

### 1109.05 FENCES.

- (a) No fence shall be erected unless such fence conforms with all requirements of this Zoning Ordinance and has been granted a fence permit by the City, except when such fence is an exempt fence.
- (b) An exempt fence is:
  - (1) A fence that is intended for erosion and sediment control at a construction site;
  - (2) A fence that is intended for controlling access to a property during construction, grading, or other temporary use;
  - (3) A fence that is intended to control snow drifts and is under four feet in height; is in use only between December 1 of any year and the following March 31; is not closer to the right-of-way than half of the minimum front setback; is not within the sight triangle; does not hinder access to a residence by vehicles and personnel responding to a fire, police or medical emergency; and does not cause snow to accumulate in a manner which would encroach upon or block any public right-of-way, hinder proper operation of Municipal snow removal equipment, or block access to or cause damage to adjacent properties;
  - (4) A fence that is intended to control pets, livestock, or wildlife and is more than 90 percent transparent, such as an underground electric dog fence or a seasonal vegetable garden deer fence;
  - (5) A fence that is under ~~three~~two feet in height and is not within the sight triangle; or
  - (6) A fence that is a replacement of an existing fence and is of the same height, location, and material as the existing fence and conforms with this Zoning Ordinance.
- (c) A fence permit must be displayed during the erection of a fence, except when such fence is an exempt fence.
- (d) No fence shall exceed six feet in height except:
  - (1) A fence which is an exempt fence;
  - (2) A fence which encloses athletic fields and courts and does not exceed 12 feet in height;
  - (3) A fence used for screening dumpsters and does not exceed eight feet in height;
  - (4) A fence which defines secure areas for the storage of public property and does not exceed 12 feet in height;
  - (5) A fence used for screening outdoor storage and does not exceed ten feet in height; or,
  - (6) A fence which provides a secure area in the Innovation and Manufacturing zoning district and does not exceed ten feet in height.
- (e) *Location.*
  - (1) In residential zoning districts, the following shall apply to all fences except exempt fences:
    - A. No fence shall extend beyond the front elevation of the principal structure. This regulation does not apply to exempt fences.
    - B. Privacy and/or chain link fences shall be prohibited in front yards except for corner lots as outlined below;
    - C. Corner lots are permitted a fence one-half the distance between the required building setback and the right-of-way only for the front yard which functions as a side yard. The height of the fence for the second front yard may be 6'. City staff shall determine which front yard functions as a side yard based on the layout of the lot, address, and design of the house.

D. Single-unit and two-unit fence height shall be subject to the following:

<u>Fence Type</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>
<u>Decorative Open</u>	<u>42"</u>	<u>6'</u>	<u>6'</u>
<u>Chain Link</u>	<u>Not permitted</u>	<u>6'</u>	<u>6'</u>
<u>Privacy</u>	<u>Not permitted</u>	<u>6'</u>	<u>6'</u>

- (2) A fence may be constructed along common property lines and across any utility easement. A. Fences placed on utility easements shall provide access to manholes, utility boxes, cleanouts or other apparatus that may be used from time to time for maintenance of the utility.
  - B. Fences placed on drainage easements shall allow for the proper flow of water.
  - C. A fence shall not be located within three feet of a utility box, manhole or other apparatus that may be used for maintenance of the utility. However, a gate and/or removable section of fencing may be placed within this three-foot restriction if such gate and/or removable section provides sufficient access to the utility box, manhole or other apparatus.
  - D. When a fence obstructs access to a utility box, manhole or other public apparatus for maintaining utilities, the owner shall be required to remove and replace such fence at their expense without remuneration from the City. This section shall not prohibit the City from removing any fence located in a utility or drainage easement that obstructs a utility box, manhole or other apparatus or obstructs the proper flow of water.
  - E. Fences that are being proposed to be placed on utility and/or drainage easements shall require prior approval from the City.

(3) A decorative open fence, of a height no greater than 48 inches, may be erected in an area designated as a "No Build Zone". A fence may not be constructed within a ~~No Build Zone~~, Preservation Zone, Scenic Area, or any other similarly dedicated areas.

(f) *Material.*

(1) No fence shall have metal prongs or spikes, or barbed wire, except that barbed wire is permitted on the top of chain link fences in the Innovation and Manufacturing zoning district. No fence other than an invisible fence shall have as part of its design or construction an electrified portion.

(2) Hardware cloth shall be used only in conjunction with a decorative open fence and must be attached to the owners' side of the fence. Privacy screens and similar materials that alter the opacity of a decorative open fence are not permissible.

(3) All fencing, regardless of type, location on lot, or what zone district located in, shall have the finished side facing adjacent properties and/or the right-of-way.

(g) *Access.* Any fence constructed between the required building setback line and street public right-of-way shall not prevent or hinder access to the residence by vehicles and personnel responding to a fire, police or medical emergency.

(h) *Swimming Pool Fences.* A private swimming pool constructed on the premises of a detached one- or two-unit dwelling shall be enclosed by a fence erected wholly on said premises. On a case-by-case basis, the City's Designee may approve a fence permit application for a fence not wholly on the pool owner's property. However, if a neighbor's fence, which makes up any portion of the pool enclosure is removed for any reason, the owner of the property on which the pool is located shall be responsible for restoring the pool to an enclosed state. This restoration shall be performed within 30 days of the date that the City is made aware of the situation. All fences surrounding swimming pools shall conform to the following requirements:

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- (1) In-ground pool fences. For in-ground pools, the top of the fencing shall be at least 48 inches above the grade measured on the side of the fence which faces away from the pool, but not to exceed 72 inches in height as measured from grade along the line of the fence as installed.
- A. The maximum vertical clearance between grade and the bottom of the fence shall be four inches measured on the side of the fence which faces away from the pool.
  - B. Solid fences which do not have openings, such as masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
  - C. Spacing between vertical members of a wood or vinyl fence shall not exceed one and three-quarter inches in width.
  - D. Maximum mesh size for chain link fences shall not exceed one and three-quarter inch square unless the fence is provided with slats fastened at the top or bottom which reduce the openings to no more than one and three-quarter inches.
  - E. In a lattice fence the maximum opening formed by the diagonal members shall be no more than one and three-quarter inches.
  - F. Spacing between vertical members of a decorative metal fence shall be no more than four inches and any gate shall have no opening greater than one-half inch within 18 inches of the release mechanism.
  - G. Access gates to the pool shall be equipped with a lock operated by a key, or combination lock, and shall be locked when not in use. Pedestrian access gates shall open outward, away from the pool, and shall be self-closing and have a self-latching device. Where the release mechanism of a self-latching device is located less than 54 inches from the bottom of the gate, (a) the release mechanism shall be located on the pool side of the gate at least three [inches] below the top and (b) the gate and fence shall have no opening greater than one-half inch within 18 inches of the release mechanism.
- (2) *Aboveground pool fences.* For aboveground pools, fencing shall be the same as required by this section for in-ground pools except that, if the sides of the pool are 42 inches or more above the minimum adjacent grade, and the pool is equipped with a removable ladder or a ladder that folds up and locks in an upright position when the pool is not in use, or the steps or ladder is surrounded by a fence as described in this section, then additional fencing will not be required. If an aboveground pool has a fence at the top of the pool, the maximum vertical clearance between the top of the pool and the bottom of the fence shall not exceed four inches. A 36-inch minimum guardrail conforming to the Residential Code of Ohio is required for any porch, balcony or raised floor surface located more than 30 inches above the floor or grade below.

(Ord. No. 0007-2024, § 2(Exh. A), 4-1-24)