

ORDINANCE NO. 13 - 22

AN ORDINANCE AMENDING SECTIONS 1309.01, 1309.02, 1309.08, 1309.09 OF CHAPTER 1309 OF THE PORT CLINTON CODIFIED ORDINANCES REGULATING FENCES AND DECLARING AN EMERGENCY

WHEREAS, the Codified Ordinances are reviewed periodically and changes are made when deemed necessary to meet the needs of the City; and

WHEREAS, this Council finds and determines that Sections 1309.01, 13.09.02, 1309.08, and 1309.09 of Chapter 1309 of the Codified Ordinances regulating fences needs be amended to meet the needs of the City.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Port Clinton, County of Ottawa and State of Ohio:

Section 1. Section 1309.01 is hereby amended to read as follows:

1309.01 DEFINITIONS.

(a) "Fence" means any structure composed of wood, iron, steel, **metal, vinyl**, shrubbery, hedges or other material erected in such a manner and position as to enclose or partially enclose any premises or any part of any premises. Trellises or other structures supporting or for the purpose of supporting vines, flowers, and other vegetation when erected in such a position as to enclose any premises or any part of any premises shall be included within this definition. Structures erected other than on lot lines or in close proximity to lot lines, which have solely an ornamental purpose and which do not in fact serve the purpose of enclosing or partially enclosing premises or of separating premises from adjoining premises, shall not be included within this definition.

(b) "Privacy fence" means a fence made to inhibit public view and provide seclusion and, when viewed at an angle, has very little, if any, of the area of its vertical plane (the area within a rectangular outline enclosing all parts of the fence in its vertical plane) open to light or air. Examples of privacy fences may include **but are not limited to:**

(1) Basket weave or woven fence. A fence made of interwoven strips or slats of flexible or semi-flexible material in which the pattern has the appearance of a plaited basket.

(2) Louver or ventilating fence. A fence made of a series of slats placed at an angle or positioned so as to provide air but to deflect light perpendicular to its vertical plane.

(3) Stockade or Palisade fence. A fence constructed with a row of large pointed stakes placed upright against each other having more than fifty percent (50%) of the area of its vertical plane closed to light or air.

(c) "Open ornamental fence" means a fence usually made for its beauty or decorative effect and, when viewed at an angle, one would have the ability to see through the fence to

the adjoining property. Examples of open ornamental fences may include **but are not limited to**:

(1) Rail or split rail fence. A fence constructed of narrow, whole or split rails placed horizontally between upright supporting posts.

(2) Picket fence. An open fence made of upright pales or slats.

(3) Shadow box fence. A fence constructed of boards placed vertically and alternately from one side of the supporting members to the other side of the supporting members, leaving equal space between the boards on both sides. No overlapping of boards shall be allowed. The supporting members shall be a minimum of 4 inches wide with the supporting posts being a minimum of 4 inches by 4 inches.

(d) "Chain link fence" means a fence usually made of metal consisting of loops of wire interconnected in a series of joined links.

(e) "Barbed wire fence" means a fence made with metal wire having sharp points or barbs along its length.

Section 2. Section 1309.02 is hereby amended to read as follows:

1309.02 PERMITTED FENCES.

Fences shall be permitted in required yards as follows unless an unpierced masonry wall is required pursuant to Chapter 1147 of the Planning and Zoning Code and such fences would be in conflict thereof. In such event, the Planning and Zoning Code shall control. For all types of fences, a minimum setback of five feet from any public alley shall be required.

(a) Open ornamental fences shall be permitted at public facilities and residential zoning districts.

(1) Front yards. Open ornamental fences may be erected in front yards parallel to the building line to a height not exceeding forty two inches above the natural grade, provided however, that rail or split rail fences may be erected in front yards parallel to and on or approximately on the common property line, but not nearer than one foot to the street right of way.

(2) Side and rear yards. Open ornamental fences may be erected in side and rear yards parallel to and on, or approximately on, the common property line to a height of not more than five feet above the natural grade.

(b) Chain link fences shall be permitted in all zoning districts only in rear and side yards. Such fences may be erected parallel to and on, or approximately on, the common property line to a height not exceeding five feet above the natural grade. **In the "M-1" and "M-2" Zoning Districts, the height shall not exceed six feet above the natural grade.**

(c) Privacy fences shall be permitted in all zoning districts only in rear and side yards. Such fences may be erected parallel to and on, or approximately on, the common property line to a height not exceeding six feet in height above the natural grade.

(d) Shrubbery or hedges shall be permitted in public facilities and residential zoning districts.

1. Front yards. Shrubbery, hedges, or landscaping may be permitted in front yards parallel to the building line to a height not exceeding three feet, but not nearer than one foot to the street right of way. All shrubbery, hedges, or landscaping so placed shall be kept trimmed and maintained so as not to interfere with the line of sight for any vehicular traffic and so as not to hinder, obstruct, or interfere with the full use of any sidewalk or other public right of way.
2. Side and rear yards. Shrubbery, hedges, or landscaping may be permitted in side and rear yards parallel to and on, or approximately on, the common property line to a height of not more than five feet, except that when a side yard or a rear yard is adjacent to any alley or other public right-of-way, the shrubbery, hedges, or landscaping shall be set back five feet from the property line, and the shrubbery, hedges, or landscaping shall be kept trimmed and maintained so as not to interfere with the line of sight of vehicular traffic or encroach into the right-of- way of the alley or other public right-of-way.

(e) A fence shall not be located within three feet of a utility box, manhole or other apparatus that may be used for maintenance of a utility. Fences placed on utility easements shall provide access to any manhole, utility box, clean out or other apparatus that may be used from time to time for maintenance of the utility. When a fence obstructs access to a utility box, manhole or other public apparatus for maintaining utilities, or obstructs the proper flow of water in a drainage easement, the owner shall be required to remove and replace such fence at **his/her** 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.

Section 3. Section 1309.08 is hereby amended to read as follows:

1309.08 PERMIT.

(a) Any fence which may be permitted shall require the issuance of a permit by the Safety-Service Director or a designated representative after the same has been approved by **him/her**. A fence permit shall be granted only upon the basis or representation made by clear drawings and specifications accurately indicating the location, kind of material and full dimensions in figures of such fence. The representations shall be made on forms furnished by the Safety-Service Director, and shall be signed by the owner of the property on which the fence is located.

Replacement of an existing fence with a new fence, regardless of whether the new fence is similar to the existing fence and/or placed in the same location as the existing fence, shall require a permit.

(b) If the fence described in the fence permit has not been substantially completed within six months of the date of issuance, the permit shall expire and be revoked by the Safety- Service Director or **his/her** designated representative. No further work shall proceed on the fence until a new fence permit has been obtained. If a new fence permit is not obtained within 90 days of the expiration of the permit, upon the written demand of the Safety-Service Director, all portions of the fence which were installed shall be removed by the owner of the property.

(c) A permit fee for the erection of a fence, as set by Council, shall be paid prior to the issuance of a permit.

Section 4. Section 1309.09 is hereby amended to read as follows:

1309.09 INSPECTION.

Each property owner shall determine property lines and ascertain that the fence thus constructed does not deviate from the plans as approved by the Safety-Service Director issuing permits, and such fence does not encroach upon another lot or parcel of land. The City shall furnish such inspection as is deemed necessary to determine that such fence is constructed in accordance with plans submitted for permit, provided however, that the issuance of such permit by the City shall not be construed as to mean the City has determined such fence is not encroaching upon another lot, nor shall it relieve the property owner of the duty imposed upon **him/her** herein.

Section 5. Existing Sections 1309.01 enacted by Ord. 33-05. Passed 11-8-05., 1309.02 enacted by Ord. 33-05. Passed 11-8-05., 1309.08 enacted by Ord. 33-05. Passed 11-8-05., and 1309.09 enacted by Ord. 29-77. Passed 9-13-77. are hereby repealed.

Section 6. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council, and any of its committees, that resulted in those actions were in meetings open to the public, in compliance with the law.

Section 7. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective so the changes to the Codified Ordinances regulating fences can take effect immediately; **wherefore**, this ordinance shall be in full force and effect immediately upon its passage

and approval by the Mayor.

Passed: _____, 2022

President of Council

Attest: _____
Clerk of Council

Approved _____, 2022

Mayor