

ORDINANCE NO. 153

AN ORDINANCE REPEALING ORDINANCE NO. 39 AND ORDINANCE NO. 42 REGULATING THE CONSTRUCTION OF FENCES WITHIN ALL RESIDENTIAL DISTRICTS OF THE CITY.

The City of Luna Pier Ordains:

SECTION 1: Ordinance No. 39 and Ordinance No. 42 are hereby repealed.

SECTION 2: All fences of any nature, type or description hereafter erected or constructed within the residential districts of the City of Luna Pier shall conform to the following regulations:

- A. No fence shall hereafter be erected in the front yard more than three (3) feet in height of solid or board type, nor more than forty-eight (48) inches of chain or ornamental.
- B. No fence shall be erected in the side yard or more than forty-eight (48) inches in height.
- C. No fence shall be erected in the rear yard of more than forty-eight (48) inches in height.
- D. No solid, board or privacy type fence or wall shall be erected closer than one (1) foot to any side walk or five (5) feet to any street.
- E. No open, split rail or chain link type of fence or wall shall be erected closer than one (1) foot to any side walk or two (2) feet to any street.

There shall be no variance, unless written approval is obtained from the Zoning Board of Appeals after application to the Building Inspector. The Zoning Board of Appeals shall consider the applicants individual circumstances and the interests of the city in granting or denying permission to vary from these regulations.

SECTION 3: No fence, wall structure or planting shall be erected, established or maintained on any corner lot which will obstruct the view of a driver of a motor vehicle approaching the intersection and/or shall be installed so as to provide for a minimum of ten (10) feet for solid, board or privacy type fence or wall or five (5) feet for open, split rail, chain link type fence or wall from the corner of the intersection nearest the abutting property.

SECTION 4: Hedges, ornamental shrubs, trees, bushes and all kind of plants shall be considered fences for the purpose of this ordinance when placed in a manner or position to serve as a fence.

SECTION 5: Barbed wire, spikes, nails or any other sharply pointed material used in the construction of a fence shall be prohibited within the residential areas of the city: chain link fences shall be constructed with the pointed ends facing the ground.

SECTION 6: This section shall provide for the "Grandfather" of all fences in good condition at which time this ordinance is adopted. It shall further allow the maintenance or repair of said fences. At which time a grandfather fence is removed or can not be repaired a replacement fence or wall shall comply with all the provisions of this ordinance.

SECTION 7: Any person violating the provisions of this ordinance shall be guilty of a misdemeanor punishable by a fine of not to exceed One Hundred (\$100.00) dollars or imprisonment in the Monroe County Jail not to exceed 90 days.

This ordinance shall become effective ten (10) days after a summary has been published as provided by law.

I, Rose M. Laderach, Clerk, City of Luna Pier, do hereby certify, that the foregoing Ordinance was duly adopted at the Regular Meeting of the Luna Pier City Council held on September 11, 1997.

Rose M. Laderach, Clerk
City of Luna Pier

Dated: 9/12/97

ADOPTED: 9/11/97

PUBLISHED: 9/19/97

EFFECTIVE: 9/29/97