

- C. Flashing or moving lights.
  - D. Rope lights, string lights, neon, or similar accent lighting attached to, surrounding, or otherwise drawing attention to a window sign.
8. **Exempt Lighting.** The following lighting types are exempt from the standards of this section:
- A. Street lighting and emergency lighting installed and maintained by a public road authority.
  - B. Holiday decorations.
  - C. Lighting that was legally installed prior to the adoption of this section.
  - D. Sports fields.
  - E. Shielded pedestrian walkways.
  - F. Instances where federal, state, or local laws, rules, or regulations take precedence over the provisions of this section.

## Section 8.05 Fences

All fences, walls and other protective barriers shall conform to the following regulations:

1. **Location.** All fences shall be constructed within the property lines of a lot unless there is a written consent from the adjoining property owners. The City shall not be responsible for determination of the location of any fence to be erected on lot lines. No fence or wall shall be erected, established, or maintained within the clear vision triangle area of any lot except in compliance with [Section 8.06](#). Fences shall be set back a minimum of one foot from public rights-of-way, unless modified below.
2. **Shared Property Line.** Only one fence may be installed along a shared property line. Where a new fence is proposed adjacent to an existing fence, a minimum separation distance of two feet shall be provided between such fences. Sufficient access shall be provided to the area between the fences to facilitate maintenance.
3. **Height and Opacity.** The following height and opacity requirements shall apply to fences constructed in the city of Madison Heights. The height of a fence shall be measured from the average grade of the fence line. The maximum fence height shall not apply to intensive commercial or industrial uses that may generate significant off-site noise, dust, glare, or other nuisances. Fences for such uses shall be high enough to adequately protect neighboring properties from adverse effects.

Location	Commercial/ Industrial/Mixed-Use	Residential	All
	Maximum Height	Maximum Height	Maximum Opacity
Rear Yard	8 feet	6 feet	100%
Side Yard	8 feet	6 feet	100%
Front Yard	6 feet	4 feet	50%

4. **Corner Lots/ Street Side Yards.** Within street side yards, fences shall be subject to the same standards for fences in front yards. However, fences located behind the front setback of the principal structure are permitted a maximum height of six (6) feet and 100% opacity, but shall be set back a minimum of one (1) foot from the right-of-way line.
5. **Fence Materials.**
  - A. Fences shall be constructed of materials designed for decorative, landscape effect such as: split-rail, wood, wrought iron, metal, and extruded plastic. Chain link fences shall not be permitted in the front yard.
  - B. Razor edge fence, spikes, nails or any other sharp point or instrument of any kind on top or on the sides of any fence, or electrical current or charge in a said fence, shall be prohibited.
  - C. Barbed wire fences shall only permitted in M-1, M-2 and MUI-1 zoning districts, when adjacent to other M-1, M-2, and MUI-1 zoning districts, or public or private utility installations which require security. Barbed wire shall be at least ten (10) feet above grade.

- D. Fences located within a required front yard shall be primarily ornamental and decorative in nature, featuring elements such as wrought iron and split-rail.
  - E. Whenever a fence will be visible from public rights-of-way or adjacent properties, it shall be installed so that the more finished side (i.e., the side with fewer or no visible structural framing or bracing elements) faces outward from the lot on which it is installed.
  - F. Materials such as, but not limited to, metal, plastic, vinyl, wood, or fabric may not be inserted into, attached, or hung over chain link fences.
6. **Temporary Fences.** Temporary fences such as construction fences or any other type of temporary fencing may be permitted in conjunction with an approved development permit.
  7. **Maintenance of Fences.** Walls and fences shall be maintained in good condition and shall not constitute an unreasonable hazard. Rotten, crumbled, or broken compounds shall be replaced, repaired, or removed. Any fence which, through lack of repair, type, or construction, or which otherwise endangers life or property, shall be deemed a nuisance per se. If an unsafe condition exists in regard to a fence, the Building Official or their appointed designee shall serve written notice to the owner, agent, or person in control of the property upon which such fence is located. The notice shall describe unsafe conditions, shall describe 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 30-day limit for such repairs, modifications, or removal.
  8. **Alterations.** Any person, firm or corporation being an owner, lessee, occupant, or agent of the same, of any property containing a fence which violates provisions of this ordinance, shall not alter, change, repair or rebuild the fence without first having obtained a permit.
  9. **Swimming Pool Fences.** Swimming Pool fences are subject to the standards of [Section 8.03\(4\)](#).
  10. **Walls, Parking Lot Screening, Dumpster Enclosure Screening.** Walls, parking lot screening, and dumpster enclosure screening are subject to the standards of [Article 11](#).
  11. **Nonconforming Fences.** Nonconforming fences are subject to the requirements of [Article 13](#).

## Section 8.06 Clear Vision Triangles

No structure, wall, fence, sign, tree, or shrubbery shall be erected, maintained, or planted on any lot or front yard thereof which unreasonably obstructs or interferes with traffic visibility on a curve or at any intersection of any street, driveway, or other vehicular way. Fences, walls, structures, signs, trees, shrubs, and other plantings located in the clear vision triangle area described below shall not be permitted to obstruct cross-visibility between a height of thirty (30) inches and eight (8) feet above the road level.

1. **Clear Vision Triangle Area.** The clear vision triangle area is described as follows.
  - A. **Where One of Both of the Intersecting Roads are Collector or Arterial Roads.** Where one or both of the intersecting roads are collector or arterial roads, as defined by the Master Plan, the clear vision area is the area formed at the corner intersection of two (2) road right-of-way lines, the two (2) sides of the triangular area being twenty (20) feet in length measured along the abutting right-of-way lines, and the third side being a line connecting these two (2) sides.
  - B. **Where Both of the Intersecting Roads are Local Roads.** Where both of the intersecting roads are local roads, as defined by the Master Plan. The clear vision area is the area formed at the corner intersection of two (2) road right-of-way lines, the two (2) sides of the triangular area being fifteen (15) feet in length measured along the abutting right-of-way lines, and the third side being a line connecting these two (2) sides.
  - C. **Driveway Intersection.** The area formed at the corner intersection of a right-of-way and a driveway, the two (2) sides of the triangular area being ten (10) feet in length measured along the right-of-way line and edge of the driveway, and the third side being a line connecting these two (2) sides.
2. **Trees.** Trees may be permitted in the clear vision triangle area provided that limbs and foliage are trimmed so that they are not less than eight (8) feet above the road level.