

VILLAGE OF PLEASANT HILL, OHIO

ORDINANCE 1037

AN ORDINANCE TO DEFINE AND REGULATE FENCES AND
REPEAL ORDINANCE 904

WHEREAS, the Council of the Village of Pleasant Hill, Miami County, Ohio desires to amend previous rules and establish more detailed and defined regulations controlling the use of fences whereby the lot owner in any zoned district may have the privilege of privacy within his own lot with due consideration to the environment of his neighbor, the appearance of the community, and the safety of the public and the individual;

NOW THEREFORE, BE IT ORDAINED, by the Council of the Village of Pleasant Hill, Miami County, Ohio, a majority of its members elected or appointed therefore concurring as follows:

SECTION ONE: PURPOSE.

The purpose of this Ordinance is to establish regulations controlling the use of fences whereby the lot owner in any zoned district may have the privilege of privacy within his own lot with due consideration to the environment of his neighbor, the appearance of the community, and the safety of the public and the individual.

SECTION TWO: SCOPE.

- 1) This Ordinance shall apply to all zoned districts as the same are defined by the Zoning Ordinance and official zoning map of the Village.
- 2) This Ordinance shall not apply to temporary fences used during building construction or renovation.

SECTION THREE: DEFINITIONS.

“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 as to enclose or partially enclose any property or any part of any property. 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 property or of separating property from adjoining property, shall not be included within the definition of the word “fence”.

“Front yard” is any yard that borders a street.

VILLAGE OF PLEASANT HILL, OHIO

ORDINANCE 1037

AN ORDINANCE TO DEFINE AND REGULATE FENCES AND
REPEAL ORDINANCE 904

SECTION FOUR: PERMITTED FENCES.

- 1) A fence erected within the minimum front yard setback shall not exceed 3 feet in height.
- 2) A fence erected, other than within the minimum front yard setbacks, shall not exceed 7 feet in height.
- 3) Fence height shall be determined by its height at natural grade.
- 4) A fence shall be constructed so that it does not interfere with traffic visibility at intersections. No fence that is over three feet in height above the top surface of the street curb shall be erected or maintained within a triangle 25 feet from the intersection of the right-of-way lines.
- 5) Fences constructed in Commercial and Industrial Districts shall be limited to 10 feet in height. Such fences may contain barbed wire, provided that the barbs shall be located no less than 7 feet above the ground or supporting area and shall not project over adjoining properties or right-of-way lines.

SECTION FIVE: PROHIBITED MATERIALS.

Fences shall not be made of or contain:

- 1) Chicken wire, except as used for animal-resistant garden enclosures.
- 2) Scrap materials.
- 3) Corrugated or sheet metal, except in Commercial or Industrial Districts.
- 4) Electrical current, except for horses and cattle in an agricultural use area and not within 10 feet of the right-of-way.
- 5) Barbed wire, spikes, or other materials intended or likely to cause bodily harm, except as permitted in Commercial and Industrial Districts.

SECTION SIX: GENERAL REQUIREMENTS.

Notwithstanding, anything contained herein to the contrary and in addition to any other requirement, the following provisions shall apply:

- 1) Fences which enclose athletic fields or courts shall not exceed twelve feet in height.
- 2) A fence of permitted height and design may be constructed along or upon common property lines and across any utility

VILLAGE OF PLEASANT HILL, OHIO

ORDINANCE 1037

AN ORDINANCE TO DEFINE AND REGULATE FENCES AND
REPEAL ORDINANCE 904

- easement so as to allow maximum use of the area to be enclosed. 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. Fences in drainage easements shall require prior approval of the Village Service Superintendent to allow for proper flow of water.
- 3) When a fence obstructs access to a utility box, manhole, 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.
 - 4) The height of the fence shall not include the posts, except, however, the posts may not exceed the fence height by more than six inches.
 - 5) 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.
 - 6) Except when constructed of materials that have been designed or manufactured to remain untreated, all fences shall periodically be treated with paint or chemicals so as to retard deterioration.
 - 7) All fences shall not contain in or upon themselves the following:
 - a) Graffiti
 - b) Advertising
 - c) Lettering or numbering, except house numbers; such house numbers shall not exceed 3 inches in height.
 - 8) Fences shall be constructed in a workmanlike manner and shall be secured to the ground or supported in a safe and substantial manner.
 - 9) 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. The property owner shall cause it to be removed, replaced, or repaired as required within 30 days notice if any fence is found not to be in a state of good structural repair.
 - 10) Any existing fence must be removed if the new fence will be in the same place.
 - 11) All fences shall be constructed with the posts installed on the side of the fence facing the center of the lot. If the

VILLAGE OF PLEASANT HILL, OHIO

ORDINANCE 1037

AN ORDINANCE TO DEFINE AND REGULATE FENCES AND
REPEAL ORDINANCE 904

fence is constructed parallel to an existing fence on an adjacent property which has the posts facing away from the adjacent property's center, the fence may be constructed with the posts installed on the side of the fence facing toward the adjacent fence.

SECTION SEVEN: SWIMMING POOL FENCES.

Swimming pool fences shall be no less than 5 feet in height and shall be maintained in good condition.

SECTION EIGHT: ZONING CERTIFICATE, INSECTION, AND FEE.

- 1) Any fences which may be permitted shall require the issuance of a zoning certificate issued by the Building and Zoning Department.
- 2) Each property owner shall determine property lines and ascertain that the fence thus constructed does not deviate from the plans as approved by the Building and Zoning Department issuing zoning certificates and does not encroach upon another lot or parcel of land. The Building and Zoning Department shall furnish such inspection as is deemed necessary to determine that the fence is constructed in accordance with plans submitted for the certificate, provided however, that the issuance of such certificate by the Building and Zoning Department shall not be construed to mean the Building and Zoning Department has determined the fence is not encroaching upon another lot, nor shall it relieve the property owner of the duties imposed herein.

SECTION NINE: LOCATION OF FENCES.

The ideal location for a fence shall be on a mutually agreeable property line. If the adjacent property owners cannot agree on the fence's placement, the fence shall sit entirely on the property of the owner who is installing the fence and shall be at least 18 inches from the property line to allow for maintenance of both sides. Fences placed next to an alley shall have a minimum of three feet of clearance from all alley right-of-ways.

SECTION TEN: COMPLIANCE REQUIRED; CONFLICTING PROVISIONS.

To the extent that the provisions of this Ordinance are included in or similar to restrictive covenants contained in any deeds of record or recorded plats or approved subdivisions, or the contents of an

VILLAGE OF PLEASANT HILL, OHIO

ORDINANCE 1037

AN ORDINANCE TO DEFINE AND REGULATE FENCES AND
REPEAL ORDINANCE 904

approved zoning plan, then the contents of such restrictive covenants, approval of plats or subdivision or plans shall control to the extent they are not in conflict with this Ordinance.

SECTION ELEVEN: That Ordinance 904, An Ordinance Amending the Pleasant Hill, Ohio Zoning Code Adopted by Ordinance 836 Passed July 10, 1991 to Amend Zoning Regulations Section 150.143 Pertaining To The Erection And Maintenance Of Fences, Walls, And Barrier Shrubbery is hereby repealed, and that any Ordinance of the Village of Pleasant Hill in conflict with this Ordinance shall be deemed modified to be consistent with this Ordinance.

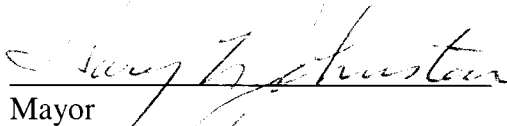
SECTION TWELVE: That any violation of this Ordinance shall be a minor misdemeanor.

PASSED this 14th day of July 2008.

Approved as to form:




Solicitor



Mayor

President of Council



Fiscal Officer