



**BUILDING DEPARTMENT
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Section 5.6 Fences, Walls and Screens

Except as otherwise required by this ordinance, the following regulations shall apply:

- (a) All Districts: Fences, walls and screens shall not to be located in any public right-of-way, clear zone (see section 5.16 Visibility of Intersections) or any easement granted for the purposes of ingress or egress. These structures may be located on the property line, provided they do not extend onto the adjacent property. The Zoning Administrator shall evaluate the fence type to determine which side of a six (6) foot privacy shall face outward with the rule being that the finished side faces the neighbor.
- (b) AG District: Within the limits of the required front yard of a lot in the above district, no fence wall or other screening structure shall exceed four (4) feet in height unless at least fifty (50) percent of the surface area is open when viewed from the perpendicular as determined by the Zoning Administrator.
- (c) Residential Districts: Within the limits of the required front yard of a lot within a residential district, no fence wall or other screening structure shall exceed four (4) feet in height. No such fence, wall or other screening structure located within a side or rear yard shall exceed six (6) feet in height. Refer to Article 2, Definitions, for the definition of required front, side and rear yards and setbacks.
- (d) Non-Residential Districts: Within the limits of the required front yard of a lot within a non-residential district, no fence wall or other screening structure shall exceed four (4) feet in height. No fence, wall or other screening structure shall exceed ten (10) feet in height on the rear and side yards.
- (e) The use of barbed wire, spikes, nails, or any other sharp pointed instrument of any kind on top or on the sides of any fence, electric current, or charge in said fences is prohibited except in conjunction with agricultural operations. Barbed wire cradles may be placed on top of fences enclosing public utility buildings or wherever deemed necessary in the interests of public safety.
- (f) On waterfront lots, fences that are located between the rear of the principal building and the shoreline shall be of an open-air type, permitting visibility through at least eighty (80) percent of its area.
- (g) Retaining walls shall be designed and constructed in accordance with applicable building code requirements.
- (h) Fenced dog runs and/or pens shall be located no less than twenty (20) feet from all property lines and shall not be located in the front yard.

- (1) There shall be no outdoor storage of any industrial or commercial equipment, vehicles and/or other materials, including wastes, unless otherwise provided by this Ordinance. Any storage shall be screened from public view from a public street and from adjoining properties by an enclosure consisting of a wall not less than the height of the equipment, vehicles and all materials to be stored, except in LI and GI Districts and unless specifically covered in this Ordinance. Whenever such open storage is adjacent to a residential zone, special purpose or mobile home park in either a front, side or rear lot line relationship, whether immediately abutting or across a right-of-way from such zone, there shall be provided an obscuring masonry wall or wood fence of at least six (6) feet in height.
- (2) Such masonry wall or wood fence shall be repaired, maintained and kept in good condition by the owners, and where necessary, if the wall or fence is not properly maintained, money shall be put in escrow for repair and maintenance so as to not allow disrepair to continue.

Section 5.7 General Exceptions.

The regulations in this Ordinance shall be subject to the following interpretations and exceptions:

- (a) Essential Services. Essential services shall be permitted as authorized and regulated by law and other Ordinances of the Township of Sumpter, it being the intention hereof to exempt such essential services from the application of this Ordinance.
- (b) Voting Place. The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a Township or other public election.
- (c) Height Limit. The height limitations of this Ordinance shall not apply to chimneys, church spires, flagpoles, essential services or public monuments; provided, however, that the Planning Commission may specify a height limit for any such structure when such structure requires special land use approval. The Planning Commission shall only give approval if the total height is not adverse to the character of the area, detrimental to the use and/or value of the surrounding properties, and not injurious to the health, safety, and welfare of the Township of Sumpter. In addition, any height requirement, variance, or waiver in excess of seventy (70) feet shall require mandatory approval of the Federal Aviation Agency.
- (d) Lots Adjoining Alleys. In calculating the area of a lot that adjoins a dedicated alley or lane, for the purpose of applying lot area requirements of this Ordinance, one-half (1/2) the width of such alley abutting the lot shall be considered as part of such lot.
- (e) Yard Regulations. When yard regulations cannot reasonably be complied with, as in the case of a planned unit development in the multiple-family district, or where their application cannot be determined on lots existing and of record at the time this Ordinance became effective,