dollars (\$500.00) for each infraction. Each day that a violation continues to exist shall constitute a separate infraction. Such penalties shall not preclude any other civil action against the violator for injunctive or other relief.
- B. The Ordinance shall be enforced by the Supervisor of the Township, by the Ordinance Enforcement Officers of the Township of Ely or by any other persons as the Township Board may, by Resolution, from time to time, designate.
- C. Non-compliance authorizes the Township to add the expenses of removal of Permanent fencing to the tax roll of any property from which such fence is required to be removed after noncompliance with notices to remove such fence. The Township is empowered to remove such fence itself or hire a third party to do so.

ARTICLE 4

SECTION 4.1: SEVERABILITY

The provisions of this Ordinance are declared to be severable, and if any clause, sentence, work, section or provision is declared void and unenforceable by reason

of any court of competent jurisdiction, it shall not affect any portion of the Ordinance other than said part or portion thereof.

ARTICLE 5

SECTION 5.1: EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days after publication.