

CITY OF FERNDALE

PERMIT TO CONSTRUCT A PARTITION FENCE

As required by Chapter 6, Article 7 of the Ferndale Code of Ordinances

We, the undersigned owners of the property described below, make application to construct a partition fence as follows:

The partition fence is to be constructed along the property line between:

The property owned by _____, *Party of the First Part*

Located at _____ (*street address*), Ferndale MI 48220;

and

The property owned by _____, *Party of the Second Part*,

Located at _____ (*street address*), Ferndale MI 48220.

The Parties agree to the following conditions for the construction of the fence:

The fence posts are to be of _____;

Top rail to be of _____; bottom rail to be of _____.

Posts are to be placed on the _____ side of the property line.

Fence material to be of _____; Height _____.*

Other Items _____.

The fence is to be erected by _____.

PLEASE NOTE: FENCE MUST NOT EXTEND BEYOND THE FRONT FOUNDATION OF HOUSE.

The cost of the fence is estimated to be:

_____ linear feet of fence @ \$ _____ = \$ _____

_____ = \$ _____

Permit Fee \$ _____

Total Cost of Fence \$ _____

Party of the First Part to pay \$ _____; Party of the Second Part to pay \$ _____.

SIGNED:

Party of the First Part

Party of the Second Part

Date

Phone number

Date

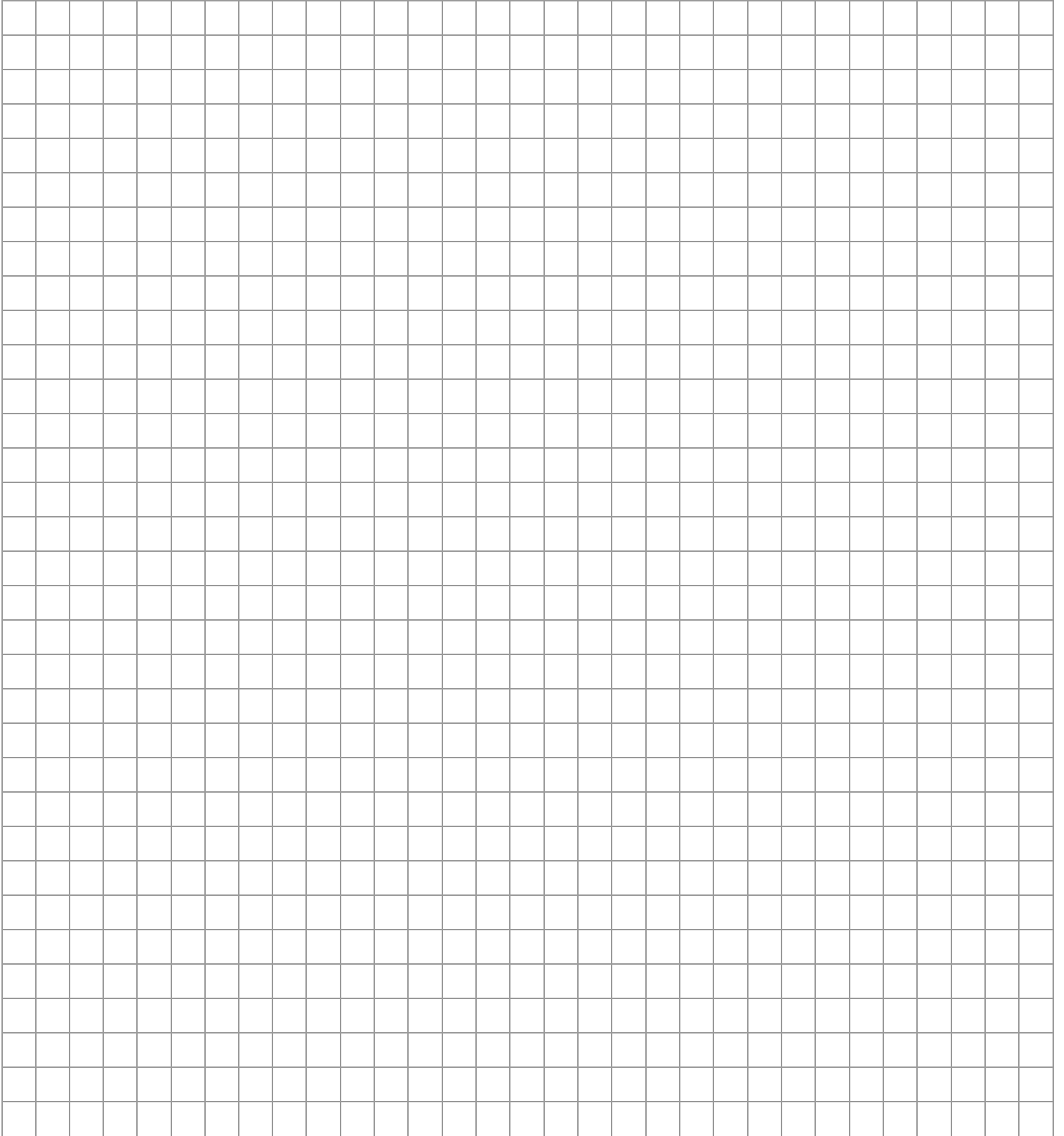
Phone number

FOR CLERKS OFFICE USE: Fee Paid _____ Date _____

PERMIT NO. _____

CITY OF FERNDALE
PARTITION FENCE DIAGRAM

Please diagram property boundaries and location of all improvements on the property, and the location of the proposed partition fence.



ADDRESS: _____ Approved by: _____

Excerpted

**CODE OF ORDINANCES
CITY OF FERNDALE, MICHIGAN**

CHAPTER 6, BUILDINGS AND BUILDING REGULATIONS

ARTICLE VII. PARTITION FENCES

DIVISION 1. GENERALLY

Sec. 6-227. Board of fence viewers.

The chief of police, the city manager and the city assessor shall act as the board of fence viewers under the provisions of this article and the chief of police shall be the chairman of said board.

(Ord. No. 510, § 5, 10-31-66)

Sec. 6-228. Duty of owners; cost.

Respective owners of all lots in the city shall construct and maintain suitable partition fences between their own and the next adjoining lots at an equal expense to each owner; provided, that where one owner desires to construct a fence that is more expensive than an ordinary chain link fence, the additional cost of such a fence shall be borne by the party desiring a more expensive fence, or the cost may be divided as agreed upon by the adjoining owners.

(Ord. No. 510, § 1, 10-31-66)

Sec. 6-229. Permit.

No partition fence shall be built or rebuilt without a permit, issued by the city clerk. Application for such permit shall be made on forms made and approved by the board of fence viewers. The application may be in the nature of a joint application bearing the signatures of both owners, wherein is stated the description, estimated costs and the amount of the cost of the fence to be borne by each. The permit fee shall be prescribed by resolution of the city council.

(Ord. No. 510, § 2, 10-31-66)

Sec. 6-230. Height.

Partition fences on residential property shall be constructed of posts sunk in the soil at least three feet with boards, wire or other suitable material, equivalent thereto of a height above the ground of not less than three feet or more than four feet, and approved by the board of fence viewers; provided, however, that where a picket fence is used open spaces of at least two inches shall be left between the boards. Provided, however, where adjoining owners agree in writing a fence up to six feet in height of suitable screening materials may be constructed.

(Ord. No. 510, § 1, 10-31-66)

Sec. 6-231. Side of posts to hang fence.

(a) On all east and west streets where the numbers run from east to west the partition fence posts shall be placed contiguous to and on the westerly side of the side lot dividing line, and the boards, wire or other material on the easterly side of the posts; and on all such streets where the numbers run from west to east the posts shall be placed on the easterly side of the side lot dividing line, and the boards, wire or other material on the westerly side of the posts.

(b) On all east and west streets where the numbers run from east to west the partition fence posts shall be placed contiguous to and on the southerly side of the rear lot dividing line, and the boards, wire or other material on the northerly side of the posts; and on all such streets

where the numbers run from west to east the posts shall be placed on the northerly side of the rear lot dividing line, and the boards, wire or other material on the southerly side of the posts.

(c) On all north and south streets where the numbers run from north to south the partition fence posts shall be placed contiguous to the northerly side of the side lot dividing line, and the boards, wire or other material on the southerly side of the posts; and on all such streets where the numbers run from south to north such posts shall be placed contiguous to and on the southerly side of the side lot dividing line, and the boards, wire or other material on the northerly side of the posts.

(d) On all north and south streets where the numbers run from north to south the partition fence posts shall be placed contiguous to and on the easterly side of the rear lot dividing line, and the boards, wire, and other material on the westerly side of the posts; and on all such streets where the numbers run from south to north such posts shall be placed contiguous to and on the westerly side of the rear lot dividing line, and the boards, wire or other material on the easterly side of the posts.

(Ord. No. 510, § 1, 10-31-66)

Sec. 6-232. Effect of building line.

No partition fence shall extend toward the street, beyond the building line, except by special permit issued by the board of fence viewers. Upon complaint in writing by any person directly or adversely affected, the board of fence viewers may, in its sound discretion and in the interest of the health, safety or welfare of inhabitants of the community, order the removal of any portion of any partition fence extending beyond the established building line, further, no fence in excess of four feet in height shall be constructed in front of the rear line of either of the adjoining residential buildings.

(Ord. No. 510, § 1, 10-31-66)

Sec. 6-233. Deviations.

In those cases where real property that is zoned for residential purposes abuts upon property that is zoned for commercial parking, industrial use, multiple dwelling parking or upon publicly owned property that is used for recreation or other municipal purposes, the board of fence viewers shall have authority and discretion to approve construction of partition fences that vary from the provisions of this article and that would otherwise be in violation of the provisions of this article. The intention of this section shall be to permit deviation, in either size or design, depending upon the existing circumstance.

(Ord. No. 510, § 1, 10-31-66)

Sec. 6-234. Existing fences.

When partition fences not built according to the standards of this article were in position at the effective date of the ordinance from which this section was derived, the board of fence viewers may refuse to compel their removal and the building of a standard fence; provided that in the board's judgment, the existing fence is sufficient under the existing circumstances.

(Ord. No. 510, § 6, 10-31-66)

Sec. 6-235. Removal if deteriorated.

In those cases where partition fences, coming within the provisions of this article become dilapidated, damaged or deteriorated so as to constitute a danger to life, limb or property, the board of fence viewers is hereby authorized to order removal of such fences. Failure to comply with an order for removal of a fence issued in compliance with this section shall constitute a violation of this article.

(Ord. No. 510, § 6a, 10-31-66)

Secs. 6-236--6-241. Reserved.

DIVISION 2. DISPUTES

Sec. 6-242. Complaint--Filing; notice of hearing.

Whenever any party shall refuse or neglect to join in an application for permit for building, or rebuilding a partition fence, not in excess of four feet, or contribute his share to building, rebuilding or repairing of such partition fence which of right he ought to construct or maintain, or any dispute arises between the owners of adjoining premises in relation to such partition fence, or the construction of same, either party may file with the city clerk a complaint in writing addressed to the board of fence viewers. Upon receipt of such complaint from the city clerk, the board of fence viewers shall give due notice in writing to each party of the time and place when they will examine the same.

(Ord. No. 510, § 2, 10-31-66)

Sec. 6-243. Same--Fee.

At the time of filing any complaint or petition with the board of fence viewers as provided in section 6-242, the complainant shall pay a fee as prescribed by resolution of the city council to the city clerk, who shall turn over all moneys so received to the city treasurer for credit to the general fund. The board of fence viewers upon their determination of a disputed matter may assess against the respondent or delinquent party said sum of \$5.00, or any part thereof, as costs to be returned to the complainant.

(Ord. No. 510, § 7, 10-31-66)

Sec. 6-244. Hearing and determination.

If after examination of a complaint filed under this division, the board of fence viewers shall determine that a partition fence is necessary and should be built, rebuilt or repaired, they shall determine the kind of fence to be built or the materials to be used, the proportion of the cost to be paid by each of the adjoining owners and shall signify the same in writing to both owners of the adjacent lots.

The board shall then determine and approve the method of construction and order one of the parties to proceed with the construction of the fence, directing that he may recover the portion of the total charges paid by him, apportioned by the board of fence viewers to the other adjacent owner as provided in section 6-245. The board may also determine and order that all or a portion of the filing fee paid by the complainant may be added to the amount to be paid by the respondent adjacent property owner. The order of the board shall provide that this bill be paid within 30 days after the date on which it is mailed to the respondent property owner.

Any person so building, rebuilding, repairing or completing a property line fence may enter upon the premises of the other party to the extent necessary to build, rebuild, repair or complete said fence.

(Ord. No. 510, § 2, 10-31-66)

Sec. 6-245. Contribution--Collection procedure.

Whenever, as provided in section 6-244, the party authorized by the board of fence viewers to build, rebuild or repair a partition fence shall, after paying all costs for the completion of the fence, submit a bill for the portion of the cost as approved by the board, to the respondent owner of the adjacent property, with a copy to the board. If the party building, rebuilding or repairing the said fence had filed a complaint to the board and paid the fee therefor, then he may add to the amount of the bill such portion of the filing fee paid by him as shall be ordered by the board, and the total of the two amounts, as approved by the board, shall be the full and complete share of the respondent's cost of the partition fence.

If the respondent fails to pay to the owner building, rebuilding or repairing the partition fence the amount set forth in the bill within the required 30 days, then the person building, rebuilding or repairing the fence shall report the same to the board.

City Clerk's Office
Fee Schedule

FY-2010 Adopted 5/26/09

Licenses/Permits - Charges are annual, unless otherwise indicated

Non-Business Licenses, Permits

Fence Permit (Residential)

Fences 48" and under, after approval	\$25.00
Fences over 48", after approval	\$45.00

Hearing Fees

Fence Board Hearing	\$150.00
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