

ARTICLE II. - RESIDENTIAL FENCE REGULATIONS

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**Sec. 14-21. - Short title.**

This article shall be known and cited as the residential fence ordinance.

(Ord. No. 29, § 29.0101, 10-11-78; Ord. No. 220, 8-14-02)

**Sec. 14-22. - Definitions.**

For the purpose of this article certain rules of construction apply to the text as follows. Any word or term not interpreted or defined by this article shall be used with a meaning of common or standard usage.

Unless the context specifically indicates otherwise, the meaning of terms used in this article shall be as follows:

*Clear vision zone* means a triangular area formed on private property that must be maintained with no plantings, structures, or fences that exceed eighteen (18) inches in height. The triangular area is formed by the intersection of the combination of any of the following pedestrian or vehicular means of public or private transportation; sidewalk, pedestrian way, public street, private street, or private driveway. The triangular area is formed by connecting two (2) points that are found on two (2) separate lines along the property lines or driveway lines each twenty-five (25) feet from the point of intersection of any two (2) of the above listed means of transportation.

*Corner lot* means a lot with a street abutting its required front yard and at least one (1) required side yard.

*Fence* means any artificially constructed barrier of any material or combination of materials erected to enclose or screen area of land.

*Front building line* means a line formed by extending the line formed by the front building setback line to the side lot lines.

*Privacy screen* means all other fence structures not erected on or near boundary lines.

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*Rear building line* means a line formed by extending the line formed by the rear building setback line to the side lot lines.

(Ord. No. 29, § 29.02, 10-11-78; Ord. No. 216, § 1, 10-24-01; Ord. No. 231, 6-21-06)

**Cross reference**— Definitions and rules of construction generally, § 1-2.

**Sec. 14-23. - Purpose.**

The purpose of this article is to promote the safety, public health and general welfare of the present and future residents of the township by:

- (1) Regulating, controlling and safeguarding the construction of fences in residential properties;
- (2) Preserving a regulated municipal development.

(Ord. No. 29, § 29.0102, 10-11-78; Ord. No. 220, 8-14-02)

**Sec. 14-24. - Scope.**

This article shall apply to all residential fences. This article is intended to repeal provisions of any existing ordinances or township regulations which are in conflict with this article. Where this article imposes a greater restriction than is imposed by existing provisions of other laws, ordinances or regulations, the provisions of this article shall control.

(Ord. No. 29, § 29.0103, 10-11-78; Ord. No. 220, 8-14-02)

**Sec. 14-25. - Permit requirements.**

It shall be unlawful for any person to construct or cause to be constructed any fence upon any subdivision property within the corporate limits of the township without first having obtained a permit from the building department in the following manner:

- (1) *Application.* Any person desiring to erect a fence shall first apply to the building department for a permit. Application shall be made upon a form provided by the building department and shall contain such information as may be required by the building department in order to determine that such fence will not violate any ordinance of the township or state law.
- (2) *Fee.* Any person desiring to erect, build or construct, or cause to be erected, built or constructed a fence upon property in the township, shall pay a fee to the building department for a permit, which fee shall be pursuant to a fee schedule set by the township board.
- (3) *Review of application.* The building department shall review the application, and if the fence proposed is in conformity with the requirements of this article and state law a permit shall issue.
- (4) *Denial of application; appeal.* If the fence proposed does not meet the minimum standards of this article, the building department shall deny the application. Any person aggrieved by a denial may appeal within ten (10) days to the zoning board of appeals by filing a written claim of appeal with the township clerk. An appeal shall be governed by the rules of the planning commission.
- (5) *Review by zoning board of appeals.* The zoning board of appeals shall, after review of the application, affirm, reverse or modify the decision of the building department.

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- (6) *Existing fences; restrictions.* Fences presently in existence shall not be enlarged, rebuilt or reconstructed without first having obtained a permit therefor from the building department. Such fences, when repaired or replaced, shall conform with all provisions of this article.
- (7) *Grade.* The grade for the bottom line of the fence shall be subject to approval by the building department. If that department determines the existing grade and/or present topography of the property is proper, no specific grade or elevation shall be established and the permit will include approval of such existing grade or present topography. If the existing grade or present topography is not proper for the erection of a fence, the building department shall require the owner to establish elevation grades by its own engineer or land surveyor and furnish such grades to the building department for inclusion as a part of the permit.

(Ord. No. 29, § 29.0301, 10-11-78; Ord. No. 29-01, Art. 1, 5-12-82; Ord. No. 216, § 1, 10-24-01)

**Cross reference**— Licenses and miscellaneous business regulations, Ch. 9.

**Sec. 14-26. - Fence types, dimensions and specifications.**

- (a) All residential fences shall be of an ornamental type. The types of fences that shall be specifically allowed are commonly known as chain link, cyclone, redwood, basketweave, stockade, split rail, split-type fences and flat-top picket. Any board-type fence not included within the foregoing specifically allowed fences may be constructed as long as there are open spaces of at least three (3) inches between boards. Any other type of fence customary for residential use may be constructed if prior approval of the township building department is secured. Nothing in this section shall be interpreted as prohibiting privacy screens provided that each screen shall be no closer than four (4) feet from any side or rear property line and access for maintenance is approved pursuant to [section 14-26\(h\)](#).
- (b) No fence or wall shall be more than eight (8) inches wide, including the width of the fence posts. Except as provided herein, fences on the rear or side lot line shall not be higher than four (4) feet. Fences on the side lot line or rear lot line may be six (6) feet in height subject to the written approval of the abutting property owners. The building department shall verify ownership based on township property assessment date maintained in the office of the township assessor. Chain link fences, however, under no circumstances may exceed four (4) feet in height.
- (c) All fence posts shall be sunk in the soil to a minimum depth of forty-two (42) inches and shall be located not further than ten (10) feet apart.
- (d) Fences shall be constructed of wood, metal or masonry and other acceptable materials, specifically excluding plastic interwoven weave designs. Only material which is new or is determined to be as structurally sound as new material shall be used in fences regulated herein.
- (e) No person shall construct or cause to be constructed a barbed wire fence nor shall the tip of fence material be sharp or pointed, nor shall there be affixed any spike, nail or other pointed instrument of any kind or description to any fence except in the case of such fence as may be approved for a specific location by the zoning board of appeals; nor shall any fence be charged with electric current.
- (f) Reserved.
- (g) Fences around swimming pools shall be constructed pursuant to the Michigan Building Code (for commercial, apartments, etc.) and/or the Michigan Residential Code (for residences, both single-family and site condominiums). Fences up to six (6) feet high may be constructed subject to the approval of the building department. Swimming pool enclosures (fences-screens) shall not be placed in any easement and shall be at least four (4) feet from any property line, and at least fifteen (15) feet from any street property line. Where the release mechanism of the self-latching device is located

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less than fifty-four (54) inches (1372 mm) from the bottom of the gate, the release mechanism shall be located on the pool side of the gate at least three (3) inches (76mm) below the top of the gate, and the gate and barrier shall have no opening greater than 0.5 inch (12.7mm) within eighteen (18) inches (457mm) of the release mechanism.

- (h) Privacy screens may be erected around cement patios, wood decks and other areas determined by the property owner. No such screen shall be located closer than four (4) feet to a side or rear lot line on interior lots. No such screens shall be located in front yards. It shall be the responsibility of the property owner to maintain the area between any privacy screen and an adjoining property line. There shall be a gated opening in any privacy screen to permit access for maintenance or the property owner shall demonstrate to the building official that access for maintenance will be available without a gated opening. Privacy screens may be erected to a height not to exceed six (6) feet. No privacy screen shall be erected in any easement.
- (i) Double fencing is strictly prohibited. No fence may be erected closer than four (4) feet to any other fence.
- (j) Any sight obscuring fence located along a property line adjoining a street right-of-way shall be erected with the flat side or finished side of the fence panel facing the street.

(Ord. No. 29, § 29.04, 10-11-78; Ord. No. 29-01, Art. 3, 5-12-82; Ord. No. 29-02, Art. 2, 7-27-83; Ord. No. 216, § 1, 10-24-01; Ord. No. 220, 8-14-02; Amd. No. 220, 8-14-02; Ord. No. 220-1, 4-23-03; Ord. No. 231, 6-21-06)

**Sec. 14-27. - Fence location.**

- (a) *Generally.* Except as otherwise provided in this article, all fences shall be located on the lot line of the property. Posts of all fences shall be placed on the side of the lot line for the premises having the fence installed, and the junction of the posts and the facing material shall be on the lot line. No fences shall be constructed in any clear vision zones as defined in [section 14-22](#)
- (b) *Front setback.* No fences shall be constructed between the established building line and the front property line.
- (c) *Corner residential lot setbacks.*
  - (1) *Front building line to property line.* On a corner lot abutting a street, a fence may be installed not in excess of two (2) feet in height at the established building line, may extend to the front property line and shall be constructed in a manner so as not to obscure the vision of traffic on either street.
  - (2) *Rear yard abutting a side yard.* When a rear yard abuts a side yard, the minimum setback of a sight-obscuring fence may be set back a minimum of one (1) foot, provided that the fence shall not be placed in a triangular area formed by the side lot line and a line perpendicular to the side lot line and parallel to the rear lot line seven and one-half (7.5) feet outside the rear lot line; measuring twenty-five (25) feet along both such lot lines from the corner and a straight line connecting these points.
  - (3) *Rear yard abutting a rear yard.* When the rear yard abuts a rear yard where there is neither a side entrance garage nor any possibility of a side entrance garage being located on either lot sharing a rear property line, a sight-obscuring fence may be placed at the property line from the front building line to the rear property line. If a side entrance garage exists or the building official determines that a side entrance garage may reasonably be expected to be constructed on either lot then the provisions of subsection [14-27\(c\)\(5\)](#) shall apply.
  - (4) *Privacy screen.* On a corner lot a privacy screen shall be regulated as a sight-obscuring fence pursuant to the provisions of [section 14-27\(c\)\(5\)](#).

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- (5) *Rear yard abutting a rear yard with a side entrance garage.* When a rear yard abuts a rear yard with a side entrance garage, a sight-obscuring fence may be placed at the property line from the front building line to the rear property line. Except that no fence shall be placed in a triangular area formed by the side lot line adjoining the public street and the edge of a driveway between the property line and the front building line of the garage closest to a rear yard and measuring twenty-five (25) feet along both lines. In addition, if the edge of the drive nearest to the front property line is in the rear yard setback no fence shall be placed in a triangular area formed by the side lot line adjoining the public street and the edge of a driveway between the side lot line and the front building line of the garage closest to the front yard and measuring twenty-five (25) feet along both lines.
- (d) No fence shall be erected within an open county drain. In instances where a lot contains an easement for such a drain, fences abutting the easement shall be placed on the easement line, except in instances where prior approval has been secured from the office of the county public works commissioner to locate the fence within the easement area.
- (e) *Rear/side yard abutting a public road.* When a rear/side yard abuts a public road, defined as a major road in the township master thoroughfare plan, a fence may be permitted on the lot line opposite the local street line.
- (Ord. No. 29, § 29.05, 10-11-78; Ord. No. 29-01, Art. 4, 5-12-82; Ord. No. 216, § 1, 10-24-01; Ord. No. 220, 8-14-02; Ord. No. 220-1, 4-23-03; Ord. No. 231, 6-21-06)

**Sec. 14-28. - Responsibilities.**

- (a) The township shall not be responsible for the enforcement of any agreement between property owners in respect to fences; nor shall the township be responsible for the determination of the location of any fence to be erected on a lot line.
- (b) All fences shall be maintained in a manner to prevent rust, corrosion and deterioration so as not to become a public or private nuisance, dilapidated or a danger to adjoining property owners and the public. All fences shall be maintained in such a manner by the fence owner and/or owners.
- (c) It shall be the responsibility of individual property owners to maintain the areas between property lines and any fence erected inside the property line. The property owner must demonstrate to the building official that there is unobstructed access to any area between a property line and a fence for maintenance of such areas pursuant to township ordinances.
- (Ord. No. 29, § 29.06, 10-11-78; Ord. No. 29-01, Art. 5, 5-12-82; Ord. No. 220, 8-14-02)

**Sec. 14-29. - Variances.**

- (a) The township building department may authorize a variance from the provisions of [section 14-26](#) as it relates to the types of fences permitted and materials to be used for construction if the building department makes a determination that the proposed fence type and/or construction is adequate and complies with the spirit and intent of this article. An appeal may be taken to the zoning board of appeals from a denial of a requested variance.
- (b) Except as provided in subsection (a) of this section with regard to variances on fence types and materials, all other requests for variances from the provisions of this article shall be filed with the zoning board of appeals. The zoning board of appeals may authorize a variance from the provisions of this article when it determines that undue hardship may result from strict compliance with specific provisions or requirements of this article. In granting any variance, the zoning board of appeals may prescribe other conditions that it deems necessary or desirable for the public interest. No variance shall be granted unless the zoning board of appeals finds that:

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- (1) There are special circumstances or conditions affecting the situation such that a strict application of the provisions of this article would deprive the applicant of reasonable use of his property;
  - (2) The variance is necessary for the preservation and enjoyment of the substantial property right of the applicant;
  - (3) The granting of the variance will not be unduly detrimental to the public welfare or injurious to other property in the township.
- (c) Any person may apply for such variance by requesting the variance in writing to the zoning board of appeals (ZBA), stating fully and clearly the reasons for the request, including any supplemental information and data which may aid in the analysis of the proposed request.

(Ord. No. 29, § 29.08, 10-11-78; Ord. No. 29-01, Art. 6, 5-12-82; Ord. No. 29-02, Art. 3, 7-27-83; Ord. No. 216, § 1, 10-24-01; Ord. No. 220, 8-14-02)

**Secs. 14-30—14-45. - Reserved.**