

**Village of Newberry
Ordinances**

ORDINANCE NO . 35

An Ordinance to promote the health, safety, and welfare of the citizens of the Village of Newberry by deeming certain acts unlawful.

THE VILLAGE OF NEWBERRY, MICHIGAN ORDAINS:

SECTION 1: TREES AND OTHER VEGETATION

35:11. **Definitions.** The following definitions shall be applicable in the interpretation of this Ordinance:

- 1) "***Lawn Extension***": The unpaved portion of any street which is inside the curb line.
- 2) "***Superintendent***": The Superintendent of the Street Department.
- 3) "***Administrator***": The Administrative Assistant for the Village.

35:12. **Permits for Tree Planting Care or Removal.** The Superintendent shall have the sole authority over the planting, maintenance and removal of trees in the street rights-of-way and other Village property. No person without written permission of the Superintendent shall plant, remove, break, spray or take any action which will injure or destroy any tree or shrub, the base of which is located in the street right-of-way or other Village land.

35:13. **Private Grounds.** No tree or other vegetation which by virtue of disease, damage or insect infestation presents a hazard to persons or vegetation on public property shall be maintained on private property.

35:14. **Trimming and Corner Clearance.** Trees and other vegetation on private property shall be maintained so that no part thereof intrudes upon the public right-of-way in the space 8 feet above the surface of the right-of-way. Vegetation on private property within 25 feet of the intersection of right-of-way lines shall not be permitted to grow above the height of 36 inches above the adjacent right-of-way surface. Trees may be maintained within 25 feet of the intersection but must have all branches trimmed to provide clear vision for a vertical height of 8 feet above the roadway surface.

35:15. **Lawn Extensions.** The owner or occupant of every parcel of land is responsible for grading, planting, mowing and raking the extension so that it is covered with grass or other ground cover approved by the Superintendent with an average height not in excess of 6 inches. Upon receipt of evidence demonstrating that vegetation cannot be maintained on a lawn extension, the Superintendent may issue a permit to cover the lawn extension with stone or

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other such

such other material as will present a neat appearance. The Superintendent may also designate natural areas where vegetation on the lawn extension may be permitted in excess of 16 inches.

35:16. **Grass and Weeds.** *This Section is reserved for previously adopted provisions.* Annually, a notice shall be published in a local newspaper in May indicating that, if weeds are not cleared by July 1, they may be removed by the Village and the costs charged against the property.

35:17. **Enforcement.** If private property or a lawn extension is not maintained as required by this Ordinance, the Superintendent may have the work done to bring the property or lawn extension into compliance. The notice provided for enforcement of sections other than Section 3:16 shall be sent to the address of the owner as shown on the Assessor's records at least 5 days prior to commencing the work. In the case of an immediate hazard to public safety, no prior notice shall be necessary. The actual costs of the work needed to bring property or a lawn extension into compliance, together with an additional 15% of that cost shall be billed to the owner. If this amount is not paid within 45 days, it shall be a special assessment against the property as provided in Section 1:292 of this Code.

35:18. **Financial Hardship.** Under proof of financial hardship, the Administrator may authorize charges under Section 3:17 to be paid in installments or to be reduced and will be subject to Council approval.

35:19. **Persons Responsible for Compliance.** The owner (as shown on the Assessor's records) of private property subject to this Ordinance is responsible for compliance. Violation of this Ordinance shall be punishable by a fine of not less than \$50 for the first offense, not less than \$100 for the second offense and not less than \$200 for each additional or subsequent offense within a 2 year time period. The fine shall not exceed \$500.00.

SECTION 2: SET-BACKS

35.10: Definitions:

a) "Set-back " The minimum distance from the lot line to the wall or foundation wall of any building or structure.

35.20: **Set-Back.** No Building or structure shall be erected unless the following within the following set-back:

- a) Front Lot Line: 10 feet.
- b) Side Lot Line: 4 Feet.
- c) Rear Lot Line: 6 feet.

35.21: **Alternate Method of Computing Set-Back.** Where the set back in Section 35.20 would exceed 5 percent of the dimension of the lot (5%) the set-back for that particular line shall be reduced to 5% of the length or width of the lot. Set-Back not exceeding 5% shall not be modified.

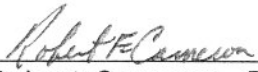
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For this Section, a lot shall be defined as the lot according to the current plat. Unplatted lots shall not be eligible for the Alternate Method of Computing Set-Back.


35.22 **Utility Connection.** The Village of Newberry and or the Newberry Water & Light Board shall not permit any utility service to any building or structure built in violation of this Section. It shall be the obligation of the Owner or person, ^{who} apply for utility service to demonstrate by a certified survey that any Building or Structure built after the effective date of this Ordinance complies with the provisions of this section. Any Building or Structure built in violation of this Ordinance shall be deemed a Nuisance. *The Village of Newberry reserves the right to add further procedures or penalties concerning set-backs. Nothing in this Ordinance shall prevent any party in maintaining a civil action concerning a Building or Structure built in Violation of this Section.*

35.30. **Effective Date:** This Ordinance shall be effective 20 days after publication.

Approved and adopted this 12th day of July, 1993.



Robert Cameron, President



Janice Galor, Village Clerk

ADOPTION HISTORY:

Introduced: July 12, 1993
Adopted: July 12, 1993
Effective: August 11, 1993