



CITY OF BERKLEY, MICHIGAN

CODE OF ORDINANCES

BERKLEY CITY CODE, CHAPTER 138 ZONING, DIVISION 2 FENCES

Sec. 138-81 Purpose

The Purpose of this ordinance is to promote and protect the public health, safety and welfare by regulating the manner and location of fence and screen wall installations in the City of Berkley. For purposes of this ordinance, the following definitions shall apply:

Sec. 138-82 Definitions

Construction site barrier - A temporary fence erected to protect a construction site from vandalism and unauthorized entry. Construction site barriers do not require a permit unless the barrier will be in place for more than one year.

Fence - A structure erected to act as a boundary marker, or erected for the purpose of restricting access to or from a lot or parcel of land, whether enclosing all or part of said lot or parcel. A fence requires a building permit.

Fence owner - Person or entity who owns the property upon which a fence is erected.

Front building line - The line established by the main wall of the front of the primary building, extending to each side lot line.

Front lot line - In the case of an interior lot, the line separating said lot from the street. In the case of a corner lot or double frontage lot, the line separating said lot from that street which is designated as the front street in the plat, or as the address of the property in question.

Landscaping (vegetation) - Decorative plant materials (trees, shrubs, flowers, etc.) when used to enhance the yards or surfaces of a property of parcel. Landscaping does not require a permit.

Landscape treatment - A non-sight obscuring decorative structure used to enhance, accent, or protect the landscaping of the site. Landscape treatments are subject to conditions of Section 138, Article III, Division 2, *Requirements*. Landscape treatments include, but are not limited to timbers, boulders, planter boxes, posts, partial fences etc. Decorative lampposts shall not be considered landscape treatment. Landscape treatments do not require a permit.

Masonry walls - A built-up construction or combination of building units or materials of clay, shale, concrete, gypsum, stone or other approved units bonded together with mortar or monolithic concrete. Reinforced concrete is not classified as masonry.

Privacy fence - Fences of opaque material having such qualities as to constitute a visual barrier. A visual barrier is provided if the distance or open space between the boards, slats, rails, stanchions or balusters is less than or equal to 3 inches when viewed and measured at 90 degrees to the fence line. Privacy fences require a building permit.

Privacy screen structure - A sight obscuring structure, erected adjacent to or around, but not limited to, a patio, deck, courtyard area, swimming pool or outdoor hot tub , designed to screen, but not enclose, the area behind it or within its confines. Privacy screens are subject to conditions of Section 138, Article III, Division 2, *Requirements* and may require a permit.

Rear building line - The line established by the main wall of the rear of the primary building, extending to each side lot line.

Rear lot line - The lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than 10 feet long lying farthest from the front lot line and wholly within the lot.

Screen walls - A masonry wall erected to screen a non-residential lot or parcel from a residential district. Screen walls require a permit.

Side lot line - Any lot lines other than the front lot lines or rear lot lines.

Structure - Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. (Ord. No. 3-82, Sec. 1, 7-26-82.)

Sec. 138-83 Permit - Required

The erection, construction or substantial rebuilding of any fence or screen shall be performed within all municipal codes and shall require a building permit. Substantial rebuilding is reconstruction of more than 50 percent of the structure, a change in the height of the structure, or a change from existing material within a 12-month period. Painting, cleaning, replacement of like materials, or other actions commonly considered as general maintenance shall not be defined as “substantial rebuilding”.

Sec. 138-84 Application Process

Any person desiring to construct, or cause to be constructed, any fence or wall for which a permit is required as defined in this chapter, shall first apply to the City Building Inspector for a permit. A permit fee shall be required as presently established or as hereafter prescribed by resolution of the City Council. Application for the permit shall include any and all information requested by the Building Inspector to determine whether or not the construction of such a fence or wall will violate any portion of this Code, any wall design elements of the adopted Master Plan, or any statute of this state.

Sec. 138-85 General Requirements by District

(a) Requirements - All Districts

- 1) No wall or fence shall have barbed wire, razor wire, an electric current, concertina wire, nor any other material installed for the purpose of causing injury or harm. Similar material shall be determined by the code enforcement officer.

- 2) Each fence or screen wall owner shall maintain their fences or walls in accordance with the provisions of all maintenance codes adopted by the City of Berkley and with the provisions of any site maintenance agreement they may have entered into with the City.
- 3) Fences and Screen Walls shall be maintained plumb and true with adequate support and in a safe and sightly manner. The owner of a fence or screen wall shall remove or repair a fence or screen wall that is dangerous, dilapidated, or otherwise in violation of this Code.
- 4) Landscaping within the front yard shall adhere to the requirements set forth in the *Berkley City Code*, Chapter 130 *Vegetation*.

(b) Residential Districts

- 1) Fences shall be constructed of steel, iron, wood, masonry, or other durable material.
- 2) A fence shall not be erected between the front building line and the front lot line.
- 3) Landscape treatments shall not exceed 30 inches in height.
- 4) Landscape treatment may be located between the front building line and the front lot line.
- 5) Landscape treatments which fall within the front yard or the exterior side yard and which are parallel to, or are placed along, a lot line are limited as follows:
 - a) An aggregate length not to exceed 12 feet.
 - b) They shall be set back not less than 2 feet when adjacent to an adjoining property owner's driveway.
 - c) They shall be placed on the property line or set back at least 12 inches from the sidewalk, whichever is greater.
- 6) No portion of a fence, landscape treatment, or landscaping shall project beyond the fence owner's property line.
- 7) A fence or privacy fence shall not be erected in excess of 6 feet – 4 inches in height as measured from the lowest existing adjacent grade. Where a residential property line is adjacent to a non-residential district, the maximum height shall not exceed 8 feet for fences on said property line.
- 8) There shall be a maximum of one fence per property line, for each property owner. Ownership of a fence shall be determined by the fence permit applicant as follows:
 - a) By a search of building permits issued to his and adjacent properties or.
 - b) By mutual agreement of the adjacent property owners.
- 9) Privacy Screen Structures shall not exceed 6 feet in height above the surface of the deck, patio, pool, or other area to be screened.
- 10) Privacy Screen Structures exceeding 6 feet above grade require a permit.

- 11) When erecting a Fence next to an existing fence, the maintenance of the area between the fences shall be the responsibility of the person erecting the new fence. Fence panels shall be raised 4 inches above grade to allow for maintenance of the area between fences.
- 12) Any Fence having an unfinished side (e.g., stockade fence) shall be installed so that the finished side of the Fence shall be facing adjacent properties or the street.
- 13) Privacy screen structures shall not exceed 18 feet in length.
- 14) Any fence erected within 10 feet of a driveway/public right-of-way intersection shall permit a motorist an unobstructed view of the public right-of-way when exiting a driveway. The sidewalk shall be visible for a distance of 10 feet on both sides of the driveway. Visibility shall be judged from the garage doorjamb or 10 feet from the sidewalk along the driveway's edge, whichever is closer. Visibility shall be judged from 30 inches above the sidewalk. The City Manager or his designee shall be the judge of visibility. These requirements shall apply whether or not the fence is on the same property as the driveway.

(c) Nonresidential Districts

- 1) Refer to Chapter 138, Article V, Division 11 *C-1 Cemetery District* for additional fence requirements in this district.
- 2) A fence shall not be erected in excess of 8 feet high as measured from the lowest existing adjacent grade.
- 3) Screen walls are required on or adjacent to all property lines separating non-residential property from residential property and shall not be less than 6 feet in height.
- 4) Screen wall shall be of masonry construction. A maintenance agreement shall be required for any masonry screen wall receiving paint or other impermeable coating.
- 5) Masonry screen walls in excess of 30 inches in height require a building permit.
- 6) Screen walls shall be constructed as shown in figures 138-1 and 138-2.
- 7) The property owner shall maintain landscaping areas between screen walls and property lines.
- 8) Where a screen wall is erected within a 12 foot radius of a driveway/sidewalk intersection, whether within the property or not, the wall height within that radius shall be 30 inches.
- 9) Where a screen wall abuts a residential front yard or a public right-of-way, the height of the screen wall shall be between 4'-0" and 4'-8" in height as measured from the highest adjacent grade level.
- 10) The Planning Commission may alter or revise the minimum screen wall requirements if the Commission finds that the standards for site plan approval as outlined in Section 138-678 have been met.

(a) Miscellaneous Requirements

- 1) Fences around public or institutional parks, shall be required if it incorporates a playfield (baseball, football, soccer, etc.)
- 2) Refer to Chapter 138, Article III, Division 1, *Accessory Buildings and Structures* for additional requirements regarding fencing around pools.
- 3) Refer to Chapter 106, Article III, *Shrubs and Bushes* for additional restrictions on Landscaping located on lots abutting intersections.

Sec. 138-86 Variances

Upon application in writing by any person directly or adversely affected, the Zoning Board of Appeals of the City may, after a hearing in accordance with the established procedures of that Board, in its sound discretion and in the interest of the public health, safety, of welfare of the inhabitants of the community, reduce or remit the requirements of this chapter in individual cases coming before such board of appeals.

Sec. 138-87 Violations

Any fence or wall constructed or maintained in violation of this chapter shall be deemed to constitute a public nuisance and may be abated by injunctive proceedings.



Building & Planning
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 248-658-3320
 Fax: 248-658-3301
 www.berkleymich.org

CITY OF BERKLEY, MICHIGAN

CONSTRUCTION PERMIT FEES

Registration

Residential Builder.....	35.00
Residential Maintenance and Alteration.....	35.00

Building Permit Fee - Based on Construction Value

\$1.00 - \$1,000	50.00
Each Additional \$1,000.....	10.00
First Inspection	50.00
Each Additional Inspection	45.00
Reinspection Fee.....	35.00

Cash Builders Bond

1,000-5,000	50.00
5,001-10,000	75.00
10,001-50,000	100.00
50,001-100,000	500.00
100,001-up	800.00

Concrete Certificates (when no additional building permit is obtained)

Registration of Cement Contractor	35.00
Sidewalk.....	65.00
Sidewalk Bond.....	200.00
Driveway approach.....	65.00
Pavement Break permit (saw cut only)	40.00
Refundable Bond (required)	1,500.00
Curb Cut – per lineal foot.....	8.00
First Inspection	50.00
Each Additional Inspection	45.00
Initial Concrete Permit and Inspection Fee NOT TO EXCEED.....	200.00

Driveway Permits

Driveway Certificate (new or replacement)/Service Walk.....	70.00
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Fence Permits 60.00

Liability Insurance Requirements for all contractors

One person.....	100,000.00
Each occurrence.....	300,000.00
Property damage, each occurrence.....	10,000.00

Construction Fees Continued

Swimming Pools

Swimming Pool Contractor Registration 35.00

Above Ground Pool 30.00

One Inspection 50.00

Electrical Permit (one inspection) 45.00

Bond 50.00

Total (excluding registration) 175.00

Inground Pool 40.00

Two Inspections 95.00

Electrical Permit (two inspections) 80.00

Bond 50.00

Total (excluding registration) 265.00

Wrecking

Registration of Wrecking Contractor 35.00

Accessory Structure 40.00

Single Family Detached Dwelling 60.00

Multiple Family and Non Residential Construction 80.00

Cash Bond 1000.00

Two Inspections Required 95.00

Shed

Shed - 36 sq. ft. or larger 20.00

Two Inspections Required 95.00

Total Shed Permit 115.00

Temporary Construction Water

Residential 45.00

Commercial 80.00

House Moving

Registration of House Moving Contractor 35.00

House Moving Permit 100.00

Inspection (in City before moving) 40.00

Inspection (out of City before moving) 60.00

Housing Moving Bond (site to site) 1000.00

House Finishing Bond 1500.00

PLAN EXAMINATION FEES

Initial Plan Reviews for building structures within value of:

\$0-\$1,000	80.00
\$1,001-\$10,000	100.00
\$10,001-\$50,000	125.00
\$50,001-\$100,000	170.00
\$100,001-\$750,000	250.00
\$750,001-5,000,000	300.00
plus (.15% of cost over \$750,000)	
\$5,000,001 and over.....	3,500.00
plus (.45% of cost over \$5,000,000)	

Fire Marshall Review Fees

Plan Review Fee (per hour)	30.00
Fire Alarm Plan Review (Sprinkler, including inspection)	75.00
Fire Alarm Plan Review (Alarm, including inspection)	75.00
Hood Suppression System Plan Review (at submission)	75.00