

ORDINANCE NO. 18-20

**AN ORDINANCE ESTABLISHING FENCE
REGULATIONS FOR THE CITY OF UHRICHSVILLE, OHIO**

WHEREAS, Council for the City of Uhrichsville has determined that the current regulations regarding the height limits of fences in side and rear yards and the type of fencing material permitted are not proper and must be adjusted.

SECTION 1. The attached Exhibit "A" is hereby adopted by City Council as the fence regulations for the City of Uhrichsville.

SECTION 2. That all Ordinances, Resolutions or other regulations adopted by the Council of the City of Uhrichsville concerning fence regulations which are inconsistent with this Ordinance are hereby repealed.

SECTION 3. It is found and determined that all formal acts of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements.

SECTION 4. All prior Ordinances and Resolutions regarding fence issues are hereby rescinded.

SECTION 5. This Ordinance shall become effective at the first time permitted by Ohio law.

FIRST READING: 6/25/20

SECOND READING: 7/9/20

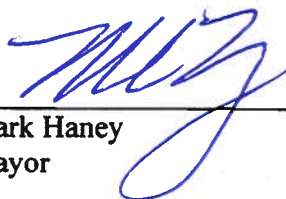
THIRD READING: 7/23/20

PASSED: 7/23/20

APPROVED:



Robert Buck Cottrell
President of Council



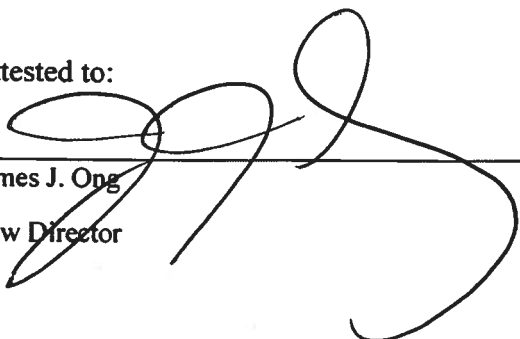
Mark Haney
Mayor

Certified by:



Trisha Addison
Clerk

Attested to:



James J. Ong
Law Director

EXHIBIT "A"

FENCE REGULATIONS OF THE CITY OF UHRICHSVILLE

PURPOSE

Fence regulations are established in order to protect the public health, safety and general welfare by establishing regulations controlling the use of fences, in order to ensure property owners of privacy, security, and personal preference in landscape design within their properties, with consideration of the surrounding environment, the appearance of the community as a whole, and the safety of the public and the individual.

DFINITIONS

As used in these regulations:

1. "Fence" means any structure composed of wood, metal, stone, brick or other material directed in such a manner and location so as to enclose, partially enclose or divide any premises or part of premises for the purpose of confinement, screening, partition, or decoration.
2. "Privacy fence" means a fence made to inhibit public view and provide seclusion.
3. "Ornamental fence" means a fence usually made of wood construed for its beauty or decorative effect.
4. "Chain link fence" mans a fence usually made of metal consisting of loops or wire interconnected by a series of joined links.
5. "Barb wire fence" mans a fence made with metal wire having sharp points or barbs along its length.

APPLICATION

The provisions of these fence regulations apply to any zoning district, except where expressly provided herein.

FENCE STANDARDS FOR ALL DISTRICTS

1. **Permit and Inspection Required:** No fence shall be constructed prior to the issuance of a permit by the City Service Director. Applications for permit shall include plans or drawings having the actual and accurate shape and dimensions of the property on which the fence is to be built; the exact height, location, length, type of material, color, and type of construction of proposed fence; the location of all buildings on the lot; or any other information deemed necessary by the City Service Director. The City Service Director shall review each application to determine its compliance with the provisions of these regulations. Each property owner shall determine property lines and verify that the

proposed fence does not encroach upon another lot or parcel of land. The issuance of a permit by the City Service Director shall not be construed to mean the City of Uhrichsville has determined the fence is not encroaching upon another lot, nor shall it relieve the property owner of the duty imposed herein.

2. **Materials, Maintenance and Repair.** Approved fencing and wall material include wood, metal, vinyl material, synthetic look-a-like products or other materials. Chain link fences shall be permitted for use on single family lots if they are located in the side or rear yard and approved by the City Service Director. The smooth finished side of the fence shall be the side of the fence that faces outward from the yard being fenced. All the framing or support members shall face the property owner (inward). Fences and walls shall be maintained in good repair, be structurally sound, and be attractively finished at all times by the owner of the lot on which such fences are located.
3. **Height and Location.** The permitted height of a fence shall be determined by its location on the property as follows:
 - a) Front yards. Ornamental fences only may be erected in front yards. Examples of permitted ornamental fences are picket fences, split rail fences, wrought iron fences, and other fences approved by the City Service Director. The fence must be parallel to the building line, to a height not exceeding 4 feet 6 inches. The fence must be located at least 2 feet off of the sidewalk. Chain link and privacy fences are not permitted in front yards. Such front yard fences may not be any closer than 2 feet off of the front and side property lines.
 - b) Side and rear yards.
 - i) Ornamental fences may be erected in side and rear yards parallel with a common property line or street right-of-way area, to a height not to exceed 6 feet.
 - ii) Chain link fences subject to the standards set for herein shall be permitted in side and rear yards parallel to a common property line or street right-of-way area, to a height not to exceed 6 ft.
 - iii) Privacy fences shall be permitted in rear and side yards only. The permitted height of privacy fences in side yards is as follows: (1) No more than 6 feet in height for the section of privacy fence running from the front corner of the residential structure to the rear of the parcel; and (2) No more than 4 feet 6 inches for the section of the privacy fence running from the front corner of the residential structure to the front of the parcel.
 - iv) Side and rear yard fences must be a minimum of 2 feet off of the property line of street right-of-way area.
 - c) Corner lot. Where a rear or side yard abuts a street, privacy fences otherwise permitted in a side or rear yard shall not extend into side or rear yards on the street side, absent prior approval of the City Service Director. However, this provision shall not prohibit permitted rail or split rail fence to be erected in such side or rear yards parallel to and not nearer than 2 feet from the side or rear property line, height not to exceed 4 feet, 6 inches.
4. **Uniform Design.** All fences on a single parcel shall have a unified style for all fence segments visible from off the premises for any single direction, unless otherwise specifically approved by the City Service Director.

5. **Location in regard to Sidewalks.** Fences are prohibited to extend further than the existing sidewalk. If no sidewalk exists, the property owner may be required to set back the fence far enough to allow the installation of a sidewalk in the future, if deemed necessary in the discretion of the City Service Director.
6. **Similar Character Fences.** The City Service Director may permit other fences which are similar in character and design to one or more of the fences permitted herein.
7. **Prohibited Fences.** Unless provided for elsewhere herein, the following fences are prohibited:
 - a) Above-ground electrified fences, barbed wire, razor wire, or sharp-edged fences;
 - b) Snow fencing or construction fencing, except during appropriate weather and construction conditions; and
 - c) Welded wire fencing.

APPEAL

Should the City Service Director fail or refuse to issue a permit after proper application has been made thereof, a property owner may appeal the failure or refusal to the City Board of Zoning Appeals. The City Board of Zoning Appeals shall have the power to approve applications upon appeal and the power to permit variances after hearing, in accordance with the established rules of the City Board of Zoning Appeals. The power to grant variances to these fence regulations shall include, but are not limited to, the authority to grant variances with respect to prohibited fences. A property owner seeking a variance with the City Board of Zoning Appeals shall follow all the rules and procedures currently in force for the granting of variances regarding the City Zoning Code.

FEE

A property owner desiring to build or install a fence in the City shall pay an application fee as prescribed by City Council.

NON-CONFORMING FENCES

Fences existing as of the date of enactment of these fence regulations shall be allowed to remain. However, the replacement of non-conforming fences is strictly prohibited.