

CITY OF CHEVIOT  
STATE OF OHIO

ORDINANCE NO. 18-21

TO ENACT CHAPTER 158 OF THE CHEVIOT CODE OF ORDINANCES.

**WHEREAS**, the Council of the City of Cheviot desires to promote safety and security, while protecting and enhancing the appearance and character of neighborhoods and business districts; and

**WHEREAS**, this Council believes that this goal will be attained by establishing uniform standards and regulation of fences within the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHEVIOT, STATE OF OHIO, THAT:**

Section 1. There is hereby enacted Chapter 158 of the Cheviot Code of Ordinances, which shall read as follows:

**CHAPTER 158 – FENCE REGULATIONS**

**§ 158.01 Purpose**

The regulations of this chapter are established to permit fences in a manner that promotes safety and security, while protecting and enhancing the appearance and character of neighborhoods and business districts.

**§ 158.02 Definitions**

For purposes of this chapter, these terms shall have the following meaning:

- (a) "Fence." An artificially constructed barrier of any material or materials erected to enclose, screen, or decorate areas of land.
- (b) "Fence Height." The height of a fence, as defined herein, measured from grade at the base of the fence.
- (c) "Fence Types" A fence shall be composed of wrought iron-style pickets, wood pickets, wood split rails and posts, brick, stone, chain link or any other materials of a decorative nature.

**§ 158.03 General Regulations**

Fences shall be installed and maintained in accordance with the following regulations, as well as other applicable regulations of the Codified Ordinances:

- (a) *Height*. Fences in yards shall not exceed eight (8) feet in height. Any fence over six (6) feet in height shall have 50% opacity (50% open for the passage of air and light).
- (b) *Location*.
  - (1) *Front Yards*. No front yard fencing is permitted.
  - (2) *Rear Yards*. The fence shall not extend past the rear corner line of the structure.
  - (3) *Side Yards*. A fence will be permitted if the rear entrance is located on the side wall of the structure. The fence shall not extend more than three (3) feet beyond the side door toward front of property line structure.

- 
- (4) **Corner Lots.** On corner lots, the fence cannot be located less than two (2) feet from the sidewalk.
- (c) **Prohibited Materials.** No fence shall be composed of scrap materials, tires, canvas, cardboard, asphalt-style shingles, chicken wire, corrugated metal or sheet metal.
- (d) **Appearance.** All fences shall be uniform in material and color. In the case of a fence with a finished side and an unfinished side, the finished or more decorative side shall face outward toward the adjoining property or the street.
- (e) **Barbed Wire, Razor Wire. And Electrical Fences.** Fences that are composed of or contain barbed wire or razor wire are prohibited, except in connection with utility properties, as defined herein. Electrical fences are prohibited.
- (f) **Maintenance.** All fences shall be maintained in good condition, free of significant rust, peeling paint or other damage. Furthermore, all fences shall be kept plumb, with no more than a two (2) inch deflection from a vertical position.
- (g) **Recreation Facilities.** On the grounds of a school or on the grounds of a public or private recreation use, an open fence erected to enclose a playground, playfield, swimming pool, tennis court, golf course or similar facility may exceed the otherwise applicable height limits, but shall not exceed twelve (12) feet in height.
- (h) **Utility Properties.** An open fence erected for security purposes around a public utility use may exceed the otherwise applicable height limits, but shall not exceed twelve (12) feet in height.
- (i) **Temporary Construction Fences.** Notwithstanding other provisions of this chapter, a temporary fence shall be permitted in any zoning district to enclose a site at which construction activity is underway. Such fence shall be in place only for the duration of the construction activity and shall be removed when construction activity has been completed or has been discontinued for a period of three (3) months or more. Such fence shall be located as necessary to protect the public and to secure the construction site, as approved by the Building Department. The fence may be chain link, wood or another material approved by the Building Department.
- (j) **Nonconforming Fences.** Except as specified in provision (c) of Section 158.04, any fence not conforming to the regulations of this chapter may be retained and repaired, but shall not be moved or replaced in whole unless made to conform with the provisions of this chapter. Replacement of less than half (1/2) of a nonconforming fence in a twelve (12) month period shall be considered "repair" and not "replacement" for purposes of this provision.
- (k) **Historic District.** Fences located in a Historic District are exempted from the general regulations; however, an application must be made for a Certificate of Appropriateness.
- (l) **Solid Wall Fences.** Any walls to be constructed as fences shall not restrict drainage. Solid wall style fences shall be placed a minimum of four (4) inches above finish grade to not impede site drainage. A solid wall style fence may exceed its allowable height by four (4) inches to facilitate drainage. Any walls to be constructed as fences will need to be accompanied by detailed construction drawings and shall be reviewed by the Building Code Plan Examiner prior to construction.

(m) *Ornamental and Decorative Fences.* A fence shall be considered "ornamental or decorative" if it is composed of wrought iron-style pickets, wood pickets, wood split rails and posts, brick, stone, or any materials of a decorative nature approved by the Building Department as compatible with the character of the area in which the fence is to be placed. The regulations herein apply to ornamental and decorative fences.

#### **§ 158.04 Permit Requirements**

(a) *Applicability.* Except as exempted in this section, no fence shall be installed unless a permit for such fence has been issued by the Building Department.

(b) *Contents of Application.* An application for a Building Permit to erect a fence shall include the following information, in addition to other information required by the Building Department for a permit application:

(1) A plot plan showing the location of the fence and gates in relation to all property lines, streets, driveways, sidewalks and structure on or within six (6) feet of the subject property, and north arrow. Certified surveyor's drawings are preferred.

(2) Information indicating the height, materials, dimensions, colors, style, and opacity of the fence.

(3) Information and plans indicating the method of attaching the fence to the ground or to other structures.

(c) *Exemption for Repair or Replacement.* No permit is required for repair or replacement of a fence or portions thereof if the area being repaired or replaced, in any twelve (12) month period, does not exceed fifty percent (50%) of the length of the fence, and the replacement does not involve changes to foundations or footers. The exemption regarding partial replacement does not apply to walls.

(d) *Exemption for Agricultural Purposes.* No permit is required for fencing used around small areas within a rear yard for agricultural purposes.

#### **§ 158.05 Permit Fee**

The permit fee is \$20.25 per the first one hundred (100) linear feet, plus \$1.35 for each additional twenty five (25) linear feet.

#### **§ 158.06 Appeals**

Any person directly affected by a decision, notice, or order issued under this chapter shall have the right to appeal to the Board of Zoning Appeals, provided that a written application for appeal and fee is submitted within fifteen days from the date of the notice or order. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provision of this code do not fully apply, or the requirements of this code are adequately satisfied by other means. Appeals heard by the Board of Zoning Appeals shall be submitted on forms provided by the City.

#### **§ 158.07 Penalty**

Whoever violates any provision of this chapter, by failing to comply with the order of a code official, or, if no order is required, by violating any provision of the code, shall be guilty of a minor misdemeanor punishable in accordance with the penalties specified in §130.99 of the Cheviot Code of Ordinances. Each day that a violation continue after notice has been served shall be deemed a separate offense.

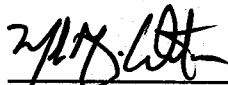
**§ 158.08 Variance From Standards and Requirements.**

(a) In the case of special circumstances or conditions where the strict application of the requirements of this chapter would deprive the property owner, the Building or Zoning Commissioner shall have the power to vary or adapt the requirements of this chapter. In granting a variance, the Commissioner may prescribe the appropriate conditions and safeguards to ensure conformity with the surrounding neighborhood.

(b) Variances shall be granted only when there is a pressing need and shall be limited in their scope to the minimum variance necessary to accomplish the purpose of the variance. The fact that another person or entity has received a variance shall not be a valid reason for the issuance of a new variance, and shall not be considered by the Building or Zoning Commissioner.

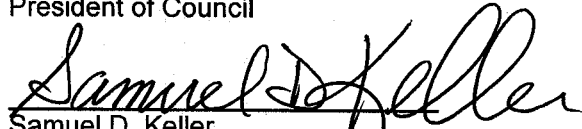
(c) Appeals from the grant or denial of a variance shall be in accordance with the procedures enumerated in § 158.06 of the Cheviot Code of Ordinances.

Section 2. This Ordinance shall take effect and be in force from and after the earliest period provided by law.



Mark G. Waters  
President of Council

10-16-2018  
Date passed



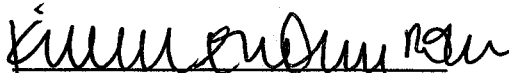
Samuel D. Keller  
Mayor

10-16-2018  
Date approved

Attest:

  
Jenny M. Eilermann  
Clerk of Council

Approved as to form:

  
Kimberlee Erdman Rohr  
Law Director

CERTIFICATE OF PUBLICATION

I, Jenny M. Eilermann, Clerk of the Council of the City of Cheviot, Ohio, hereby certify that the foregoing ordinance, or a succinct summary, was published in the *Western Hills Press*, a newspaper of general circulation in the City of Cheviot, Ohio, in accordance with Section 731.21 of the Ohio Revised Code, on the following dates:

- 1) 10-24, 2018, and
- 2) 10-31, 2018.

  
\_\_\_\_\_  
Jenny M. Eilermann  
Clerk of Council