ARTICLE VIII. - FENCES

Sec. 10-311. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Adjacent lot owner* means any person whose property shares a common boundary line or is immediately across from the proposed location of a fence.

*Building line* means a line formed by the face of a building.

*Construction site barrier* means a structure erected on a temporary basis to protect a construction site from vandalism and unauthorized entry.

*Decorative,* as it pertains to a fence, means a fence designed and installed to enhance or decorate any lot or building, and to provide the function of a fence as described by definition in this section.

*Fence* means a structure erected for the purpose of separating lots or any portion of lots, or enclosing, protecting, impeding, limiting, and/or eliminating easy access to or from any lot or any portion of such lot. A fence shall not include construction site barriers and landscape treatments as defined in this section.

*Front lot line,* in the case of an interior lot, means that line separating the lot from the street. In the case of a through lot, the front lot line is the line separating the lot from the street providing primary access to the lot.

*Front yard* means a yard on the same property with a building between the front line of the building and the front lot line and extending from one side lot line to the other side lot line.

*Landscape treatment* means a non-sight-obscuring, decorative wooden, split rail, or metal structure used to enhance, accent, or protect the landscaping of the site.

*Lot* means a parcel of land occupied or intended to be occupied by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Code. A lot may or may not be specifically designated as such on public records. Each such parcel shall also have its front lot line abutting a public street, approved private road, or an access easement if no abutting road exists.

*Rear lot line* means that lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long, lying farthest from the front lot line and wholly within the lot.

*Rear yard* means an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.

*Side lot line* means any lot line other than the front lot line or the rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot is an interior side lot line.

*Side yard* means an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.

*Sight-obscuring* means opaque or having such qualities as to constitute a complete or substantial visual barrier to persons outside the perimeter of the sight-obscuring object. A fence which partially obscures sight shall not be considered sight-obscuring if the distance or open space between boards, slats, rails, stanchions, or balusters, which shall not exceed four inches in width, equals or exceeds three inches when measured as viewed at a 90-degree angle.

**Cross reference—** Definitions generally, § 1-2.

Sec. 10-312. - Administration and enforcement.

The provisions of this article shall be administered and enforced by the building director of the township.

Sec. 10-313. - Penalty.

Any person violating any of the provisions of this article shall, upon conviction, be punished as prescribed by section 1-7.

Sec. 10-314. - Inspections.

The building department may require inspections pursuant to this article from time to time during and upon completion of the work.

Sec. 10-315. - Appeals and variances.

Any person may appeal or request a variance from this article, or from any order, requirement, decision, or determination made by the building department or planning commission to the zoning board of appeals. The appeal procedures of the township's zoning ordinance shall apply.

Sec. 10-316. - Compliance with other ordinances and state law.

All fences shall comply with the relevant sections of the zoning ordinance, all other ordinances of the township, and all applicable state law.

Sec. 10-317. - Denial of responsibility of township.

The township shall not be responsible for the enforcement of any agreement relative to mutual or separate payment for the cost of construction of fences, nor shall the township be responsible for the determination of the location of any fence to be erected, built or constructed. In addition, the township shall not be responsible for the enforcement of any deed or covenant restrictions.

Sec. 10-318. - Permit required.

It shall be unlawful for any person to construct, or cause to be constructed, any fence upon any lot within the township without first having obtained a permit therefor, as provided in this article, and without complying with the provisions of this article. The owner of the lot, as determined by the records of the assessing department of the township, shall be responsible for obtaining the permit, unless a contractor has been hired to erect the fence. If a contractor has been hired to erect the fence, then such person shall be responsible for obtaining the permit and complying with the provisions of this article.

Sec. 10-319. - Application and fee.

Any person constructing, or causing to be constructed, a fence upon a lot in the township shall first apply to the building department for a permit. The permit shall be issued by the building department upon a written application, which shall contain such information as may be required by the department in order to determine that the fence will be in conformance with this article and any other applicable ordinances of the township or applicable law. Fees for such permit shall be established by resolution of the township board from time to time.

Sec. 10-320. - Encroachment.

All fences shall be erected so that no part of the fence shall encroach upon an adjacent lot. The lot owner and/or permit holder who is erecting the fence, or having it erected, shall be responsible for determining the location of lot lines. The building director may require the owner of the lot erecting, building, or constructing a fence to obtain a survey of the lot for the purpose of verifying compliance with this article. The survey shall be conducted by a surveyor, architect, or engineer registered with the state.

Sec. 10-321. - Maintenance and repair.

Owners of property that have a fence erected thereon shall be responsible for the care, upkeep, and maintenance of the fence. If a previously constructed fence is located upon a lot line, each successive owner of the fence shall be responsible for its care, upkeep and maintenance. If ownership of the fence located upon a lot line is joint and cannot be determined, then each party owning property adjacent to the fence shall be responsible for the care, upkeep, and maintenance of the fence facing his lot. For the purposes of this section, the owner of a fence shall be deemed to be any person or his successor who purchases or otherwise acquires a lot with a fence erected on such lot.

Sec. 10-322. - Fence construction.

(a)  All fences shall be of a decorative type. Such fences may be constructed of metal, masonry, decorative concrete, wrought iron, wood, or other approved materials. Fences constructed of wood shall be of naturally durable or approved preservative-treated lumber, as defined in the prevailing standards of the Michigan Building Code, Public Act No. 230 of 1972 (MCL 125.150, MSA 5.2949(9)), as amended.

(b)  Any fences and/or enclosures for swimming pools shall comply with the prevailing standards of the Michigan Building Code, as amended.

(c)  All fences shall be designed and installed in accordance with the prevailing standards of the Michigan Building Code.

(d)  All supporting posts, cross members, supports, and protruding bolts, screws, and/or hardware of fences shall be inside the lot and face toward the interior of the lot of the person who constructs, or causes to have constructed, the fence unless written permission from the adjacent lot owner abutting the proposed fence is filed with the building department on a document provided by the township. All fences abutting a public street shall be erected with the supporting posts, cross members and protruding bolts, screws, and/or hardware facing the interior of the lot for which the permit is issued. Fence designs with centrally aligned supporting construction that faces both the interior and exterior of the lot may be approved, at the discretion of the building department.

Sec. 10-323. - Landscape treatments.

Landscape treatments shall be permitted provided that they do not exceed three feet in height, 32 feet in total length, and 16 feet in one continuous direction, and are erected at least one foot from the right-of-way or lot line. Such landscape treatment shall conform to the corner clearance requirements in the township's zoning ordinance, section 3.10. Except as otherwise amended, section 3.10 prohibits obstructions on any corner site from the front lot line a distance of 25 feet or to the building setback line if that distance is less than the 25 feet.

Sec. 10-324. - Fence location.

(a)  *Interior lots.* Fences may be erected within side and rear yards, and along the front building line, provided such fence is not less than three feet nor more than six feet above the grade level at any location. Fences shall not be located closer than three feet to any other parallel fence or parallel wall of a building. Fences are not permitted to extend into the front yard.

(b)  *Corner lots.* Except as provided in this section, fences may be erected within side and rear yards, and along the front building line, provided such fence is not less than three feet nor more than six feet above the grade level at any location. Fences are not permitted to extend into the front yard or a required side yard abutting a street. Fences shall not be located closer than three feet to any other parallel fence or parallel wall of a building. Where the rear yard of two corner lots are immediately adjacent, fences may be located in the yard space abutting a street a minimum of ten feet from the lot line.

(c)  *Through lots.* Except as provided in this section, fences may be erected within side and rear yards, and along the front building line abutting the street providing primary access to the lot, provided such fence is not less than three nor more than six feet above the grade level at any location. Whenever a through lot abuts a landscaping treatment, as approved by the township board as part of the subdivision platting process, fences shall not be located in any landscape easement abutting the secondary street.

(d)  *Lakefront lots.* As regulated by section 4.06 of the township's zoning ordinance, sight-obscuring fences (privacy screens) shall be confined to the building envelope for the principal dwelling unit, as determined by required side and rear yard setbacks.

Sec. 10-325. - Fences in multiple-family residential and nonresidential zoning districts.

Site plan approval shall be secured from the planning commission prior to the issuance of a permit or erection of any fence within a multiple-family residential and nonresidential zoning district. Fences in such districts shall comply with the township's zoning ordinance and this article.

Sec. 10-326. - Barbed wire fences.

Except as otherwise permitted by section 3.14 of the township's zoning ordinance, it shall be unlawful for any person to erect, build, or construct, or cause to be erected, built, or constructed, a barbed wire fence partially or wholly around any lot, property, street, alley, lane, or public highway or in front of any public place or space. Furthermore, fences with sharp or pointed tops, affixed spikes, projecting nails, or other instruments of any kind or description, which may cause injury, are prohibited.

Sec. 10-327. - Electrical fences.

It shall be unlawful for any person to erect, build, construct, or maintain any fence charged or connected with an electrical current in such a manner as to transmit such current to persons, animals, or things which may come in contact with such charged fence.