

120.360 Fencing and Swimming Pool.

- A. All fences of any nature, type or description located in Cooper Charter Township shall conform to the following requirements:
1. No fence in excess of six (6) feet in height shall be erected, constructed, located or maintained in any residential district. In addition, no fences in excess of 48 inches in height shall be erected, constructed, located or maintained in any front yard in any residential district. All fences in the front yard shall be non-opaque in nature, designed or constructed of materials that provide for a clear field of vision through the fence.
 2. No fence located in a residential zoning district may contain barbed wire, spikes, nails or other sharp points or instruments of any kind on the top or on the side of any fence, or electrical current or charge in said fence, except for agricultural purposes or lots, parcels or building sites greater than 2½ acres in size.
 3. All fences hereafter constructed shall be of ornamental nature consisting of wood, vinyl, chain link and/or metal, brick or block standard fencing materials. The finished portion of the fence shall face outward, toward adjoining properties. In no case shall items such as, or similar to, the following be used in the construction of any fences: Pallets, tires, scrap metal, etc.
 4. In the case of lakefront lots or lots bordering on a river or stream, no fence shall be located on the lake side or fronting upon a river or stream except as in conformance with the front yard requirements, as set forth above.
 5. Fences in the agricultural or residential districts may be located on the property lines or road right-of-way lines of a parcel of land, providing such fences are maintained in a good construction and do not result in an unreasonable hazard to persons who might come near them.
 6. Within the commercial or industrial districts, barbed-wire cradles shall be permissible, provided they have no more than three (3) strands of barbed wire and have a height from top to bottom of the cradle of no more than one (1) foot. However, barbed wire cradles shall not be considered as part of the fence for purposes of determining compliance with the maximum eight (8) foot height limitation.

7. The Planning Commission shall have authority to waive the fence height limitations within the commercial or industrial districts if the Planning Commission determines, based upon the nature of the site, nature of the properties and streets adjoining the subject property and the nature of the proposed use, that such a waiver will not have a material adverse impact upon persons or property in the surrounding area and will not otherwise be inconsistent with the purposes of this section.
 8. No fence, wall, structure or planting shall be erected, established or maintained in any corner lot which will obstruct the view of a driver of a vehicle approaching the intersection, excepting that shade trees would be permitted where all branches are not less than eight (8) feet above the road level. Such unobstructed corners shall mean a triangular area formed by the street property lines, and a line connecting them at points 30 feet from the intersection of street lines or in the case of rounded property corner, from the intersection of the street property lines extended. This shall not prohibit the establishment of shrubbery up to 30 inches in height.
 9. Interior fences within a mobile home park shall not exceed 48 inches in height and shall not have less than two (2) access gates, which provide free access to all sides of the mobile home for firefighting purposes.
- B. All swimming pools hereafter constructed outside of a building shall be enclosed by a fence (or wall) extending from the ground to a point at least four (4) feet above any ground or climbable object, subject to building code requirements. Such fence (or wall) shall be of one of the following types:
1. Vertical board or pole fence with boards or poles spaced not greater than two (2) inches with all horizontal members on the pool side of the fence (or wall);
 2. Solid fencing having a flush exterior;
 3. Chain link or metal mesh, the openings of which shall not exceed two and one-fourth (2 1/4) inches;

4. Gates shall meet the requirements for fence construction, and shall be self-closing, self-latching, and equipped with a key lock capable of securely holding the gate closed. Service gates not ordinarily used for ingress or egress for swimmers need not be self-closing or self-latching, but must be securely locked when not in use;
 5. For the purpose of determining suitable, alternative types of fences and gates, the Planning Commission is hereby given authority to grant variances so as to allow for suitable, alternative types of fencing and gates, provided that the alternative shall be reasonably equivalent to the type herein specified.
- C. Notwithstanding the above, fencing shall not be required for an above-ground swimming pool, having a height of at least four feet above any ground or climbable object within five (5) feet of sides, and shall have a retractable or removable ladder that shall be removed or retracted at all times while the swimming pool is not in use.
- D. Hot Tubs/Jacuzzi Tubs shall be securely covered when not in use.

[Ord. No. 245, eff 11/26/2017]

[Ord. No. 248, eff 01/29/2019]