



CITY OF WESTLAND
Department of Building
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Ordinance 226 - A
Chapter 22 -- Article X

FENCES

Section 22-301 Administration and enforcement of article.

The provisions of this article shall be administered and enforced by the department of building. The zoning board of appeals shall have the authority to permit deviations, variances, and exceptions to the locations, heights, and types of material specified in this article upon a showing that the requirements and provisions of this article impose a practical difficulty based upon the physical circumstances of the petitioner's or neighboring lots. A fee as required by section 46-1 shall be paid to the clerk of the zoning board of appeals to accompany an application for appeal under this article.

Section 22-302 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.

Corner lot means a lot situated at the intersection of two streets where the interior angle of such intersection is not greater than 135 degrees.

Fence means any barrier constructed or reconstructed to partition all or part of a lot, including cyclone or chainlink fences, ornamental or privacy fences, split rail or ranch-type fences, and other similar means of partitioning an area. Height and location requirements specified in this article shall be equally applicable to hedges and shrubbery used to partition an area.

Front building line means a line parallel to the front lot line which passes through the supporting member of the principal structure on a lot which is nearest to the front lot line.

Front lot line means that boundary of a lot which is along an existing or dedicated street or, where no public street exists, is along a public way. On corner lots, the front lot line is along the street corresponding to the address of the lot.

Front yard means the area bounded by the front lot line, the side lot lines, and the front building line of a lot.

Lot means a parcel of land, which is, part of a subdivision, the plat or deed of which has been recorded in the office of the Registrar of Deeds of the county.

Lot line means the boundary of a lot.

Ornamental or privacy fence means any fence which is opaque and cannot be readily seen through.

Rear building line means a line parallel to the rear lot line which passes through the support member of the principal structure on a lot which is nearest to the rear lot line.

Rear lot line means that boundary of a lot which is most distant from, and is, or is most nearly, parallel to the front lot line.

Rear yard means the area bounded by the rear lot line, the side lot lines, and the rear building line of a lot.

Side lot line means the boundaries of a lot which are not the front lot line or the rear lot line.

Side yard means the area on both sides of the principal structure on a lot which is bounded by the side lot lines, the rear building line, and the front building line of the lot.

Split rail or ranch-type fence means a fence consisting of posts which carry rails which are parallel to the ground. (Code 1981, 13-2)

Section 22-303 Residential fences - Dimensions

(a) All fences constructed or reconstructed in residential districts or on land used for residential purposes in commercial districts within the City shall be constructed with posts sunk in the soil at least three feet.

(b) Except as otherwise provided in this article, rear yards may be enclosed by fences of a height above the grade of the two adjoining lots of not less than three feet nor more than six feet, six inches.

(c) Side yard fences, which are only allowed as set forth in Section 22-304, shall be of a height above the grade of the two adjoining lots of not less than three feet nor more than four feet, six inches.

(d) If a rear yard fence for one lot would also constitute a side yard fence for an adjoining lot (due to the direction in which the two lots face), the maximum height specified in subsection (c) of this section shall be applicable to the entire circumference of the rear yard involved, and such fence shall otherwise comply with all other provisions of this article.

(e) Split rail or ranch-type fences with no more than two rails may be constructed, in locations specified in Section 22-304, at a height above the grade of the two adjoining lots of three feet.

(f) Ornamental or privacy fences shall be constructed so that the panels are six inches above the existing grade. (Code 1981, 13-3)

Section 22-304 Same Location

(a) Rear yards may be enclosed by residential fences, as defined in this article, but no fence shall be constructed in the side or front yard of a residential lot (between the front lot line and the rear building line) except as provided in paragraphs (1), (2) and (3) of this subsection (a). If a rear yard fence for one lot would also constitute a front yard fence for an adjoining lot (due to the direction in which the two lots face), such rear yard fence shall not be allowed to the extent that it would result in the front yard of the adjoining lot being enclosed, on both sides, with front yard fences.

- (1) A side yard fence shall be allowed along the side lot line on the street side of a corner lot, so long as it is not constructed between the front lot line and the front building line of the corner lot.
- (2) In the case of a residential building on an interior lot which has a side door, a side yard fence may be constructed between the rear building line and the front building line on this side of the building only, so as to enclose the side door of the building; provided, that no fence shall be constructed in the side yard of adjoining residential lots which have adjacent or abutting driveways without the mutual consent of the lot owners.
- (3) Front yards may be enclosed by split rail or ranch-type fences, as described in Section 22-303 (e), so long as the fence is constructed two or more feet from the sidewalk or front lot line, whichever is closest to the front building line. No fence shall be constructed along the side lot line of residential lots which have adjacent or abutting driveways unless a written approval, signed and notarized by the owners of each of the adjacent lots, is filed with the building department.

(b) Upon compliance with the location requirements in subsection (a) of this section, residential fences may, upon written mutual consent of the owners of adjoining lots, be constructed on lot lines. Existing fences may also be removed from lot lines upon written mutual consent of the adjoining lot owners. The cost and responsibility of erecting, maintaining, or removing such fences may be shared, by written consent of the owners of the adjoining lots, on such basis as may be agreed upon by the parties. The building department will not be responsible for establishing or locating the correct lot lines between lots.

(c) Without the mutual consent of adjoining lot owners, residential fences may, upon compliance with the location requirements of subsection (a) of this section, be constructed wholly upon the petitioner's property; provided, that the complete repair and maintenance of both sides of the fence, and the maintenance of the ground adjacent to the fence, shall be the responsibility of the owner of the lot on which the fence is constructed. Means by which repair and maintenance of the fence and ground area can be performed, without intruding upon adjoining property, must be presented by the petitioner. Properly located ornamental or privacy fences shall be allowed, notwithstanding the presence of any existing fence; provided that, in the event there is not mutual consent of the adjoining lot owners, such fences must be either:

- (1) Located wholly upon the petitioner's property and be two or more feet from the residential lot line; or
- (2) Located wholly upon the petitioner's property and constructed so as to be readily removable so that access may be provided to both sides of the fence and the adjacent ground area.

(d) Absent mutual consent of the owners of adjoining residential lots, fences shall be constructed so that supporting posts face the lot on which the fence is constructed, except that the supporting posts of an ornamental or privacy fence may be centered with respect to the panels of the fence. (Code 1981, 13-4)

Section 22-305 Same-Prohibited materials

No person, being the owner, lessee, or an agent of the owner or lessee, of any residential building or lot in the City shall erect or maintain on or about the stairway to the entrance of such building, on or about the exterior building line, upon any fence, upon any portion of the sidewalk adjacent to such building, or upon such residential lot, any railing, fence, guard or other protection on which there is affixed, placed, or in any manner attached, any spike, nail or other sharp pointed instrument of any kind or description. It shall be unlawful to construct or maintain a barbed wire fence partially or wholly around or upon any residential property, or nail or cause barbed wire to be nailed or fastened, in any form, shape or manner, upon a fence in any such residential area. (Code 1981, 13-5)

Section 22-306 Commercial and industrial fences

(a) Owners of property in commercial or industrial zones may construct fences around such property at their own expense in the manner provided in this section, except that fences for junkyards shall comply with the requirements of the junkyard regulations as contained in this Code.

(b) All fences constructed or reconstructed in commercial and industrial zones shall be constructed with posts sunk in the soil to a minimum depth of three feet and of a height above the grade of the two adjoining properties of not less than six feet nor more than eight feet.

(c) No industrial or commercial fence shall be constructed whose gates or entrances may obstruct or partially obstruct any street, alley, avenue, lane, sidewalk, public highway or any other public passageway. (Code 1981, 13-6)

Section 22-307 Materials and maintenance

(a) All fences and the ground adjacent thereto, in any residential, commercial, or industrial areas, shall be maintained in a good state of repair at all times. If such fence is constructed of wood, it shall be kept painted or stained so as to present a good appearance, and wooden posts shall be pressure treated.

(b) No old or used materials shall be used in the construction of any residential, commercial, or industrial fence, unless such materials shall have first been examined by the department of building and been found to be in sound and usable condition and suitable for fencing purposes.

(c) No fence, in any zone, shall be electrified, nor have any electrical device attached thereto. (Code 1981, 13-7)

Sections 22-308 to 22-320 Reserved

**DIVISION 2 PERMITS
Post hole and final inspection required**

Section 22-321 Required

No fence shall be constructed in the City without a permit from the department of building. (Code 1981, 13-28)

Section 22-322 Application

All applications for fence permits shall be submitted to the department of building and shall contain the following:

- (1) A plot plan of the premises on which the fence is to be erected, showing the location of any buildings on the land.
- (2) A brief specification of the materials to be used in the construction of the fence.
- (3) A statement showing the height of the proposed fence.
- (4) A sketch showing the precise location of the fence posts proposed to be used with reference to the lot lines of the property and also showing that the posts will be located on the inside of the fence, or centered, unless otherwise specified in a written agreement between the adjoining lot owners. (Code 1981, 13-29)

Section 22-323 Fees

Fees for fence permits shall be established by Section 46-1. (Code 1981, 13-30)

Sections 22-324 to 22-350 Reserved

Adopted: February 17, 1998
Effective: February 26, 1998
Published: February 26, 1998