

Village of Crooksville, Ohio

ORDINANCE NO. 2537

AN ORDINANCE TO DEFINE AND REGULATE FENCES

WHEREAS, the Council of the Village of Crooksville, Ohio, desires to establish definitions and regulations controlling the installation and use of fences within the Village of Crooksville; and

WHEREAS, in doing so, the Council of the Village of Crooksville has given due consideration to a lot owner's privilege of privacy within the owner's own lot, as well as to the environment of the lot owner's neighbor, the appearance of the community, and the safety of the public and the individual lot owners and their neighbors.

NOW THEREFORE, a majority of the members of the Council of the Village of Crooksville, Perry County, Ohio, concurring therein, **BE IT THEREFORE RESOLVED**:

SECTION ONE: PURPOSE. The purpose of this ordinance is to establish regulations controlling the use of fences in order that a lot owner may have the privilege of privacy within the owner's own lot but with due consideration of the lot owner's neighbor, the appearance of the community, and the safety of the public and the individual lot owners and their neighbors.

SECTION TWO: SCOPE AND EFFECTIVE DATE.

- A. This ordinance shall apply to all properties within the Village of Crooksville beginning thirty days following its passage.
- B. This ordinance shall not apply to temporary fences used during building construction or renovation.

SECTION THREE: DEFINITIONS.

- A. "Fence" means any structure not an integral part of a building, composed of wood, steel, iron, masonry, stone, plastic, vinyl, shrubbery, or other material erected in such a manner and positioned so as to enclose or partially enclose any property or part of any property. Structures erected other than on lot lines or 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 property or separating property from adjoining property, shall not be included within the definition of the word "fence."
- B. "Front yard" is any yard that borders a street.

SECTION FOUR: BUILDING PERMIT REQUIRED. No fence shall be constructed or laced until a building permit is obtained and approved by the Village. The building permit shall include a description and/or sketch of the proposed fence and a plot plan showing the proposed location on the owner's lot. The building permit if approved shall be valid for three (3) months. The building permit fee shall be \$25.

SECTION FIVE: PERMITTED FENCES.

- A. A fence erected in or on a Residential property within the minimum front yard setback shall not exceed three (3) feet in height.
- B. A fence erected on a Residential property other than within the minimum front yard setback shall not exceed seven (7) feet in height.
- C. Fence height shall be determined by its height at natural grade.

- D. A fence shall be constructed so that it does not interfere with traffic visibility at all intersections.
- E. No fence that is over three (3) feet in height above the top surface of the street curb shall be erected or maintained within a triangle twenty-five (25) feet from the intersection of the right of way lines.
- F. Fences constructed in or on Commercial or Industrial properties shall be limited to ten (10) feet in height. Such fences may contain barbed wire, provided that the barbs shall be no less than seven (7) feet above the ground or supporting area and provided that the barbs shall not project over adjoining properties or right-of-way lines.

SECTION SIX: PROHIBITED MATERIALS. Fences shall not be made of or contain:

- A. Chicken wire, except as used for animal-resistant garden enclosures.
- B. Scrap materials.
- C. Corrugated or sheet metal, except on Commercial or Industrial lots.
- D. Electrical current, except for horses and cattle in an agricultural use area and not within ten (10) feet of the right-of-way.
- E. Barbed wire, spikes, or other materials intended or likely to cause bodily harm, except as permitted on Commercial and Industrial lots.

SECTION SEVEN: GENERAL REQUIREMENTS. Notwithstanding, anything contained herein to the contrary and in addition to any other requirement, the following provisions shall apply:

- A. Fences which enclose athletic fields or courts shall not exceed twelve (12) feet in height.
- B. A fence of permitted height and design may be constructed twenty-four (24) inches from the owner's property line and across any utility easement so as to allow maximum use of the area to be enclosed. Provided however,
 - (1) Fences placed on utility easements shall provide access to manholes, utility boxes, cleanouts, septic tanks, or other apparatus that may be used from time to time for maintenance of the utility. Fences in drainage easements shall also require prior approval of the Village Administrator to allow for proper flow of water; and
 - (2) When a fence obstructs access to a utility box, manhole, cleanout, septic tank or other public apparatus for maintaining utilities, the owner shall be required to remove such fence at the owner's expense without remuneration from the Village.
- C. The height of a fence shall not include the posts, except however, the posts may not exceed the fence height by more than six (6) inches.
- D. The entirety of each different material used in the construction of a fence shall display its natural color or shall be painted or stained a single tint or shade of a single color.
- E. Except when construction materials utilized in a fence have been designed or manufactured to remain untreated, all fences shall periodically be treated with paint or chemicals so as to retard deterioration.
- F. No fences shall not contain in or upon the fence the following:
 - (1) Graffiti;
 - (2) Advertising;
 - (3) Lettering or numbering other than house numbers, which such house numbers shall not exceed four (4) inches in height.
- G. Fences shall be constructed in a workmanlike manner and shall be secured to the ground or supported in a safe and substantial manner.
- H. All fences shall be maintained in good repair, structurally sound, and sanitary so as to not pose a threat to public health, safety, and welfare.

- a. In the event any fence is found not to be in a state of good structural repair, the property owner shall cause it to be removed, replaced, or repaired within 30 days subsequent to notice.
- I. Any existing fence must be removed if a new fence will be erected in the same place.
- J. All fences shall be constructed with the posts installed on the side of the fence facing the center of the lot. If the fence is constructed parallel to an existing fence on an adjacent property which adjacent property has its fence posts facing away from the adjacent property's center, the fence may be constructed with the posts installed on the side facing towards the adjacent fence.
- K. Property line determination shall at all times be the responsibility of the property owner, based upon actual property lines as determined by an accurate survey. Any property line disputes shall be resolved by the property owners and will not be determined or mediated by the Village.

SECTION EIGHT: SWIMMING POOL FENCES.

- A. **In Ground Swimming Pools.** All private in ground swimming pools not enclosed within a permanent building shall be completely enclosed by a fence which is of sufficient strength to prevent access to the pool. Such fences shall be no less than four (4) feet in height measured from the ground level and shall be maintained in good condition. Such fence shall not be located closer than three (3) feet from the pool and shall be constructed so as not to have voids, holes or openings larger than four (4) inches in one (1) dimension. Gates or doors in swimming pool fences shall be so constructed as to be capable of being locked, and shall be closed and locked so as to prevent unlatching by persons outside the pool area at all times the pool is not in actual use. A wall of a building facing a swimming pool may be incorporated as a portion of a required fence. For the purpose of this section, a swimming pool cover providing a degree of protection equivalent to that of the fencing described in this section may be used in lieu of fencing, as long as such cover is kept in place at all times when the pool is not in actual use.
- B. **Above Ground Swimming Pools.** Above ground swimming pools with self-provided fencing to prevent unguarded entry shall be permitted without additional fencing if such self-provided fencing complies with the minimum design parameters specified in the above provision applicable to in ground swimming pools. Temporary ladders shall be removed to prevent access to the above ground pool when not in use. Access from grade to above-ground swimming pools having permanent or stationary ladders, stairs, ramps or decks shall be protected by safeguard fencing and gates equivalent to those required for in ground swimming pools.
- C. **Portable Pools, Spas and Hot Tubs.** Portable pools over eighteen (18) inches in depth, spas, hot tubs, whirlpools and similar equipment shall be fenced as specified for in ground swimming pools and/or above ground swimming pools as applicable (ie whether the portable pool, spa, hot tub, similar equipment is in ground or above ground), or shall be drained or covered after each day's use in such a manner to provide for the safety of the public.
- D. **Setback Regulations.**
 - (1) No private swimming pool shall be located in front of or closer to a street right-of-way than the principal building/residence.
 - (2) No private swimming pool shall be located closer than (ten) 10 feet to a side or rear property line or to any building.
 - (3) No private swimming pool shall be located closer than five (5) feet to any septic system.
 - (4) The minimum setback regulations set forth in this section shall not apply to hot tubs, spas, whirlpools, children's portable wading pools and similar recreational equipment.

SECTION NINE: LOCATION OF FENCES.

- A. A fence shall sit entirely on the property of the owner installing the fence and shall be twenty-four (24) inches from the property line to allow for maintenance of both sides and so as not to encroach or overhang on adjacent property.
- B. Fences placed next to an alley shall have a minimum of three (3) feet of clearance from the alley right-of-way.

SECTION TEN: NON-CONFORMING FENCES. Any fences existing on the effective date of this ordinance and not in conformance with this ordinance maybe maintained, but any modification or improvement or replacement of said fence shall comply with this ordinance.

SECTION ELEVEN: COMPLIANCE REQUIRED; CONFLICTING PROVISIONS. To the extent that the provisions of this Ordinance may be included in or similar to restrictive covenants contained in any deeds of record or recorded plats or approved subdivisions, or contents of an approved zoning plan, then the contents of such restrictive covenants, approved plats or subdivision or plans shall control to the extent they are not in conflict with this Ordinance.

SECTION TWELVE: PENALTY. Any violation of this ordinance shall be a minor misdemeanor. Each day of continued violation of this ordinance shall constitute a separate offense.

1st Reading: 9/8/2015.
 2nd Reading: 9/21/2015.
 3rd Reading: 10-5-2015.

Passed: October 5, 2015.



Darrell Lantz, Mayor

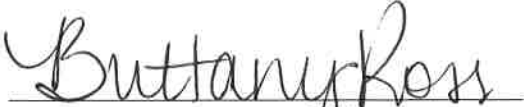
ATTESTED:



Brittany Ross, Fiscal Officer

Posting Certification

This Ordinance was posted at the five prescribed locations within the Village of Crooksville, Ohio, on the 7th day of October, 2015.



Brittany Ross, Fiscal Officer