

**BARTON HILLS VILLAGE
WASHTENAW COUNTY, MICHIGAN**

ORDINANCE NO. 13/13A

TEMPORARY MORATORIUM ORDINANCE

BARTON HILLS VILLAGE ORDAINS:

1. After the adoption of this ordinance, which is hereby declared to be an emergency ordinance to be effective immediately in order to preserve the public health, welfare and safety, the construction of satellite television antenna structures on any premises within the Village of Barton Hills Village is prohibited. This moratorium shall be temporary in nature pending adoption of a comprehensive regulatory ordinance. Unless otherwise provided by ordinance subsequently adopted, this prohibition against construction shall terminate on October 1, 1984.

2. Penalty - Violations. Any structure erected in violation of this ordinance is hereby declared to be a nuisance per se which may be enjoined upon application by the Village to a court of competent jurisdiction. In addition, any person who shall violate any provision of this ordinance shall be punished for each offense by a fine of not more than one hundred (\$100.00) dollars or by imprisonment in the county jail for a period not exceeding ninety (90) days, or by both such fine and imprisonment. Each day that a violation is permitted to exist shall constitute a separate offense.

Adopted: July 16, 1984
Published: Not indicated
Effective: July 16, 1984

Nancy R. Willmarth, Clerk
Elizabeth Langford, President

Note: Published October 12, 1984: "Extended Moratorium. This is to amend Ordinance No. 13, the Satellite Antenna Ordinance, by adding a section to Ordinance No. 13 to provide that the Moratorium here and provided for is extended to February 1, 1985. This ordinance will be a new ordinance No. 14. Approved: September 17, 1984. Nancy R. Willmarth, Clerk; Elizabeth Langford, President.

See Ordinance No. 13A as follows.

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[AN ORDINANCE TO AMEND ORDINANCE NO. 8 OF THE VILLAGE OF BARTON HILLS VILLAGE, KNOWN AS THE BARTON HILLS VILLAGE ZONING ORDINANCE, ADOPTED DECEMBER 8, 1975, BY ADDING A SECTION TO STAND AS SECTION 4.05 THEREOF]

BARTON HILLS VILLAGE ORDAINS:

SECTION 1. Ordinance No. 8 of the Village of Barton Hills Village, known as the Barton Hills Village Zoning Ordinance, adopted December 8, 1975, is amended by adding a Section to stand as 4.05 thereof to read as follows:

Sec. 4.05. Fences, Walls, Satellite Antennas, Solar Panels and Windmills.

- A. Permit Required. It is hereby determined that fences, walls, satellite antennas, solar panels and windmills are structures which when constructed, erected or placed with a fixed location on the ground require review and approval of the Village of Barton Hills Village prior to the installation thereof.
- B. Compliance with Code. All structures described in subsection (A), above, shall be considered structures subject to all Ordinances of this Village relating to structures, including applicable provisions of Ordinance 7A (Building Code) and Ordinance 8 (Zoning) as amended.
- C. Application for Permit. Applications for a permit to install, change or alter a structure described in subsection (A) hereof shall be submitted to the Village Director of Public Safety. The application shall include a plot plan showing the proposed location of the installation, site plan, including building locations, of the lot or premises on which the same is to be installed and of all abutting properties, including properties abutting on the other side of the street from the proposed location. The application shall also include a detailed description of the proposed installation including a picture or sketch of all elements thereof showing the nature, kind, shape, height, material, color and location of such structure which would be exposed to view from adjacent properties, shall show a grading plan of the plot to be built upon, and shall contain a statement as to the visual impact of the installation on such abutting properties. The application shall also contain detailed information as to the construction and stability thereof, together with such other information as may be required by the Village Director of Public Safety.
- D. Village Council Consideration. The Director of Public Safety shall submit the application, together with such other information as the Director of Public Safety shall deem pertinent, together with his report and recommendations, to the Village Council and shall notify the owners of all abutting properties of the application and of the date on which the request for permit will be considered by the Village Council.

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Following receipt of the application and other information from the Director of Public Safety, the Village Council shall consider the application and shall give all interested property owners an opportunity to be heard on the matter. The Village Council may thereafter grant the request for permit, deny the request, or approve the request with conditions attached. Denial of a request which otherwise complies with the specific requirements of this Ordinance and of other applicable Ordinances shall be based upon a finding that the installation would have a substantial detrimental effect upon one or more adjoining private or public properties or would otherwise be contrary to public safety, health or welfare, specifying the basis for such finding. The conditions which may be attached may relate to the following: location, size, elevation, color, screening, landscaping, fencing, or other matters having impact on adjoining properties.

- E. No deviation from this Ordinance shall be permitted except by a grant of a zoning variance by the Board of Village Trustees pursuant to the provisions of Ordinance No. 8.

SECTION 2. Penalty. Any violation of this Ordinance shall be subject to the penalties provided in Sec. 12.02 of Ordinance No. 8.

SECTION 3. Effective Date. This Ordinance shall be effective after publication of this Ordinance in accordance with the Barton Hills Village Charter.

Adopted: November 12, 1984
Published: November 15, 1984
Effective: November 15, 1984

Nancy R. Willmarth, Clerk
Elizabeth Langford, President