

Charter Township of Shelby

Harry Reese
Building Director

52700 Van Dyke
Shelby Township, MI 48316-3572

Phone: (586) 731-5969
Fax: (586) 803-2099
E-mail: building@shelbytwp.org

OUTLINE PROCEDURES FOR ERECTING A RESIDENTIAL FENCE

PERMIT PROCEDURE

A fence permit shall be obtained by the person or company building the fence. Submit the information indicated below and allow approximately two weeks for plan review and processing. The permit applicant will be contacted when the permit is ready to be picked up. An application fee of \$25.00 is required at the time the application is submitted.

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| 1) Permit application | Complete all applicable sections of application. Missing information will cause delays. |
| 2) Plot Plan (2 copies) | Provide a copy of mortgage survey or scaled drawing indicating <ul style="list-style-type: none">- Legal description, all adjoining roads, location of buildings on this and adjacent properties.- Any and all easements- Description of fence (Complete detail) |

REQUIREMENTS (See the Charter Township of Shelby Fence Ordinance for full text and additional requirements)

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

The Charter Township of Shelby 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 Charter Township of Shelby shall not be responsible for the enforcement of any deed or covenant restrictions.

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 purposes of verifying compliance with this ordinance. The survey shall be conducted by a surveyor, architect or engineer registered with the State of Michigan.

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 paragraph, the owner of a fence shall be deemed to be any person, persons or their successors who purchase or otherwise acquire a lot with a fence erected thereon.

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, 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(s) 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 as defined herein shall be permitted provided that they do not exceed three (3) feet in height, thirty-two (32) feet in total length, sixteen (16) feet in one continuous direction, and are erected at least one foot from the right-of-way or lot line.

Landscape treatment shall conform to the corner clearance requirements in the Charter Township of Shelby 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 twenty-five (25) feet or to the building setback line if that distance is less than the twenty-five (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 (3) feet nor more than six (6) feet above the grade level at any location. **Fences shall not be located closer than three (3) 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 (3) feet nor more than six (6) 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 (3) 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 (3) nor more than six (6) 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 Charter Township of Shelby 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 non-residential 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 non-residential zoning district. Fences in such districts shall comply with the Zoning Ordinance and the fence ordinance.

Sec. 10-326. Barbed wire fences.

Except as otherwise permitted by Section 3.14 of the Charter Township of Shelby Zoning Ordinance, it shall be unlawful for any person, firm, corporation or other entity 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.

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, firm or corporation 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.

SPECIAL NOTICE REGARDING DEED RESTRICTIONS AND EASEMENTS

Please be advised that construction activities that are permitted by the Building Department may be further regulated by Subdivision Restrictions or Easement Agreements applicable to the subject property. **In some cases, activities permitted by the Building Department may be prohibited by subdivision restrictions or easement agreements.**

You are strongly advised to check that all current and future lot improvements are in conformance with any applicable subdivision restrictions and easement agreements. Further, you should obtain approval of the subdivision association (if applicable) prior to construction. The laws pertaining thereto generally make the property owner, or agent, responsible for such, and failure to conform may subject you to prosecution.

The installation of doors and other points of ingress and egress in proximity to easements are done at the property owner's risk. No present or future construction and/or lot improvements of any kind shall be permitted within an easement.

To obtain information on recorded subdivision restrictions and easements, the Macomb County Register of Deeds provides the most complete property records and can be reached at (586) 469-5120. In many cases, the Township Clerk's office has copies of restrictions that may apply.

The permit holder is responsible to secure the appropriate approvals for placement of a fence in an easement area and compliance with all applicable subdivision restrictions. **The authorization of a permit by the Building Department shall not be construed as authority to violate any easement or subdivision restrictions.**

INSPECTIONS

Final inspection

*****PLEASE NOTE*****

PERMITS OR FEES ARE NOT TRANSFERABLE OR REFUNDABLE.