

## § 154.037 FENCES.

Every fence constructed or erected in the city shall comply with the regulations of this section. No fence shall be erected or constructed until a permit has been issued in accordance with the provisions of this section.

(A) *Permit required.* Anyone desiring to construct a fence upon property in the city shall first apply to the Building Department for a permit. There shall be a permit fee as passed by City Council. The permit shall be issued by the Building Department upon a written application, which application shall request that the city establish the grade at which the fence is to be constructed and shall also contain such information as may be required by the Building Inspector in order to determine compliance with the provisions of this code.

(B) *General requirements.*

(1) *Fence materials.* Fences shall consist of materials commonly used in conventional fence construction, such as wood or metal. Razor wire shall not be permitted. Fences which carry electric current are prohibited. Barbed wire shall be permitted only in industrial districts, provided that the barbed wire is at least eight feet above the ground, and provided further that the barbed wire shall be installed on supports that extend toward the interior of the site. Fence posts shall be sunk into the ground at least three feet, and all posts shall be encased in concrete below the surface of the ground.

(2) *Fence appearance.* If, because of the design or construction, one side of the fence has a more finished appearance than the other, the side of the fence with the more finished appearance shall face the exterior of the lot, with the following exceptions.

(a) When a fence is approved for construction under a joint permit, the joint permit holders shall determine the preferred orientation of the more finished side of the fence along the common property line(s) of the joint permit holders.

(b) An owner of abutting property may waive the right for the more finished side of a fence to face his abutting property. The waiver of right must be in the form of a written consent statement, signed by the owner of the property where the fence would face under the normal requirements of this subdivision. The written consent statement shall be attached to the permit application and maintained with the permit records of the Building Official.

(3) *Obstruction to use of adjoining property.* No fence shall be erected where it would prevent or unreasonably obstruct the use of adjacent property, nor shall a fence be erected where it would obstruct or prevent the continued safe use of an existing driveway or other means of access to adjacent property. In enforcing this provision, the Building Official may require a fence to be set back a minimum distance of not more than two feet from a driveway or property line in order to provide for the safe passage of pedestrians, bicyclists or vehicular traffic or other safety related concerns.

(4) *Fence maintenance.* Fences shall be maintained in good condition. Rotten or broken components shall be replaced, repaired, or removed. As required, surfaces shall be painted, stained, or otherwise treated with materials to protect and preserve the fence and provide an attractive finish. If a fence is found to be in need of repair by the Building Official, the Building Official shall issue orders to complete the repairs. Failure to comply with written notice from the Building Official ordering completion of repairs shall be deemed a violation of this chapter.

(5) *Location; general requirements.* Any fence shall be located entirely on the private property of the person constructing it. However, adjoining property owners may jointly apply for a fence permit, in which case the Building Official may permit it to be constructed on their common property line. A fence shall not be attached to or touch a fence located on another

owner's lot without the express written agreement of the owners of both fences. No more than three inches is permitted between fences. In every case, fences must be constructed with adequate posts and other supports so that each fence is capable of maintaining an upright position and the location described in the original application for permit to construct the fence.

(6) *Corner clearance.* Fences located adjacent to a street or driveway shall be designed to provide unobstructed sight distance for drivers in accordance with § 154.027(D) of this Code.

(7) *Nonconforming fences.* Any future additions or improvements will be required to conform to this chapter.

(C) *Review and approval procedures.*

(1) *Application for permit.*

(a) No fence shall be erected or constructed until a permit has been issued in accordance with the provisions of this section. If a fence is proposed in conjunction with a development that requires site plan review, then the fence shall be shown on the site plan which shall be reviewed in accordance with normal site plan review procedures. No additional permit is required when a fence is approved as part of a site plan. In all other cases, an application for a permit to construct a fence shall be filed with the Building Official. The application shall be accompanied by drawings and other information to illustrate the dimensions, design and location of the proposed fence. The following minimum information shall be included on the drawing submitted in support of a fence permit application.

1. Fence location.
2. Location of all structures within 25 feet of the proposed fence.
3. Location of all driveways within 25 feet of the proposed fence.
4. Location of all sidewalks within 25 feet of the proposed fence.
5. Location of all existing fences within ten feet of the proposed fence.

(b) The Building Official may determine other additional information is reasonably necessary to provide a complete review of the proposed fence. Any additional information shall be provided by the applicant as may be required by the Building Official to assure compliance with the regulations set forth in this chapter and to assure the fence is constructed with sound materials.

(2) *Application review fee.* Each fence permit application shall be accompanied by an application review fee to recover the reasonable costs of review and permit issuance. The amount of the fee shall be fixed by resolution of the City Council and posted in the Building Department. If the fence is constructed before an application for a permit is obtained, the fee shall be increased to an amount equal to twice the fee that is required if the permit application and fee were obtained prior to construction of a fence.

(3) *Survey required.* In the event lot lines for the subject property cannot be located to the satisfaction of the Building Official, the Building Official may require the applicant to establish lot lines on the property through placement of permanent stakes located by a licensed surveyor. Lot lines must be located before the fence permit is issued. The Building Official may withhold issuance of the permit to construct the fence until the lot lines are located and permanent stakes are placed by a licensed surveyor.

(4) *Administrative rules.* The Building Official may establish reasonable rules and procedures, consistent with the intentions of this chapter, which may be necessary to provide for the proper administration of this section.

(5) *Application review and permit issuance by the Building Official.* The Building Official shall review the fence application and supporting data with respect to the standards set forth in

this chapter, the adopted Building Code, and administrative rules which may be established to provide for proper administration of this section. The Building Official shall grant a permit to construct a proposed fence upon finding that the proposed fence fully complies with all applicable regulations.

(6) *Appeal of a decision.* An applicant may appeal a decision of the Building Official or Planning Commission concerning a proposed fence or enforcement of the provisions of this section to the Zoning Board of Appeals. The Zoning Board of Appeals shall review the appeal in accordance with the standards and procedures set forth for a dimensional variance set forth in §§ 154.450 through 154.453 of this chapter.

(D) *Fence regulations in residential districts.*

(1) *Location and height.*

(a) Fences not to exceed six feet in height shall be permitted in the rear yard only, as measured from the rear line of the house to the rear of the lot.

(b) A fence not to exceed four feet in height will be allowed from the rear line of the building not to extend past the front wall of the building.

(c) Fences on corner lots shall comply with the following:

1. Fences located along the side lot line abutting a street on a corner lot shall be located no closer than one foot to the edge of the sidewalk, or on the lot line if there is no sidewalk adjacent to the lot line;

2. No fence shall be erected, established, or maintained on any lot that will obstruct the view of drivers in vehicles at the intersection of a driveway and a road; and

3. A ten-foot clear vision area is required (see illustration in Appendix B).

(2) *Border treatment.*

(a) A border treatment, as defined in § 154.005, shall not exceed 30 inches in height. Typical border treatments include, but are not limited to those devices known as split rail fences and picket fences. A border treatment may be created in any required yard area in accordance with the following limitations.

1. If a border treatment is used at a property corner to deter pedestrians from walking on a private yard area, the border treatment that will be visible must be visible so as not to present a safety hazard at night or during other times of low visibility.

2. Thin strands of wire, cable or cord shall not be permitted to be attached to standing poles to form a border treatment.

3. The border treatment shall be located on the private property owner's lot not less than two feet from all sidewalks and driveways, and not less than one foot from all lot lines.

4. No permit shall be required for a border treatment. However, a border treatment must comply with these specifications and the general requirements as described in divisions (A)(2), (A)(3) and (A)(6) of this section.

(3) *Fences enclosing public areas.* Fences which enclose public parks, playgrounds, or similar public areas located within a residential district shall not exceed eight feet in height, measured from the surface of the ground.

(E) *Fence regulations in nonresidential districts.*

(1) *Location.*

(a) Except as otherwise permitted in this section for industrial facilities, fences shall be permitted in the rear or side yards of nonresidential districts, provided that no fence shall extend closer toward the front of the lot than any portion of the principal structure.

(b) A fence may also be installed in the front yard of a lot located in the M-1 Light Industrial District for the purpose of providing security of goods, supplies, and vehicles stored on the industrial lot. An application for the security fence shall be considered consistent with the special use approval procedures described in §§ 154.415 through 154.417 of this chapter. The fence permit application for the security fence shall be accompanied by an application for special use approval. Reasonable conditions for the placement of such fences may be included when the fence is approved as a special use.

(c) Fences located along the side lot line abutting a street on a corner lot shall be located no closer than one foot to the edge of the sidewalk or on the lot line if there is no sidewalk adjacent to the lot line.

(d) Fences on corner lots shall comply with the corner clearance requirements of § 154.027(E) of this chapter.

(2) *Height.* Fences in commercial districts shall not exceed six feet in height. Fences in industrial districts shall not exceed eight feet in height, except that barbed wire shall be at least eight feet above the ground, as specified in division (A)(1) of this section. If barbed wire is attached to the top of a fence in an industrial district, the barbed wire may extend not more than one foot above the height of the fence.

(3) *Signs attached to fences.* Signs advertising the availability of services or products shall not be attached to any fence. The only sign that may be attached to a fence shall indicate the name of the individual or company that constructed the fence, and that sign shall not exceed one square foot in area.

(F) *Walls.* This section shall in no way alter or affect the requirements for walls set forth in §§ 154.100 and 154.101 of this chapter.  
(Ord. 98-006, passed 6-29-98; Am. Ord. 98-023, passed 9-21-98 ; Am. Ord. 09-006, passed 4-20-09) Penalty, see §154.999