

**Sec. 38-176. Fences, walls, and screens.**

- a. All fences, walls, and screens shall be located entirely on or within the lot lines of the lot upon which they are located; and shall not be located within any public road right-of-way or private road easement.
- b. Fences on any corner lot must also comply with the setback requirements of Section 38-178 - Intersection Visibility.
- c. A retaining wall shall be regulated as a fence if the wall projects more than eighteen (18) inches above the grade of the ground being retained.
- d. Retaining walls shall be designed and constructed in accordance with applicable building code requirements
- e. A fence shall not be erected where it would prevent or unreasonably obstruct the use of adjacent property or the safe use of an existing driveway or other means of access to adjacent property

**(2) Height.**

- a. The height of a fence shall be measured from the point at which the fence posts, pilasters or footing intersects the ground on the lowest side of the fence to the top of the fence directly above, including posts, pillars, caps or toppers. Where a fence is built on top of a wall, the combined fence/wall height is measured from the lowest grade to the top of the fence directly above. A fence may slightly exceed the height limits due to minor variations in the underlying terrain as determined by the Zoning Administrator.
- b. Within the limits of the front yard space of a lot in a residential district, no fence, wall or other screening structure shall exceed four (4) feet in height. No such fence or wall located within a side or rear yard shall exceed six (6) feet in height.
- c. In a commercial, industrial or research office district, no fence, wall or other screening structure shall exceed 12 feet in height. No such fence shall be permitted within a front yard setback or within a required greenbelt area.
- d. On waterfront lots, fences, walls, screens and other structures which are located between the main building and the waterfront shall measure no greater than four feet in height. Such fences shall not be located within 5 feet of the ordinary high-water mark.

**(3) Material and construction.**

- a. Fences shall consist of materials normally manufactured for, used as, and recognized as, fencing materials such as: wrought iron or other decorative metals suitable for the construction of fences, fired masonry, concrete, stone, metal tubing, wood planks, chain link, and vinyl composite manufactured specifically as fencing materials. Fence materials must also be materials approved for exterior use that are weather and decay resistant.
- b. Opaque plastic mesh/netting or plastic strips attached to or inserted within wire/metal fencing is prohibited.
- c. Required four (4) foot high fences in front yards, and in water front yards, must be made to be 50% open. (Examples: Split rail, picket and wrought iron fences)

d. If, because of the design or construction, one side of the fence has a more finished appearance than the other, the side of the fence with the more finished appearance shall face the exterior of the lot.

e. Barbed wire, spikes, nails or any other sharp point or instrument of any kind on top or on the sides of any fence, and electrified fences are prohibited in the LA, R-3, R-2, R-1, RM and RMH zoning districts. Barbed wire cradles may be placed on top of fences enclosing public utility buildings or wherever deemed necessary in the interest of public safety.

f. Fences shall not contain any electric charge or current, except fences that enclose active farmland, in which case electrically charged fence wires are permitted, provided such wires are attached to the inside face of the fence posts.

g. Fences shall be erected in a manner to allow emergency access to the rear yard of a lot by placing a gate and providing sufficient space between the building line of any structure and the fence on at least one-side of the yard.

#### **(4) Maintenance.**

a. Fences shall be maintained in good condition. Rotten or broken components shall be replaced, repaired, or removed. Lines of the lot upon which they are located; and shall not be located within any public road right-of-way or private road easement

b. Fence surfaces shall be painted, stained, or treated to prevent weathering, except products that do not require treatment.

c. Any fence which, through lack of repair, type of construction, or other condition is determined by the zoning administrator, building official or code enforcement officer to be not maintained is hereby deemed a nuisance. The code enforcement officer or other authorized person shall serve written notice to the owner, agent, or person in control of the property on which such fence is located. The notice shall describe the maintenance condition(s) use to determine said fence was out of compliance with this section of the ordinance, shall specify the repairs or modifications required to make the fence safe, or shall require an unsafe fence or any portion thereof to be removed. The notice shall provide a time limit for such repairs, modifications, or removal to be made. Failure to comply with said written notice shall be considered a violation and shall be subject to Section 38-46 and Township penalties as a municipal civil infraction.