

APPROVED

Village of Romeo – Residential Fence Regulations

Amend Chapter 6, Article V Fences , of the Village of Romeo Code of Ordinances in its entirety, and replace with:

Section 6-191 – Purpose

- A. The purpose of these regulations is to promote the safety, public health and general welfare of the present and future residents of the Village by:
 - 1. Regulating, controlling, and safeguarding the construction of fences in residential properties;
 - 2. Preventing the degradation of property values associated with poor construction technique, low quality materials or designs which are out of character with regard to height, color, shape or other generally accepted standards for residential fencing.

Section 6-192 – Definitions

- A. Corner Lot – A lot with a street abutting its required front yard and at least one (1) required side yard.
- B. Fence – Any constructed barrier of any material or combination of materials erected to enclose or screen an area of land.
- C. Front Building Line – A line from the front corner of the house nearest the side lot line to the nearest point on the side lot line.
- D. Interior Lot – Any lot other than a corner lot.
- E. Obscuring Fence – 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 three (3) inches in width, equals or exceeds three (3) inches when measured as viewed at a ninety-degree angle.

- F. Privacy Screen – A fence structure located around a patio, deck or similar outdoor gathering area which is provided for concealment from unwanted or undue intrusion or disturbance, rather than for containment.
- G. Rear Building Line – A line formed by extending the line formed by the rear building setback line to the side lot lines.
- H. Through Lot – Any interior lot having frontage on two (2) more or less parallel streets, as distinguished from a corner lot.

Section 6-193 – Fence Regulations

- A. It shall be unlawful for any person to construct or cause to be constructed any fence upon any residential property within the Village of Romeo without first having obtained a fence permit.
- B. Except for maintenance purposes, 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 enlarged, rebuilt or replaced, shall conform to all provisions of this ordinance.
- C. The grade for the bottom line of the fence shall be subject to approval by the Village. If the Village 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 Village shall require the owner to establish elevation grades by its own engineer or land surveyor and furnish such grades to the Village for inclusion as a part of the permit.
- D. Permitted Fence Types:
 - 1. Decorative aluminum
 - 2. Wrought iron
 - 3. Chain-link
 - 4. Privacy, wood or vinyl (include stockade, basket weave, dog ear, shadow box)
 - 5. Split rail or post and rail
 - 6. Picket

7. Any other type of fence customary for residential use may be constructed if prior approval of the building inspector is secured.

E. Prohibited Fence Types

1. Wire fences
2. Glass/plexiglass or similar type fences
3. Concrete or masonry fences or walls. (It should be noted that concrete walls are required to be installed for many commercial and industrial uses to screen impacts from an adjacent residential use.)
4. Fences with wood, vinyl or other types of slats or fences with coverings such as mesh, fabric or other materials intended to screen.
5. Electrically charged fences
6. Fences with barbed wire or razor wire or similar sharp features
7. Fences with spikes or similar pointed tops
8. Any other type of fence determined to be similar to those noted herein or found to be uncharacteristic for a residential use by the building inspector.

F. Dimensional Requirements or Limitations

1. Height Regulations:
 - a. Privacy fences: six (6) foot maximum height.
 - b. All other fences: forty-eight (48) inch maximum height.
2. Width regulations: Eight (8) inch maximum width (including posts).
3. Fence post spacing: ten (10) feet on center maximum.
4. Fence post depth: forty-two (42) inch minimum from grade.
5. All fences shall be erected with the flat side or finished side of the fence panel facing outward toward the neighboring property or street, whichever is applicable.

G. Fence Location

1. Where practical, all fences shall be located on a lot line of the property, except for purposes of meeting the clear vision zone requirements and to return such fence to the

edge of the house. The outside edge of any fence shall be located on the property line, unless otherwise stipulated herein.

2. No obscuring fence, except those established and maintained by the village, county, state or federal governments, shall be located within the triangle formed by the intersection of any road rights-of-way/easements and/or access drives and/or pedestrian walks at points twenty (20) feet distant from the point of their intersection. No other obscuring structure or landscape greater than two (2) feet in height shall be located within such triangle.
 3. Interior Lots - Fences may be erected within side and rear yards, and along the front building line. Non obscuring decorative fences with a height not to exceed 48 inches are permitted to extend into the front yard.
 4. Corner Lots - Fences may be erected within side and rear yards, and along the front building line. Non obscuring decorative fences with a height not to exceed 48 inches are permitted to extend into the front yard on both streets.
 5. 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 four (4) feet nor more than six (6) feet above the grade level at any location. Non obscuring decorative fences with a height not to exceed 48 inches are permitted to extend into the front yard.
 6. Rear or Side Yard Abutting a Major Road - When a rear or side yard abuts a major road, as designated in the village master plan, a fence may be permitted on the lot line abutting such major road.
- H. Distance from Sidewalk - No fences, walls, retaining walls, hedges, bushes, shrubs, trees or planting shall be erected, planted, maintained or permitted within one foot of the inner edge of any existing sidewalk.
- I. County Drain Easement Encroachments - No fence shall be erected within an open county drain easement. 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 Macomb County Public Works to locate the fence within the easement area.
- J. Double Fencing – Double fencing shall only be permitted by the building official in cases where an existing fence cannot adequately service the intended needs of the applicant. If such fence is allowed, it must be installed directly adjacent to the existing fence, so as to eliminate any “difficult to maintain” grass or landscape areas.

- K. Privacy Screens – Privacy screens may be erected around patios, decks, gazebos and pergolas. No such screen shall be located closer than three and one-half (3½) 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.
- L. Swimming Pool Fence Enclosures - 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 inspector. Swimming pool enclosures (fences) shall not be placed in any easement and shall be at least three and one-half (3½) feet from any property line, and at least fifteen (15) feet from any street property line.

Section 6-194 – Responsibilities

- A. Applicants for a privacy fence, having a height greater than 48 inches, shall be required to provide a boundary or mortgage survey, prepared by a license engineer or surveyor, indicating the location of the proposed fence. The Village of Romeo shall not be responsible for the enforcement of any agreement between property owners in respect to fences; nor shall the village be responsible for the determination of the location of any fence, or the accuracy of the submitted survey.
- 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. The fence shall not have any sharp edges, protruding nails, or anything else that may cause injury.
- 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 village ordinances.

Section 6-195 - Variances

- A. All requests for variances from the provisions of these regulations 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 or a practical difficulty 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:

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 Village.