

ORDINANCE NO. 2024-67

AN ORDINANCE AMENDING CHAPTER 1165 OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOWICK, OHIO, TITLED “FENCES;” AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission of the City of Willowick has reviewed, heard and recommended certain amendments to the Codified Ordinances of the City of Willowick, in the best interests of the residents of the City of Willowick.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Willowick, County of Lake, and State of Ohio that:

Section 1. Chapter 1165 of the Codified Ordinances of the City of Willowick, Ohio, titled, “Fences” is hereby amended to read and provide as follows:

**CHAPTER 1165
Fences**

1165.01 TITLE.

This chapter may be known as the “Fence Ordinance” of the City, and any reference to the “Fence Ordinance” of the City in any action taken by Council or any board, commission or office of the City shall be deemed to constitute a reference to this chapter unless the context otherwise indicates.

1165.02 PERMIT REQUIRED.

(a) No fence shall be constructed in any Single Family, Multi Family, Mixed Use, Apartment, Retail and Industrial District, unless approved by the Chief Building Inspector pursuant to the application procedure set forth in Section 1165.03.

(b) No fence shall hereafter be erected, altered, relocated or reconstructed in a Single Family or Multi Family District unless information is first presented to the Chief Building Inspector showing the location, dimensions, materials and the manner of construction of the fence, and the Chief Building Inspector has issued a permit for the same. No person shall commence any such work unless a permit has first been obtained.

(c) No fence permit shall be granted if, in the opinion of the Chief Building Inspector the construction, alteration, relocation or reconstruction of the proposed fence will constitute a nuisance, fire hazard, public safety hazard or traffic hazard, impair the light or movement of air in a manner tending to cause an unhealthy condition or adversely affect the reasonable use of neighboring properties.

(d) A fee shall be charged for each fence permit issued as provided in Section 1337.01(a)(7).

1165.03 HEIGHT LIMITATIONS.

(a) No fence in any Single Family, Multi Family, Mixed Use, Apartment, Retail and Industrial District shall exceed six feet in height above the existing grade line with an allowable deviance of no more than three inches to allow for clearance and/or uneven terrain.

(b) In the event that an appeal is taken to the Board of Zoning Appeals based upon a denial for failure to comply with the requirements of subsection (a) hereof, notice of such appeal shall be forwarded by the applicant to all owners of the properties abutting the rear and side yards of the property, or their written consent to the construction of such fence shall be submitted to the Board of Zoning Appeals. Notice shall be deemed provided upon mailing. It shall be the responsibility of the applicant to supply the Board of Zoning Appeals with evidence sufficient to establish the identity of the owners of the abutting property and proof of the notice called for herein.

1165.04 BARBED WIRE, ELECTRIC AND STOCKADE FENCES.

(a) No electrically charged fence shall be constructed in the City.

(b) No barbed wire shall be used on any fence, and chain-link or mesh wire fences shall be constructed without barbs and/or unfinished and sharp edges at either the top or the bottom of the fence.

~~—(c) Solid type fences shall be prohibited with the exception of any style fence with a minimum of a one-quarter inch opening between picket panels.~~

1165.05 DOUBLE FENCING.

~~—No more than one fence shall be permitted to be constructed on a property line.~~

Double fencing shall be permitted, subject to compliance with the provisions of this Chapter. However, in no event shall a fence be located more than six inches (6") from an existing fence along the same property line.

Each property owner shall be responsible for maintaining all landscaping and vegetation on their individual property between fencing or other boundary markers.

1165.06 CONSTRUCTION OF JOINT FENCES BY ADJOINING LANDOWNERS.

(a) Abutting property owners may agree to construct a joint fence on the property line.

(b) For purposes of this Zoning Code and other provisions of these Codified Ordinances, each abutting property owner shall be responsible for constructing and maintaining such fence in compliance with this Zoning Code as aforesaid and each such owner shall be subject to the penalties for noncompliance therewith.

1165.07 FENCES IN FRONT YARDS, SIDE YARDS AND ON CORNER LOTS; PROXIMITY TO SIDEWALKS.

(a) No fence shall be allowed in a front yard, except an ornamental fence in the Single Family, Multi Family, Mixed Use, Apartment, Retail and Industrial Districts. "Ornamental fence" means a continuous structure or device intended primarily for ornamentation and not for enclosing an area, to be no more than three and one-half feet in height, running from front corner to front corner of the house, consisting of a post or posts interconnected by a top rail and one center rail and connected between the top rails and center rails with all types of material so as to emit air through eighty percent of the area of the fence, and which is situated in its entirety within twelve feet of the front line of a building or the ground level projection thereof, and between lines constituting the forward extension of lines of the sidewalk/foundations of such building, or at the corners

of a lot, so long as it does not exceed in length and width twenty-five percent of the frontal length of the lawn area and side length to the residence, respectively, and tapering from the corner to a height of one foot or less at its end. No ornamental fence shall be permitted at any other location in a front yard.

(b) No fence in the Single Family, Multi Family, Mixed Use, Apartment, Retail and Industrial Districts shall be permitted in a side yard, except that a fence shall be permitted in a side yard, which extends no further than the rear house or main building line or abuts a side entranceway door. Such a fence shall not extend toward the front line of the house or building more than two feet beyond the side entranceway door.

(c) Main buildings and houses situated on corner lots shall be bound by the same restrictions contained herein. Additionally, on corner lots, a fence may extend no more than four feet from the side of the main building or house and may not exceed four feet in height.

(d) In no circumstances shall any fence be permitted closer than four feet to a public sidewalk, except a corner front yard "ornamental" fence, which shall be no closer than one foot to a public sidewalk.

1165.08 SWIMMING POOL FENCE PERMITS.

Notwithstanding the provisions of this chapter with respect to height and location of fences, in order to protect the safety of the inhabitants of the City, the Chief Building Inspector may issue permits for the construction of fences to enclose swimming pools having height and location other than herein prescribed, upon the prior approval thereof by the Chief Building Inspector, which approval shall be granted if the Chief Building Inspector finds that such fence will meet the requirements of the ordinances of the City governing the construction and maintenance of fences enclosing swimming pools and will satisfy the requirements set forth in this section. Application for such permit shall be made in writing to the Chief Building Inspector and shall be accompanied by drawings showing the location, character and extent of such fence. The Chief Building Inspector may require additional data from the applicant reasonably related to the factors it must consider in acting upon such application.

1165.09 APPEALS FOR DENIAL OF FENCE PERMIT.

(a) Any person who is denied a permit for the construction of a fence in the City may appeal to the Board of Zoning Appeals. The appellant will pay the scheduled fee to the City with a written application on the forms provided by the Board of Zoning Appeals, at which time the Secretary of the Board of Zoning Appeals will place the appellant's request on the Board's agenda for the next available meeting date.

(b) If the Board shall find that such proposed fence is substantially in accordance with the requirements described in this chapter, notwithstanding insubstantial variances therefrom, and shall determine that the construction, alteration, relocation or reconstruction of the proposed fence will not constitute a nuisance, fire hazard, public safety hazard or traffic hazard, and further will not impair the light or movement of air in a manner tending to cause an unhealthy condition, or will not adversely affect the reasonable use of neighboring properties, the Board may recommend the granting of such permit and shall refer the matter to Council.

(c) Upon consideration of such matter and the standards set forth in this chapter, Council may order the granting of such permit by the affirmative vote of not less than a majority of its members, whereupon the Chief Building Inspector shall issue a permit in accordance with such order. In considering such appeal and such recommendation, the Board and Council may require additional data from the applicant reasonably related to the factors to be considered in taking action thereon.

1165.10 COMPLIANCE.

(a) In the event that a fence has already been constructed without a permit, or an appeal has been denied and a fence has already been constructed in violation of this chapter, the owner of the property on which the fence is located shall be notified in writing that he is in violation of this Zoning Code before the penalty set forth in Section 1131.99 will be applied.

~~—(b) It shall be the duty of each property owner to determine the property lines and to ascertain that the fence constructed does not encroach upon another lot or parcel of land. The City shall furnish such inspection as is deemed necessary to determine that the fence is constructed in accordance with plans submitted for the permit as outlined in Section 1165.02. However, the issuance of the permit by the City shall not be construed to mean that the City has determined that the fence is not encroaching upon another lot, nor shall it relieve the property owner of the duty imposed upon him or her herein. No permit shall be issued for the construction of a fence without the Applicant providing one of the following at the time of application: (1) a site plan showing the Applicant's property lines drawn by a licensed land surveyor registered in the State of Ohio, or (2) the written consent (printed name, property address, signature and date) from all property owners adjoining the proposed fence line.~~

Section 2. All formal actions of this Council concerning the passage of this Ordinance were adopted in an open meeting, and that all deliberations of this Council, or any of its Committees, which resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Chapter 107 of the Codified Ordinances and Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, welfare and dignity of the residents of the City of Willowick in that it provides for the orderly and efficient operation of the City building department, and therefore shall be in full force and take effect immediately upon its passage by Council and its approval by the Mayor, or at the earliest period allowed by law.

Adopted by Council: _____, 2024

Council President

Submitted to the Mayor: _____, 2024

Michael J. Vanni, Mayor

Approved by the Mayor: _____, 2024.

ATTEST: _____
Clerk of Council