

## ARTICLE 3 GENERAL PROVISIONS

### Sec. 3.01 Scope

Except as elsewhere provided in this Ordinance, no structure or part thereof, shall hereafter be erected, constructed, reconstructed or altered in any manner; and no structure, land, premises, or part thereof, shall be used for a purpose and no open space surrounding any structure shall be reduced or encroached upon, other than as permitted by the provisions of this Ordinance, for the district in which such structure land or premises is located.

### Sec. 3.02 Building Regulations

- A. No structure shall be erected, altered, or moved into this Village except in conformity with all the regulations pertaining to such structure and pertaining to the district within which such structure is located, or to be located.
- B. Nor shall any such structure be erected, altered, or moved into this Village without having been issued previously a zoning permit authorizing such erection, alteration, or movement.
- C. No zoning permit shall be issued unless a plot plan showing compliance with all requirements of this Ordinance has been approved by the Village Zoning Administrator or, in the case of a use requiring approval of the Village Planning Commission, approval of a site plan by such Commission, or, in the case of an existing structure a finding by the Village Zoning Administrator that the structure is in conformance with all existing ordinances and regulations or in compliance with the nonconforming provisions of this ordinance, or the alteration after moving will permit compliance with all such ordinances and regulations.
- D. No structure shall hereafter be erected or altered (1) to exceed the height or the mass of the building; (2) to accommodate, or house a greater number of families; (3) to occupy a greater percentage of lot area; (4) to have narrower or smaller rear yards, front yards, side yards or other open spaces than herein required; or in any other manner contrary to the provisions of this Ordinance.
- E. No part of a yard, or other open space, or off street parking or loading space required for, or in connection with, any land use, or structure for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off street parking or loading space similarly required for any other land use or structure except as otherwise specifically permitted under provisions of this Ordinance.
- F. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

Notwithstanding the provisions above, nothing in this section shall prevent the issuance of a zoning permit for a variance duly granted by the Zoning Board of Appeals or allow the continuation of a legal nonconforming use, structure or lot as provided for in this ordinance.

### Sec. 3.03 Construction or Contracts Under Permits Issued Prior to This Ordinance.

Any structure for which a building permit has been issued and construction of the whole, or a part of which has been started, or for which a contract or contracts have been entered into pursuant to a building permit issued prior to the effective date of this Ordinance, may be completed and used in accordance with the plans and applications on which said building permit

was granted, provided the construction permitted by such permit shall have been prosecuted and completed within one year from the date of issue of such building permit.

### **Sec. 3.04 On-Site Sewage Disposal Systems**

Before any zoning permit shall be issued under the terms of this Ordinance for any parcel connecting to an on-site sewage disposal system the applicant shall obtain the endorsement in writing from the Genesee County Health Department approving his plans for any on-site sewage disposal system which systems shall be in accordance with state law, county regulations, or Village Ordinance, whichever is the most restrictive and in accordance with the applicable regulations of the Genesee County Sewage Disposal District No. 4. Any parcel required by Village Ordinance to connect to the village sewer system shall do so before final approval of the parcel shall be granted.

### **Sec. 3.05 Water Supply**

- A. Every building or structure hereafter erected or moved upon any premises and used in whole, or in part, for dwelling, recreational, business, commercial or industrial purposes shall be provided with a safe, adequate and sanitary water supply. All plumbing work relating to the water supply system shall conform to the standards of material and installations set forth by the Michigan State Plumbing Code.
- B. Where a public water system is not available, each fixture for which water for human consumption may be obtained shall be supplied from a system which meets the minimum requirements of the State of Michigan, the Genesee County Health Department, the Michigan State Department of Health or the Village Ordinance.

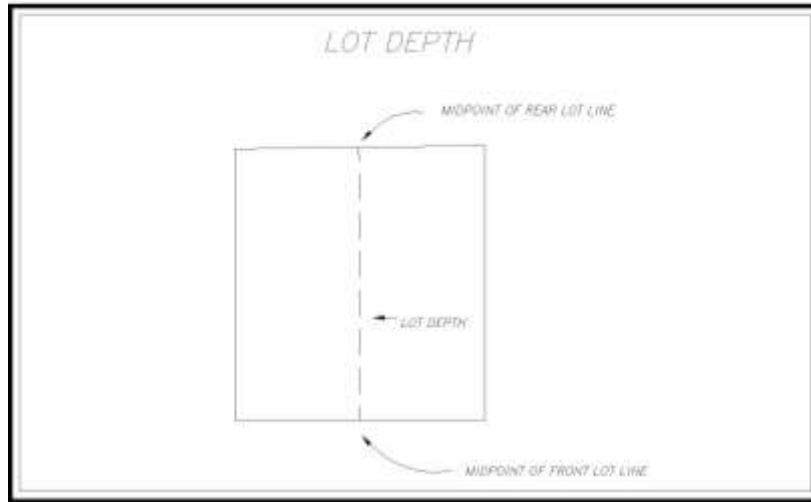
### **Sec. 3.06 Yard and Lot Area Requirements**

#### **A. Lot Measurements**

No area shall be counted as accessory to more than one principal structure or use, and no area necessary for compliance with the open space requirements for one principal structure or use shall be included or counted in the calculation of the open space accessory to any other principal structure or use. In the determination of a land area where a structure is to be erected, altered, or used, no road right-of-way shall be included in the consumption of the required minimum land area.

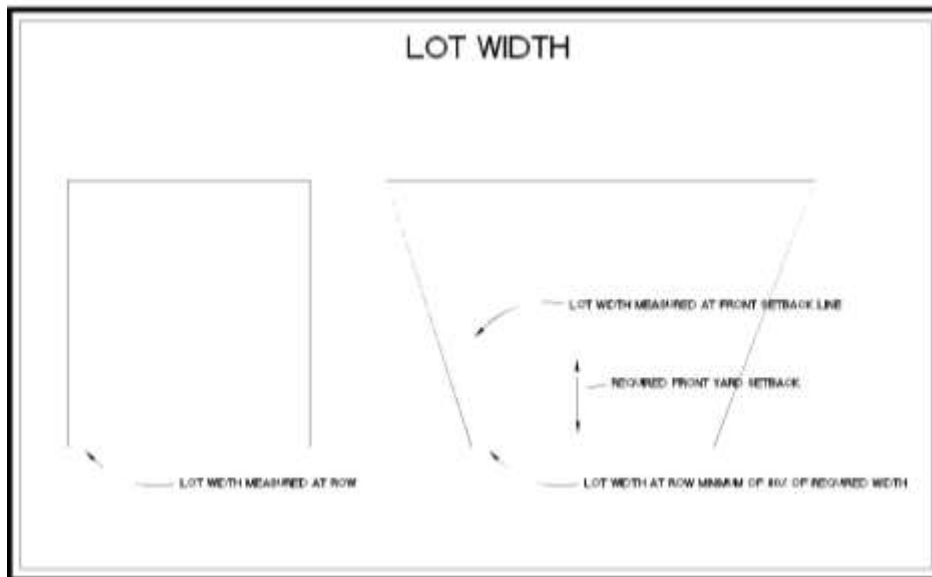
- 1. Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points to the side lot lines in front and the rearmost points of the side lot lines in the rear. (See Figure 3-1, next page)

**Figure 3-1**



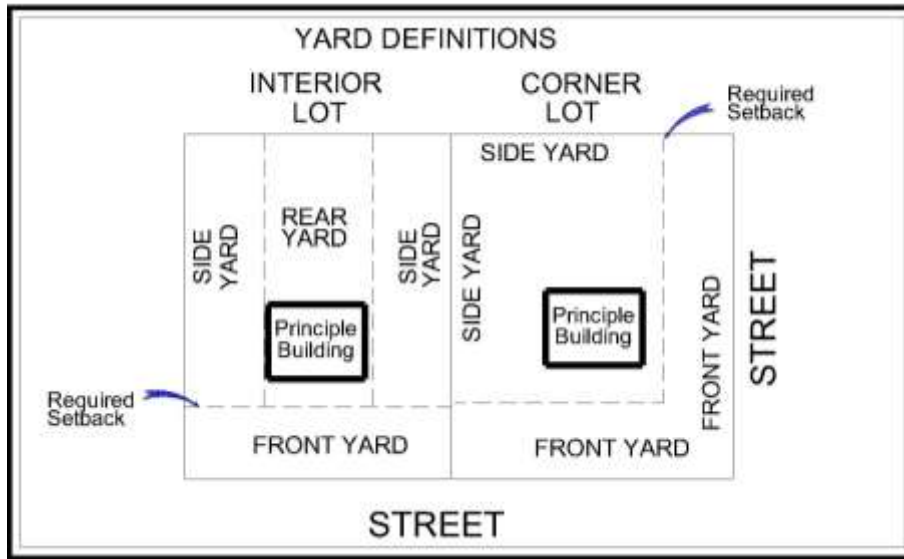
2. Width of a lot shall be the distance along a straight line connecting side lot lines where they intersect the front lot line, except in the case of lots with non-parallel side lot lines, in which case the lot width at the front lot line shall be a minimum of 80% of the lot width requirement and the lot width at the required front yard setback line. (See Figure 3-2) [3-2]

**Figure 3-2**



3. The front of a lot shall be the portion nearest the street and, for the purposes of determining yard requirements on corner lots and through lots all sides of a lot adjacent to streets shall be considered frontage, and setbacks shall be provided as required in this Ordinance. (See Figure 3-3.)

Figure 3-3



B. Dimension Criteria

1. Height Limitations

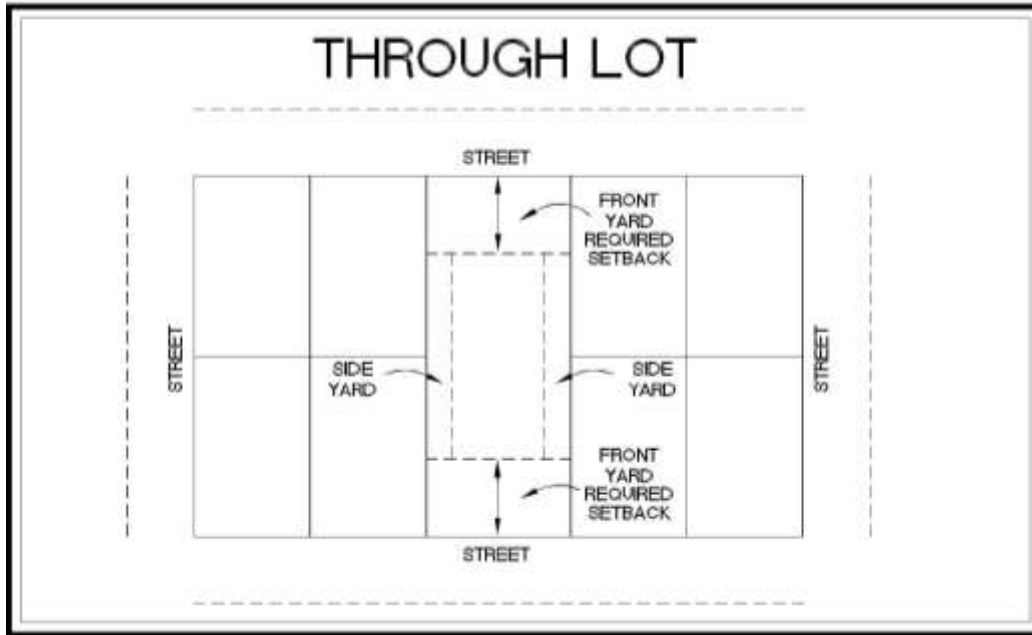
The limitations affecting the height of structures shall not apply to the appendages and structures such as communication towers, parapet walls not exceeding three (3) feet in height, chimneys, smokestacks, church spires, flagpoles, radio or TV towers, masts and aerials, penthouse for mechanical equipment, and water tanks; provided, however, such appendages and structures shall comply with all other provisions of this or any other applicable Ordinance.

2. Yards

All front, side and rear yard setbacks shall be the minimum perpendicular distance measured from the principal structure excluding all projections not exceeding three (3) feet in length or three (3) feet in width from the structure wall.

- a. In the case of corner lots which do not have reversed frontage, the front yard requirements shall apply to all sides of the lot which abut a street.
- b. In any district where a lot runs through a block from street to street and where a front yard is required, such front yard shall be provided along each street lot line.
- c. In the case of through lots, side yards shall extend from the setback lines of required front yards. In the case of corner lots, yards remaining after full front yards have been established shall be considered side yards and comply with applicable requirements for side yards. (See Figure 3-4, next page.)

Figure 3-4



- d. Width of a required side yard shall be measured in such a manner that the yard established is a strip of at least the minimum width required by district regulations.
- e. Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of at least the minimum width required by district regulations.

**Sec. 3.07 Exception to Yard and Lot Area Requirements**

Lot area and yard requirements normally required within this Ordinance may be waived upon the approval of a variance by the Zoning Board of Appeals in accordance with the provisions of Section 13.03 or subject to the following provisions.

**A. Lot Width**

A single family dwelling may be constructed on any officially platted and recorded lot which is less than the minimum width required by this Ordinance provided that the structure and setbacks comply with all other requirements herein.

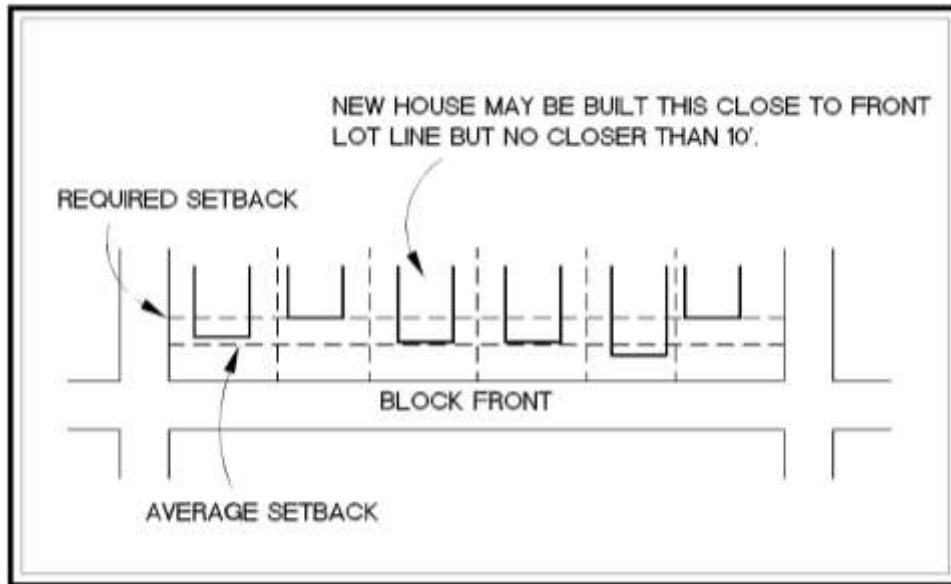
**B. Lot Area**

A single family dwelling may be constructed on any officially platted and recorded which has less than the minimum area required by this Ordinance, provided that the structure and setbacks shall comply with all other requirements of this Ordinance.

**C. Front Yards**

In all residential districts, the front yard requirement shall not be less than the average depth of existing developed front yards on lots within two hundred (200) feet of said lot and within the same block face. In addition, single-family residential uses may encroach on the front yard setback provided they are no closer to the front lot line than the average of the front yard setbacks within two hundred (200) feet of said lot and within the same block face, but in no case shall the front setback be less than ten (10) feet. (See Figure 3-5, next page.)

Figure 3-5



**Sec. 3.08 Accessory Buildings**

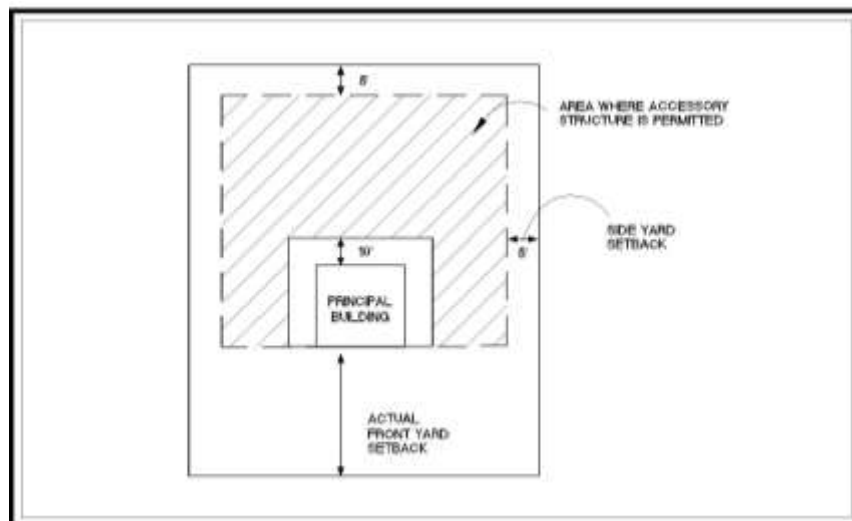
**A. Non-Residential Districts**

1. Any part of a detached accessory building shall be at least twenty-five (25) feet from any front line when the adjoining lot is located in a residential district.
2. Accessory buildings may be erected as a part of or connected to the principal building but in either case shall be considered a part of the principal building provided all yard requirements for a principal building are complied with.

**B. Residential Districts**

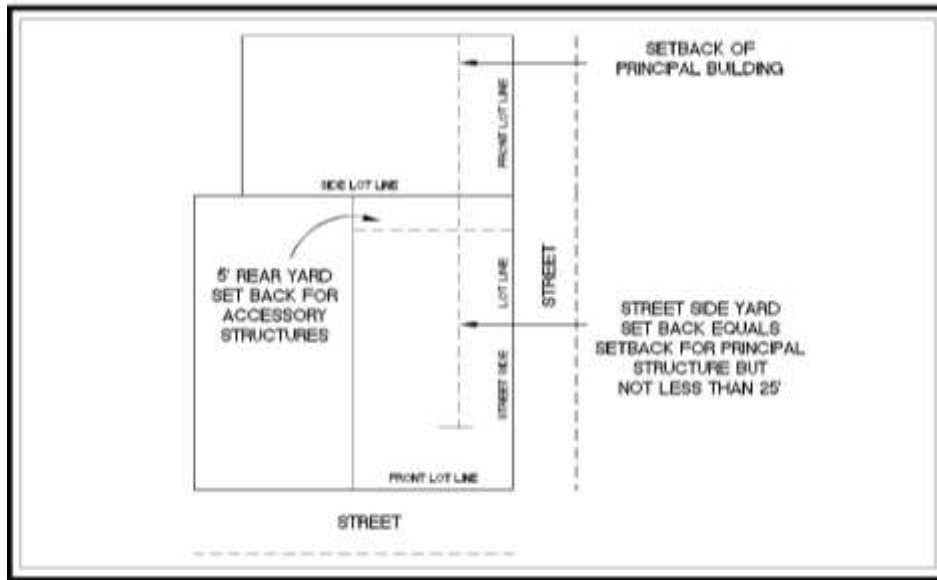
1. No accessory building shall be erected in the actual front yard setback. (See Figure 3-6.)

Figure 3-6



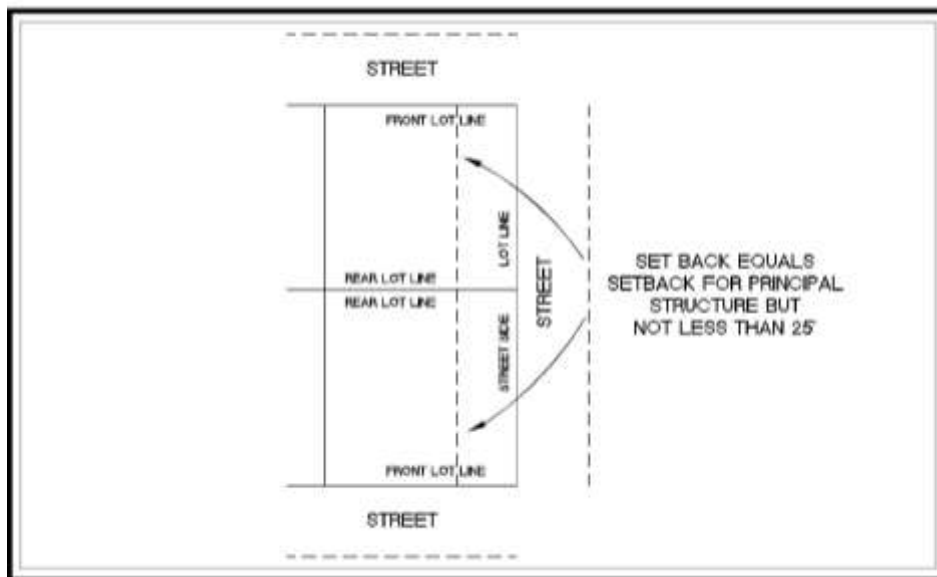
2. Accessory buildings shall not exceed twelve (12) feet in height and shall be at least ten (10) feet distance from any other separate structure on the same lot and shall not be closer than five (5) feet to any lot line.
3. When the rear line of a corner lot abuts the side line of an adjoining lot in a residential district no accessory building shall be within five (5) feet of such abutting lot line nor closer to the side street lot line than the front yard setback by less than twenty-five (25) feet. (See Figure 3-7.)

Figure 3-7



4. When the rear line of a corner lot abuts the rear line of any other lot or is directly across an alley therefrom, no accessory buildings shall be closer to the side street lot line of the corner lot than the street yard setback of the principal building on the corner lot, but in no case shall the setback be less than twenty-five (25) feet. (See Figure 3-8.)

Figure 3-8

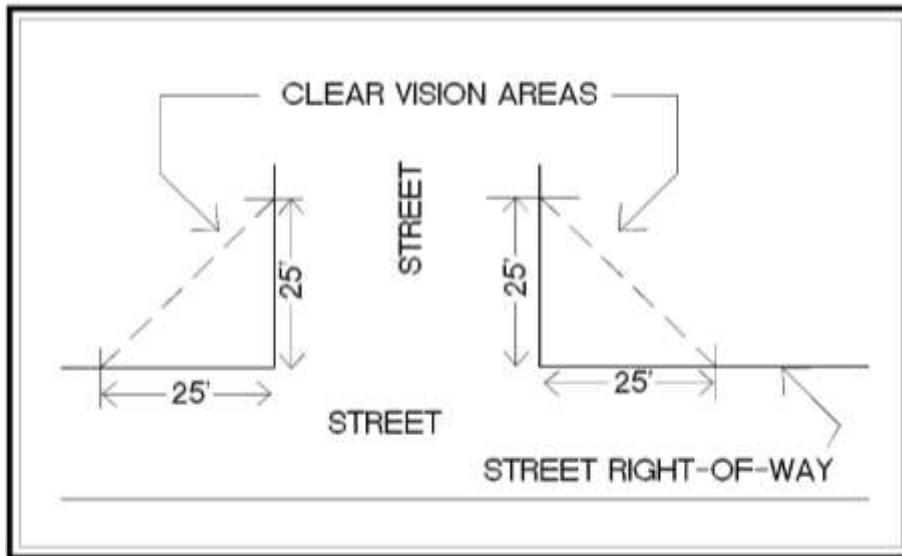


5. Accessory buildings may be erected as a part of the principal building or may be connected thereto by a breezeway or similar structure and in either case shall be considered a part of the principal building provided all yard requirements of this Ordinance for a principal building are complied with.
6. A private garage or a portion thereof may be rented or leased for not more than one (1) motor vehicle (non-commercial type only) to a person not a resident of the dwelling on the lot.

**Sec. 3.09 Clear Vision Zone**

There shall be a clear vision zone at all corners of intersecting roads, or road junctions, consisting of a triangular area defined by the point of intersection of the right-of-way lines and the two points extended along such lines a distance of twenty-five (25) feet from the point of intersection, and within which area no obstruction to vision, excluding existing topography, shall be permitted from a height of two (2) feet to eight (8) feet above centerline elevation of abutting streets, except not more than two (2) trees with trunks of not more than thirty (30) inches in diameter each, and clear of any branches for such heights may be located within such area; provided, however, that this section shall not prohibit the requirement of a greater clear vision area where such is necessary in view of permitted traffic, anticipated traffic volumes or geographic conditions. (See Figure 3-9, next page.)

**Figure 3-9**



**Sec. 3.10 Lot Grades**

- A. All structures shall be constructed or located with a ground elevation such as to provide a sloping grade to cause the surface drainage to flow away from the walls of such structures.
- B. Grades on any lot upon which new construction or earth movement is to be carried out shall be related to existing grades and drainage systems such as to provide adequate drainage and not jeopardize such existing drainage systems and shall be approved by the Village Building Inspector and such other authorities having jurisdiction over such system.



### **Sec. 3.11 Curb Cuts and Driveways**

Curb cuts and driveways may be located only upon approval by the Superintendent of Public Works and such other county and state authorities as required by law such as the Michigan Department of Transportation for state highways; provided, however, such approval shall not be given where such curb cuts and driveways shall cause an unreasonable increase in traffic hazards. The driveway curb cut review and approval process for curb cuts and driveways not accessing M-15 is outlined below:

#### **A. Driveways - Permits**

An application for a driveway permit shall include:

1. A site plan or sketch showing the driveway for its entire length and its relation to the intersecting road, the proposed location of dwellings or structures, septic systems, existing or proposed surface water swales, diversions, etc.;
2. On any driveway where existing lot grades exceed ten (10) percent, a profile of the driveway showing existing and proposed center line grades and elevations for its entire length shall be required;
3. A plan showing the type of storm drainage to be constructed along the driveway and at the driveway intersection with the road, i.e., dish-type gutter, pipe or culvert. Sizes of pipes, culverts and gutters, grades, elevations, typical cross-sections, construction details, and any other information deemed necessary to the proper analysis of the installation shall also be shown;
4. Where a driveway existed on the date of the adoption of the ordinance codified in this chapter, and the owner has decided to modify said driveway as defined herein, then the owner shall file an application with Zoning Administrator on forms provided together with a fee established as part of a fee schedule adopted by the Village Council. Driveway plans, profiles, and construction details are not required;
5. The Zoning Administrator shall inspect the premises and review the driveway application and if the proposed improvements comply with the standards of this chapter, the Superintendent of Public Works shall issue a driveway permit. If the determination is that the proposed driveway or driveway modifications do not comply with standards of this chapter, then the applicant shall receive written notice specifying the particulars of noncompliance

#### **B. Driveways - Conditions**

Upon appropriate application and payment of fees, the Zoning Administrator may issue a permit to construct a driveway in the street area subject to the following conditions, and following site plan review when necessary. When considering approval of a site plan the Planning Commission shall ensure that the plan meets the requirements below:

1. All driveways shall be constructed according to plans, materials, specifications, and any special conditions approved by the Zoning Administrator. Surface material shall be the greater of 4" of Limestone or the surfacing requirements for the parking area connected to the driveway under this ordinance.
2. Location. No portion of a driveway, excluding ramps if required, shall be located closer than 25 feet from the corner of a lot where two streets intersect.
3. Width of driveways. A permit to construct a driveway in the street area is subject to the following width provisions:

Residential driveway		
Private Property Frontage	Minimum Width	Maximum Width
25 ft. or less	10 ft.	20 ft.
26 ft. to 50 ft.	10 ft.	20 ft.
51 ft. to 75 ft.	10 ft.	25 ft.
76 ft. to 100 ft.	10 ft.	30 ft.

4. Driveway parking will require either two stacked parking spots or two adjacent parking spots on the property side of the sidewalk unless granted a variance.
5. More than one driveway may be allowed for frontage up to 100 feet with the approval from the Zoning Administrator and the Planning Commission. No less than 5 feet of straight curb must separate serviced driveways regardless of ownership. Each 100 feet of frontage, or fraction thereof, under single ownership shall, for purposes of this section, be considered a separate frontage.

Commercial driveway		
Private Property Frontage	Minimum Width	Maximum Width
50 ft. or less	15 ft.	25 ft.
51 ft. to 50 ft.	25 ft.	35 ft.

6. Driveways shall be measured lengthwise with the sidewalk on the property line side, and such measurement shall not include the width of ramps extending to the regular sidewalk grade. Ramps, if required, do not constitute part of the required minimum or allowed maximum width. Determination of the need or appropriateness of ramps shall be within the sole discretion of the Zoning Administrator.
7. Adjacent Driveway Openings. A minimum clear distance of twenty-five (25) feet shall separate any two driveways (on the same premises or on adjoining lots) entering upon a single municipal roadway, as measured along the right-of-way line.
8. Drainage Facilities. Each driveway shall be constructed with suitable and adequately designed draining facilities. Wherever possible, driveway drainage shall be directed into natural drainage channels. Driveway drainage may be connected with existing drainage facilities within the municipal roadway, providing said connection does not interfere with existing drainage, or cause erosion or deposits of sediment in the municipal drainage system. Driveway drainage systems shall not discharge onto adjoining properties causing erosion or sediment damage or flooding and shall not discharge onto the paved or traveled portion of any public right-of-way
9. Sight Distance Required.
  - a. Exit Driveways. Any exit driveway shall be designed in profile, grading, and location to permit a minimum sight distance of one hundred fifty (150) feet measured in each direction along the center line of the intersecting road. The sight distance measurement shall be from a sight point on the center line of the exit driveway fifteen (15) feet behind the curb line of the thoroughfare, or if no curb line exists, a minimum of thirty (30) feet from the center line of the intersecting road. A clear sight triangle shall be established connecting the sight points described above, and shall be graded and otherwise kept free of shrubbery, fences, structures, etc. in order to maintain clear vision between sight points.

- b. Entrance Driveways. Any entrance driveway shall be located to permit a minimum sight distance of one hundred fifty (150) feet, for left turning vehicles, from the intersection of the driveway and roadway center lines.
  - c. Dual Purpose Driveways. A single driveway utilized for both exit and entrance purposes shall conform to the requirements of both subsections (1) and (2) of this section.
  - d. Commercial or Industrial Driveways. For a commercial use as defined by the zoning ordinance, the above minimum sight distances shall be increased by fifty (50) percent. For industrial uses, sight distances shall be increased by one hundred (100) percent.
10. Angle of approach - All driveways constructed or modified shall intersect perpendicular to the existing road pavement or traveled way. Any curved or angular approach of the driveway for aesthetic or topographical reasons shall be accomplished outside of the road right-of-way, or beyond twenty-five (25) feet from the centerline of the existing pavement, whichever is greater.
11. Vertical curves. - To assure adequate access for motor vehicles, any vertical curve on a driveway shall be flat enough to prevent the dragging of any vehicle undercarriage. Vertical curves shall not exceed a three and one-quarter inch crest or a two-inch depression in a ten (10) foot chord.
12. Width. - All driveways shall be designed and constructed to the width standards herein specified. Driveway width shall be the curb-face to curb-face dimension or pavement edge-to-edge dimension where curbs are not required, and shall be measured at the road right-of-way line or at a point twenty-five (25) feet from the centerline of road, whichever is greater
- a. Single-family residential driveways shall have a minimum width of twelve (12) feet, and may taper to a minimum width of ten (10) feet beyond the right-of-way line. Driveways shall be flared on each side as they touch the intersecting road pavement or traveled way.
  - b. Multifamily, commercial and industrial driveway widths shall be designed to accommodate commercial vehicles and higher traffic volumes, but in no event shall exceed a maximum width of thirty-five (35) feet.
13. Maximum grades and driveway surfacing. - No new driveway shall be constructed at a profile grade exceeding fifteen (15) percent at any point. If a proposed uphill driveway will exceed a profile grade of eight percent anywhere within the first two hundred (200) feet, as measured from the road right-of-way line along the driveway center line, then that portion of the driveway which exceeds eight percent within the first two hundred feet shall be paved with a bituminous concrete, macadam, or portland cement concrete surface.
14. Erosion.- All driveways shall be constructed and maintained at all times in such a manner as to prevent erosion of soil and materials from them and the land behind them. Water and silt shall be prevented from running onto and accumulating upon the traveled way of municipal roads, or filling up road gutters, catch basins, inlets or pipe drains with sediment or debris.

In the event that the construction of any particular driveway in the municipality is subject to the provisions of the Califon Borough soil erosion and sediment control ordinance, the standards contained in such ordinance shall apply whenever such standards are more stringent, detailed or comprehensive than the standards contained herein

15. Ditches and drainage. - All driveways shall be constructed so as not to block or interfere with the drainage within gutters or along the existing road pavement or traveled way.

Under no circumstances shall the driveway be allowed to extend beyond the edge of the existing ditch line at an elevation creating an uneven flow line in the gutter or ditch, or beyond the existing edge of pavement creating a hump or uneven driving surface.

- a. Paved Gutter. The construction of a properly sized dish-type gutter will be permitted, provided that the existing water flow will not be blocked, altered or changed in any manner.
  - b. Culvert or Piping. The installation of a suitably sized reinforced concrete pipe or culvert will be required in the event that the existing flow line or ditch cannot be crossed with a shallow dish-type gutter. The size of the pipe or culvert required shall be determined by the Zoning Administrator. Driveways requiring drainage culvert will extend a minimum of 1 foot on each side of the driveway.
16. Circular driveways and perpendicular parking shall be permitted providing that the driveway does not extend in front of a dwelling meets minimum and maximum requirements found necessary to insure the safe and orderly flow of pedestrian, bicycles, and vehicular traffic and preserve on-street parking when applicable.
17. Variances from these standards must follow the variance procedures and standards in Article 14 of this ordinance

C. Joint Use

The Zoning Administrator may require joint or shared use of a driveway by two properties in separate ownership. The Zoning Administrator may establish conditions regarding the number, configuration, and use of driveways necessary to ensure the safe and orderly flow of pedestrians, bicycles, and vehicular traffic, preserve on-street parking, preserve or establish street trees, maximize opportunities for vegetated storm water management, reduce conflicts with pedestrians and bicycles and enhance the pedestrian environment.

D. Referrals

The Zoning Administrator may refer any driveway permit application to the Planning Commission, Genesee County Drain Commission, and/or the Michigan Department of Transportation as appropriate, for a review of location, width, and storm water management. The Zoning Administrator shall recommend such conditions and limitations regarding the location and operation of driveways as are found necessary to insure the safe and orderly flow of pedestrian, bicycles, and vehicular traffic and preserve on-street parking when applicable.

E. Unapproved Access

If the Zoning Administrator finds that a property owner is permitting access where a properly constructed driveway does not exist, the Zoning Administrator may notify and require termination of access or construction of a driveway in accordance with the requirements of this Section.

**Sec. 3.12 Essential Services**

- A. Nothing in this Ordinance shall prohibit the provision of essential services provided the installation of such service does not violate any other applicable provision of this Ordinance.

### **Sec. 3.13 Temporary Living Quarters, Other Temporary Buildings**

- A. Nothing in this Ordinance shall prohibit the use of a mobile home upon a lot while construction is diligently pursued upon a residence meeting all requirements of this Ordinance; provided, however, all health requirements affecting the provisions of water and sanitary sewer services are complied with and approved by the Village Building Inspector and provided further, that all such construction shall have been completed within one (1) year from the issuance of the building permit.
- B. No cellar, garage, or any incompletely constructed structure shall be used as a dwelling unless such structure has been completed as a dwelling and an occupancy permit is issued for such structure.
- C. Nothing in this Ordinance shall prevent the use of a travel trailer, a mobile home, or other similar structure in any district as a temporary construction field office for a period not to exceed one (1) year, or while the building permit is active, whichever is less; provided, however, such structure is not used for overnight sleeping accommodations and adequate arrangements for sanitary facilities are made; and provided further, that the temporary field office has been certified as such and conforming to this Ordinance by the Zoning Administrator.

### **Sec. 3.14 Storage in Front Yard**

Nothing in this Ordinance shall permit the storage or parking of any vehicle or non-permanent structure within the required front yard of any property within a residential district except that the parking of a licensed operable passenger vehicle on a driveway located on private property shall not be prohibited.

### **Sec. 3.15 Structure Completion**

All structures shall be completed on the outside in conformance with the building code and with finish materials; such as wood, brick, or brick veneer, shingle, concrete or similar performance tested within one (1) year after construction is started unless an extension for not more than one (1) additional year is granted by the Village Zoning Administrator as provided elsewhere in this Ordinance. When a part of the building is ready for occupancy, a temporary occupancy permit may be issued, provided that the premises comply with health and fire standards, required under this Ordinance or any other ordinance, regulations, or statutes.

### **Sec. 3.16 Personal Construction Authority**

Nothing in this Ordinance shall be construed as prohibiting an owner, tenant, occupant, or land contract vendee from doing his or her own building, erecting, altering, plumbing, electrical installation, etc., provided the minimum requirements of Village Ordinance, all applicable state building codes, and the applicable Genesee County Health Department regulations are complied with.

### **Sec. 3.17 Fence, wall and hedge standards**

Barriers including, but not limited to, fences, walls and hedges and other protective barriers of any type or description but not including temporary fences, shall conform to the following requirements.

- A. They shall be durable, weather resistant, rustproof and easily maintainable. Barriers shall be of high quality durable materials. Traditional farm fencing shall be prohibited on lots one (1) acre or less in area.
- B. They shall be maintained in good condition by the property owner.

- C. Barriers (chain-link, picket, wrought iron fences, etc.) may be a maximum six (6) feet in height in side and rear yards, and forty (40) inches in the actual front yard, however posts may extend six (6) inches above the height of the fence. Gates may extend eighteen (18) inches above the height of the fence and lights may extend twelve (12) inches above the height of the fence but may only be located at the gates. All fences shall comply with the corner clearance section of this ordinance. Materials for masonry walls will include face brick or non-porous facing material to provide a pleasing aesthetic appearance.
- D. The finished side or most visibly attractive side of a wall or fence shall face the exterior of the property line (adjacent view). Posts shall be on the side of the wall or fence facing the interior of the lot or parcel of land upon which the wall or fence is constructed.
- E. In any residential district, barbed wire, spikes, nails or any other sharp point or instrument of any kind on top or on sides of any fence, electric current or charge in said fence is prohibited. Barbed wire or razor wire may be placed on top of fences enclosing public utilities, buildings or wherever deemed necessary by the Zoning Administrator in the interests of public safety.
- F. No fence, wall, hedge, screen or other protective barrier shall be erected within any public right of way.
- G. In non-residential districts, no fence, wall, hedge or other protective barrier shall exceed eight (8) feet, except that a security fence for a permitted commercial or industrial use may include a minimum of one (1) additional foot of barbed wire.
- H. Open fences (over 80% open) may be constructed to a height not to exceed ten (10) feet for the uses listed below. Such fences shall conform to all setback requirements for structures.
  - 1. Recreational uses:
    - a. Tennis courts
    - b. Volleyball courts
    - c. Swimming pools
    - d. Goals and backstops
- I. Nothing in this ordinance shall be deemed to interfere with the erection of temporary fences around construction works, erected or maintained pursuant to building code and other ordinances of the Village.
- J. Fences required as a condition of zoning approval must comply with the standards in Section 10.03.D.

### **Sec. 3.18 Fire Lane Requirements**

Whenever a fire lane is required by the provisions of this ordinance or the order of the Village Fire Chief, the fire lane shall comply with these requirements:

- A. A fire lane should be a minimum of 12' wide and 30' long, and the lettering on the lane should be 12" wide and 18" tall
- B. Signs marking the fire lane should more than 30' apart and poster on or immediately next to the curb or the side of the road. The signs should use 3" lettering to read "no Parking – Fire Lane" and should use red lettering on the white background. The sign should be reflective in nature and the top of the sign not less than 4' or more than 6' from the ground. When posts are required for signs, they shall be a minimum of two-inch galvanized steel or four-by-four inch pressure treated wood. The signs should be placed so they face the direction of vehicular travel

### **Sec. 3.19 Dumpster Enclosures.**

A. All dumpsters shall be maintained in an enclosure with the service and access gate(s) closed except when being serviced by a commercial refuse/garbage collector or when being used to access the dumpster. Additionally, all dumpsters shall be kept in the following manner:

1. Variances from these standards must follow the variance procedures and standards in Article 14 of this ordinance.
2. Containment of garbage.
  - a. Garbage and trash shall be placed inside the dumpster and not on or around the dumpster or the enclosure. Loose garbage and trash in plain view is a violation of this Code, a health hazard, and aesthetically undesirable. The property owner shall be responsible for keeping the enclosure and surrounding area litter, garbage, and/or trash-free at all times.
  - b. It shall be a violation of the city Code of Ordinances to allow the dumpster to be filled to overcapacity so that the dumpster lid is prevented from fully closing.
3. Dumpster enclosures shall be kept in good repair at all times.
4. The location on site of a dumpster enclosure shall require the prior approval of the village planning commission.

B. Specifications, materials and location of enclosure.

1. Placement
  - a. A dumpster shall be kept in a place easily accessible to authorized collection vehicles at all times and no service shall be given to those placing or permitting objects, ground level or overhead obstructions, or vehicles, to hinder in any way whatsoever the servicing of bulk containers by authorized collection vehicles. Unless in a public right-of-way for purposes of collection only, all dumpsters shall be placed within an approved enclosure.
  - b. It shall be unlawful for any person to place or store, or allow to be placed or stored, a dumpster upon or in any public street, alley or right-of-way; provided, however, that such container or receptacle may be placed in the public right-of-way during the collection/emptying process.
2. Dumpster space designation and enclosure requirement. All real property in any zoning classification utilizing dumpsters shall provide an enclosure of a size that would permit the moving in or out of the dumpster without damage to the enclosure and the enclosure height shall be a minimum of 12 inches above the dumpster.
3. Approved enclosure. All enclosures shall consist of masonry, concrete or wood walls. Enclosures shall have a gate for collection equipment access, and may also have a gate for other user access. All walls and gates shall be totally opaque so as to prevent the dumpster from being visible or in plain view. In general enclosures shall be consistent with materials and architectural style of principle building(s). Enclosures shall be constructed of one of the following materials
  - a. Masonry walls: All exterior faces of the wall shall be finished and of professional quality such as stucco, prefinished blocks, stacked block and struck joints, shadow blocks, painted or similarly installed in a workmanlike manner and meeting with the approval of the Development Services Department.
  - b. Concrete walls: Precast concrete walls of quality deemed acceptable to the development services department.
  - c. Wood fencing: Substantial wood fences of durable species, incorporating architectural design features to enhance appearance, of quality and design

- acceptable to the development services department. In making this determination, consideration shall be given to:
- i. The thickness of the wood, which must be a minimum of one-half inches;
  - ii. Whether the wood is pressure treated or has a finish that protects the wood from the elements; and
  - iii. Minimum six inches by six inches corner post and four inches by four inches intermediate posts of pressure treated materials.
4. Maintenance: Approved enclosures shall be maintained in good condition, repair and appearance at all times so as to allow for collection of materials and to eliminate odors.
  5. Gates: Dumpster enclosure gates may be constructed of wood mounted on a substantial steel frame, chain link fence with opaque inserts, steel, aluminum or other opaque materials which are installed in compliance with the building code. Servicing gates, upon opening, may not swing into the right-of-way and shall incorporate gate stops that are functional in the full open and closed positions. Hinge assemblies shall be strong and durable such that access and servicing gates do not sag and function properly. All gates for pedestrian access shall be no more than 48 inches in width and no less than 36 inches in width. Enclosure gates shall be closed at all times except for the time necessary to service the bulk container. Maze style openings shall be permitted in place of a pedestrian access gate. A maze style opening is an opaque wall or fence that can be located no more than 48 inches and no less than 36 inches from the enclosure opening and must be a minimum length of one and one-half times in length of the opening and shall be centered upon the opening. Enclosure openings shall be no more than 48 inches in width and no less than 36 inches in width.
  6. Setbacks:
    - a. All dumpster enclosure walls and/or fences shall be located a minimum of five feet from adjoining commercial areas and ten feet from adjoining residential uses unless not physically possible; and
    - b. A minimum of five feet from public and private rights of way unless not physically possible.
  7. Garbage containers:
    - a. All receptacles and bulk containers which receive garbage, liquid waste or food from food-handling operations, including, but not limited to, bakeries, meat processing plants, restaurants, or any business establishment where it is determined that garbage, liquid waste or food will be accumulated, shall have a poured to grade level concrete slab. If available, dumpster site shall have facilities for washing containers and ability to drain to an acceptable sanitary disposal system. If the aforementioned facilities are available, or can be reasonably installed, then the dumpster shall have washout plugs. For purposes of this article, storm drains shall not be considered as an acceptable sanitary disposal system.
    - b. If no suitable drain, grease trap or sanitary disposal system is available, the dumpster containers shall be sealed so that no liquid gets on the pad or ground. Dumpster collection shall be frequent enough so as to keep odors to a minimum. Odors shall also be kept at a minimum through artificial means such as masking agents or whatever products are available to handle odors. Containers shall be constructed in accordance with the industry standards and must be approved by and meet the standards of subject regulating agencies.
  8. Exceptions to compliance. All dumpsters and trash receptacles must comply with this article except for the following:



- a. Dumpsters/receptacles located in properly screened service yards. (Those screened from public ways with a minimum six feet high fence and/or suitable dense landscaping, as approved by the village planning commission). The dumpsters/receptacles must not be visible from the public's view.
- b. Dumpsters/receptacles located at permitted construction sites.
- c. Dumpsters/receptacles not visible from the public right-of-way, residential areas and/or the public's view.