

29:9:10

No trailer shall be set unless the trailer complies with HUD⁶ standard in effect at the date of installation.

- a) The owner shall furnish proof of compliance to the Property Use Administrator.

29:9:11

All mobile homes shall comply with all State, County, and local laws concerning site preparation and installation.

29:9:12

No one shall set a mobile home unless they have obtained a permit from the Property Use Administrator.

- a) A permit must be obtained before setting any mobile home.
b) No final permit shall be issued unless this ordinance has been complied with.

29:9:13

Adoption and effective date: Adopted April 8, 1996.

Section 29:10 Regulation of Fences:

29:10:1 Short Title:

This section may be referred to and cited as the "Fence Ordinance of the Village of Newberry" or just the "the Fence Ordinance."

29:10:2 Purpose:

The purpose of this section is to permit such fences that will not, by their reason, size, location, construction or manner of display, endanger the public safety of individuals, obstruct the vision necessary for traffic safety or otherwise endanger public health, safety and morals; and to permit and regulate fences in such a way as to support and complement land use objectives and aesthetic purposes while protecting the rights of adjacent properties to light, air and view. (Ord. 36-84. Passed 12-18-84.)

29:10:3 Definitions:

In addition to the definitions contained elsewhere in this ordinance, as used in this chapter:

- (a) "Corner lot" means a lot abutting the intersection of a street and an alley.
(b) "Double frontage lot" means an interior lot having frontages on two nonintersecting streets.
(c) "Fence" means a structure or erection forming a barrier on either the whole or any portion of a given area.
(d) "Hedge" means a bush, shrub or a living green fence of any nature forming a barrier on either the whole or any portion of a given area.
(e) "Height of a fence" means the vertical distance as measured from the ground level at the lowest grade level within three feet of either side of such fence to the uppermost portion of the fence.
(f) "Obstruction to visibility" means any fence or hedge so located whereby drivers of motor vehicles will have their vision impaired, or whereby public safety is diminished.
(g) "Right of way" means all of the land lying between property lines on either side of all streets, alleys and boulevards in the Village and includes lawn extensions and sidewalks and areas reserved therefor where the same are not yet constructed.
(h) "Screening" means fencing or berms, as required in specific locations, for the purpose of providing a visual or sound barrier.
(i) "Yards" are defined as follows:
(1) "Front yard" means that area measured by the full width of the front lot line to a depth measured from such lot line to the first supporting member of the main structure. The first supporting member includes the main building or any projection thereof, other than the usual steps, entranceways, unenclosed balconies or open roofless porches. For the purpose of this chapter, properties having frontage on a lake, river, creek or other waterway are required to meet front yard fence requirements along that water frontage and along any street frontage.
(2) "Rear yard" means that area measured by the full width of the rear lot line to a depth measured from such lot line to the first supporting member of the main structure. The first supporting member includes the main building or any projection thereof, other than projections of the usual steps, entranceways, unenclosed balconies or open roofless porches or patios.
(3) "Side yard" means that area between the main building and the side line of the lot that extends from the front yard line to the rear yard line. For the purpose of this chapter, a corner lot in a residential district shall be determined to have only front and rear yards, the rear being defined as that area located beyond the building line on both street or street and alley frontages. (Ord. 36-84. Passed 12-18-84.)

29:10:4 Construction; Permit Required; Application; Fee:

No person shall construct or cause to be constructed any fence upon property within the Village without first obtaining a permit therefor, unless otherwise stated. Application for such a permit shall be made to the Property Use Administrator and shall contain all required information, including site drawings, showing the location of the proposed fence in relation to any structure, street or alley, as well as the proposed height of the fence, for the purpose of determining whether or not the erection of such fence will be contrary to any of the provisions of this Ordinance. The permit is in addition to any permit required by the law of other governmental units. A fee in the amount established by the Village Commission shall be paid for such permit and shall be submitted along with the application for the permit.

29:10:5 General Provisions - Property Use:

- 1) District shall be defined by the real estate tax assessment use as set forth on the last Village tax statement.
- 2)(a) Agricultural Districts. No restrictions are imposed to limit the size, type or location of fences in an agricultural district except that:
- (1) No fence may be located in a public right of way.
 - (2) No fence which is an obstruction to visibility shall be located within twenty-five feet of any street intersection.
 - (3) No permit is required for a fence in an agricultural district.
- 2)(b) Residential Districts. In any residential district:
- (1) No fence or hedge which presents an obstruction to visibility shall be located within twenty-five feet of any street intersection.
 - (2) In a front yard, twenty-five feet or less from a street right of way, fences or hedges shall not exceed four feet in height. Fences between twenty-five feet of the right of way and the first supporting member of the main structure shall not exceed five feet in height. Fences in the side yard shall not exceed five feet in height.
 - (3) In the rear yard, fences may be erected to a height of five feet.
 - (4) Except on properties having frontage on a lake, river, creek or other waterway, double frontage lots shall be fenced in accordance with the following provisions:
 - A. The yard fronting on the street of the property's postal address shall be fenced in accordance with paragraph (b)(2) hereof.
 - B. Side yard fences on interior lots may be erected to a height of six feet.
 - C. The remaining property shall be considered a rear yard for fencing purposes, except that in the twenty-five feet or less from the rear street right of way, fences shall not exceed four feet in height. Further, no fence on the rear yard shall exceed four feet in height any closer to the street than the front yard limit line of an adjacent lot.
 - (5) Provisions for fences on corner lots in any residential district shall be the same as provided for in this subsection, with the exception that a five-foot fence may not be located any closer to the street than the front yard limit line of an adjacent lot.
 - (6) Fences or hedges of a concealment type shall be used to screen open parking spaces if there are more than three such spaces located less than twenty feet from the side or rear lot line.
- (c) Commercial, Office and Industrial Districts. In commercial, office and industrial districts:

- (1) Fences or hedges of a concealment type shall be erected on the common lot line whenever such lot line separates a commercial, office or industrial district from a residential district, and shall be installed concurrently with the commercial, office or industrial use of the land or building. Such fence shall be not less than five feet in height nor more than eight feet in height. The fence or hedge design shall be submitted to the Building Inspection Department with the permit for review and approval.
- (2) Storage yards for motor vehicles for salvage shall be governed by Section 29.7 and Section 29.8.

29:10:6 Swimming Pools; Property; Recreational Sites:

- (a) Swimming Pools. Fences around swimming pools must meet the requirements of the law of all other governmental units. Such fences must be constructed to a minimum of four feet in height, may not be of split rail design and must completely enclose the pool, with all gates being of a self-closing and latching type, with the latch on the inside of the gate.
- (b) Fences Around Public Property. An open mesh-type fence to partially or fully enclose any public property may be constructed to a maximum of ten feet in height and no permit is required.
- (c) Recreational Sites. A ten foot high fence is allowed by permit to enclose private tennis or basketball courts, school or church playgrounds or other similar recreational areas, provided that all yard setbacks are maintained and that no obstruction to visibility is created thereby.

29:10:7 Construction:

- (a) The construction requirements for the placement of fence posts and supports are as follows:

Type Fence of Post	Fence Height (ft.)	Post Depth Below Grade (in.)
Line	0 to 5	24
Line	Over 5	30
Corner	0 to 5	30
Corner	Over 5	36

- (1) Steel posts shall be set in cement or concrete or driven to the post depth below grade as required in this subsection.
 - (2) Wood and other materials shall be set to the post depth below grade as required in firmly tamped earth.
- (b) Except for fences in agricultural districts under Section 29:10:5(a):
- (1) No fence shall be constructed or maintained which is charged with or connected to an electric current.
 - (2) Cleaved selvages are permitted only on wire fences five feet or more in height.
 - (3) There shall not be attached, affixed or placed any spike, nail, barb, including barbed wire, or any other pointed instrument on any fence, except on the uppermost edge not to extend more than eighteen inches from a fence eight feet in height on the common lot line in a commercial or industrial district, separating the commercial or industrial district from a residential district.

1 **29:10:8 Nuisances and Abatement:**
2

3 Any fence or hedge, under construction or completed, which, through lack of repair, neglect, type of construction, placement
4 or otherwise, is a hazard or endangers any person, animal or property, is hereby deemed a nuisance. If such unsafe condition exists
5 in regard to a fence or hedge, the Property Use Administrator or his or her agent shall notify the owner, agent or person in control
6 of the property upon which the fence or hedge is located, describing the unsafe condition and ordering abatement of the nuisance
7 by requiring the unsafe fence or hedge or any portion thereof to be removed, repaired or modified. Such an order shall provide a
8 time limit not to exceed fourteen calendar days from the date of service for such repair, modification or removal. No person shall
9 fail to comply with such an order within the stipulated time limit. An appeal from such notice and order must be taken within the
10 fourteen-day period or abatement procedures may be taken by the Village, with any expense incurred chargeable to the property
11 as a single lot assessment.

11 **29:10:9 Notices:**

12 The notice required in Section 12:10:8 shall be in writing and shall be deemed proper and served upon the owner, agent
13 or person in control of the property upon which a fence is located when sent by certified United States mail, return receipt requested,
14 with such receipt being binding as to the date of service. If the same is returned by the United States Postal Service because of
15 its inability to make delivery thereof, the date of service shall be the date the notice is returned to the sender.

16 **29:10:10 Equitable Remedies:**

17 The penalty provided in Section 29:10:12 shall not preclude the application of any other remedy available in law or in equity
18 to prevent or remedy a violation of any of the provisions of this section.

19 **29:10:11 Appeals:**

20 Any person who is directly or adversely affected by a decision or order of the Property Use Administrator may appeal, in
21 writing, by petition, to the Village of Newberry Board of Appeals.

22 **29:10:12 Penalty:**

23 Whoever violates or fails to comply with any of the provisions of this section is responsible for a civil infraction and shall
24 be fined not more than five hundred dollars (\$500.00).
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Section 29.11 Property Use Administrator:

26 **29:11:1**

27 The Property Use Administrator shall be appointed by the Village President and approved by the Village Council.

28 **29:11:2**

29 The duties of the Property Use Administrator shall be approved by council.

30 **29:11:3**

31 The Property Use Administrator shall report to the Village President or such other Village Official or employee as directed
32 by the Village President.

33 **29:11:4**

34 The Property Use Administrator shall recommend to the Village President such other inspectors as necessary to carry out
35 the enforcement duties of Ordinance 29.

36 **29:11:5**

37 The compensation of the Property Use Administrator and such inspectors as appointed shall be determined by the
38 Newberry Village Council.

39 **29:12 Penalty**

40 **29:12:1**

41 A violation of Ordinance 29 is a misdemeanor with a penalty of 90 days in jail and/or a fine of \$500 or both.

42 **29:13 Adoption, Publication, Severability, and Effective Date:⁹**

43 **29:13:1**

44 This Ordinance is effective 20 days after publication. This Ordinance shall be effective on May 15, 1996 and shall be
45 published at least 20 days prior to the effective date.

46 The Clerk shall cause a copy of the Ordinance to be published in the Newberry News within 15 days and further shall make
47 copies of this Ordinance available for public inspection at the Village Offices located in the NEWBERRY WATER & LIGHT BUILDING.
48 Approved and adopted April 8, 1996.

49 **29:13:2 Severability:**

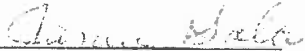
50 The provisions of this Ordinance are hereby declared to be severable, and if any clause, sentence, paragraph, section or
51 subsection is declared void or inoperable for any reason, it shall not affect any other part or portion hereof.

52 **29:13:3 Inconsistent Ordinance Repealed:**

53 Any Ordinance, or portion inconsistent with this Ordinance is repealed to the extent that it is inconsistent.

54 NOTE: An earlier version of Ordinance 29 was adopted January 8, 1996, but was repealed prior to its effective date.
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Robert Cameron, President


Janice Galor, Village Clerk

VILLAGE OF NEWBERRY



Moose Capital of Michigan

307 East McMillan Avenue • Newberry, MI 49868 • Phone: 906-293-3433 • Fax: 906-293-8569 • TDD 800-649-3777

Fence Permits:

- 1st – Complete Application and Return to Village.
- 2nd – Upon Approved Application, Permit Will Be Issued.
\$15.00 Permit Fee Due At This Time.
- 3rd – Fences may be subject to three inspections:
 1. When property area is staked prior to excavation beginning.
 2. When excavations for posts is complete.
 3. On completion of fence construction.

Inspection Fees:

\$10.00 1st Visit
\$10.00 2nd Visit
\$10.00 3rd Visit

Property Owner will be invoiced for Inspection fees.

Village of Newberry
307 East McMillan Avenue
Newberry, MI 49868
PH: (906) 293-3433 FAX (906) 293-8890

Application for
Fence Permit

Important – Applicant to complete all items and submit requested documentation

Location / Information for Permit

Address: _____

Tax / ID Number: _____

SITE PLAN AND OTHER INFORMATION REQUIREMENTS:

On the back of this Application or on a separate sheet provide a blue print or a pen and ink drawing to scale that includes the following:

1. Property lines, shape, dimensions, area and intended use.
2. Kind, height and location of the fence to be erected, moved or expanded on the property.
3. Locations of any structures, streets, alleys, driveways and parking areas.
4. Property must be flagged or staked according to site plan for first inspection.

Inspection Notes:

The erection of every fence may be subject to three inspections:

1. When property area is staked prior to excavation beginning.
2. When excavations for posts is complete.
3. On completion of fence construction.

Identification – To be completed by all applicants

Name / Owner or Lessee: _____

Mailing Address: _____

Number, Street

City

State

Zip

Telephone: _____

The undersigned applicant hereby swears that the information contained in this application together with any attached exhibits or supplement information is correct and true and that I will comply with all other State and Federal Law.

Signature of Applicant

Address

Application Date