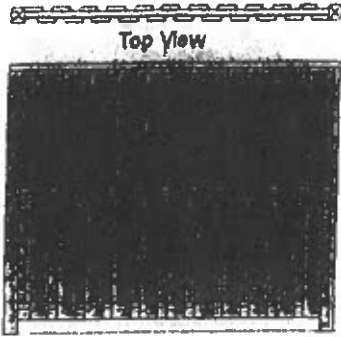
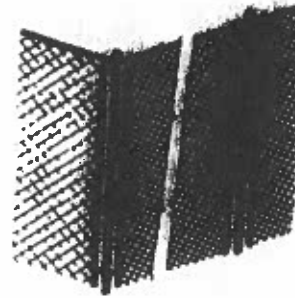


# FENCE CONSTRUCTION



**Board On Board**



**Chain Link**

## REQUIREMENTS FOR FENCE CONSTRUCTION

Fences shall be erected and conform to all items listed below and all other applicable City Ordinances and Codes.

1. Before constructing any fence, a permit shall first be obtained from the Building Department. A permit for a "living fence" (hedges, shrubs, bushes or plants) is not required. When applying for a permit, a sketched plot plan (a bird's eye view drawing) of where the proposed fence will be installed and all property lines is required.
2. All fences must be installed on owner's property. Responsibility to locate property lines is that of the homeowner.
3. Fences, not in excess of 6 feet as measured above the natural grade, may be of the types shown above.
4. No electrified fences or barbed wire fences shall be permitted. When installing Chain Link type fencing both the top and bottom must have finished edges (no sharp ends).
5. The City of Willowick requires that the exterior or finished side of fence face the adjacent property or the public and that the unfinished or post side shall face the interior of property.
6. No fences shall be erected or placed between the rear building line and the street line and no "living fence", designated in this area, shall exceed 3 feet in height above grade. "Living Fences", located at intersections, shall not exceed 3 feet in height.
7. All fences shall be maintained in good condition so as not to become unsightly, unsafe, a nuisance or detrimental to the surrounding area.

If the house has a side entrance, the fence may be installed 2 feet forward of the entrance toward the front building line.

**ALL FENCE POSTS SHALL BE INSTALLED TO A DEPTH OF 42" AND SET IN CONCRETE TO WITHIN 2" OF GRADE.**

# CHAPTER 1165

## Fences

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- 1165.01 Title.
- 1165.02 Permit required.
- 1165.03 Height limitations.
- 1165.04 Barbed wire, electric and stockade fences.
- 1165.05 Double fencing.
- 1165.06 Construction of joint fences by adjoining landowners.
- 1165.07 Fences in front yards, side yards, and on corner lots; proximity to sidewalks.
- 1165.08 Swimming pool fence permits.
- 1165.09 Appeals for denial of fence permit.
- 1165.10 Compliance.

### **CROSS REFERENCES**

Snow fences - see GEN. OFF. 517.07

Enclosures of swimming pools - see BLDG. 1339.11

### **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.

(Ord. 95-7. Passed 6-6-95; Ord. 2001-37. Passed 7-10-01; Ord. 2012-20. Passed 3-20-12; Ord. 2017-10. Passed 6-20-17.)

### **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).  
Ord. 2012-20. Passed 3-20-12; Ord. 2017-10. Passed 6-20-17.)

### **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.

(Ord. 95-7. Passed 6-6-95; Ord. 2001-37. Passed 7-10-01; Ord. 2012-20. Passed 3-20-12; Ord. 2017-10. Passed 6-20-17.)

### **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.

(Ord. 95-7. Passed 6-6-95; Ord. 2001-37. Passed 7-10-01; Ord. 2007-24. Passed 4-17-07; Ord. 2012-20. Passed 3-20-12; Ord. 2017-10. Passed 6-20-17.)

### **1165.05 DOUBLE FENCING.**

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

(Ord. 95-7. Passed 6-6-95; Ord. 2001-37. Passed 7-10-01; Ord. 2012-20. Passed 3-20-12; Ord. 2017-10. Passed 6-20-17.)

### **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.

(Ord. 95-7. Passed 6-6-95; Ord. 2001-37. Passed 7-10-01; Ord. 2012-20. Passed 3-20-12; Ord. 2017-10. Passed 6-20-17.)

### **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.

(Ord. 97-36. Passed 7-15-97; Ord. 96-51. Passed 1-7-97; Ord. 2001-12. Passed 6-19-01; Ord. 2001-37. Passed 7-10-01; Ord. 2012-20. Passed 3-20-12; Ord. 2017-10. Passed 6-20-17.)

#### **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.

(Ord. 95-7. Passed 6-6-95; Ord. 2001-37. Passed 7-10-01; Ord. 2012-20. Passed 3-20-12; Ord. 2017-10. Passed 6-20-17.)

#### **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.

(Ord. 95-7. Passed 6-6-95; Ord. 2001-37. Passed 7-10-01; Ord. 2012-20. Passed 3-20-12; Ord. 2017-10. Passed 6-20-17.)

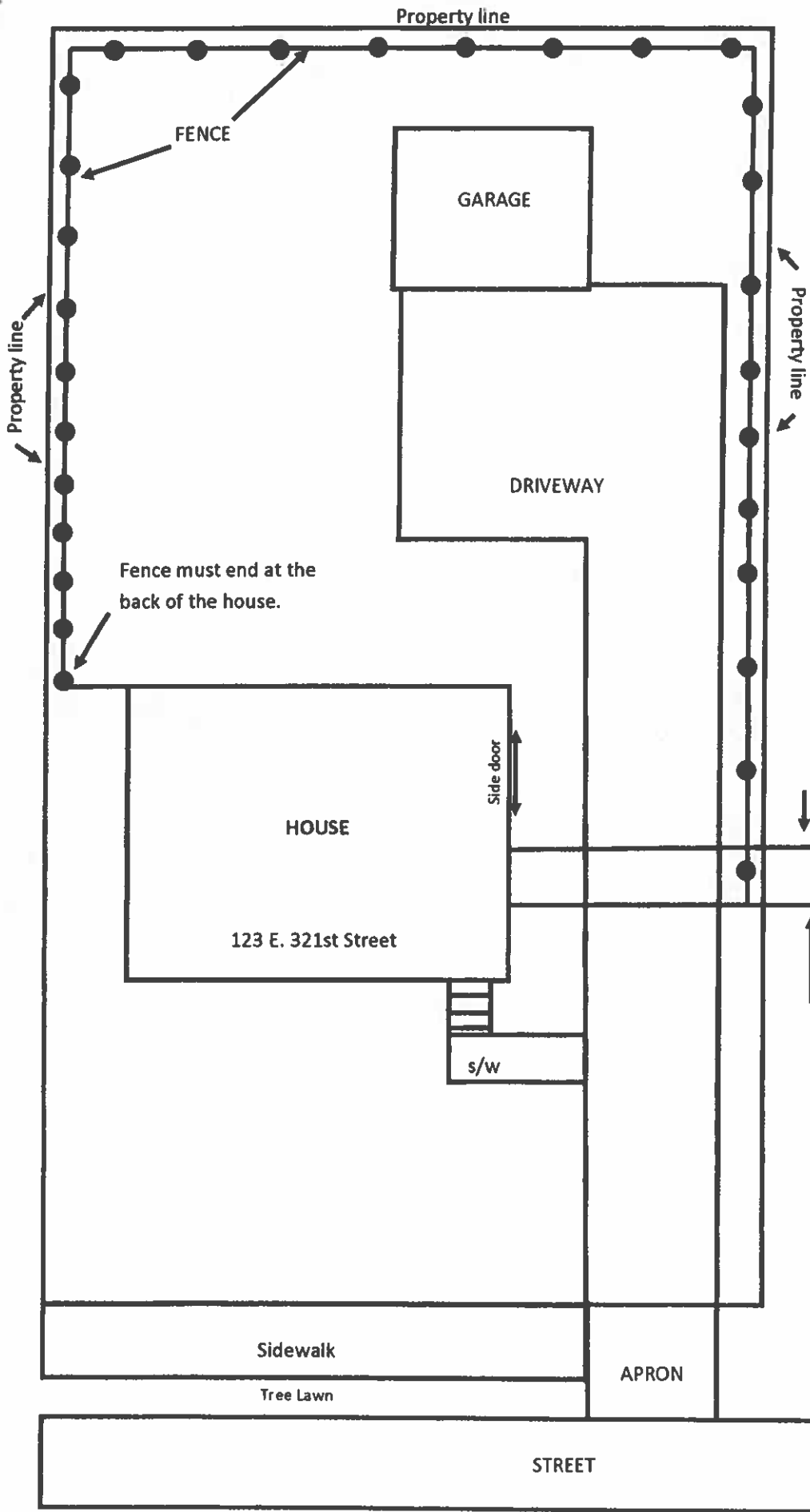
#### **1165.10 COMPLIANCE.**

(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.

(Ord. 95-7. Passed 6-6-95; Ord. 2001-37. Passed 7-10-01; Ord. 2012-20. Passed 3-20-12; Ord. 2017-10. Passed 6-20-17.)

# SAMPLE PLOT PLAN



## REQUIRED INFORMATION

1. Height of fence.
2. Type of fence.
3. Location of new fence shown on plot plan
4. Location of any existing fence.
5. Total length of fence to be installed.

### Note:

Fence and posts are to be entirely in/on fence owners property.

**DOUBLE FENCING IS NOT ALLOWED.**

Fence may be a maximum of 2' in front of the side door

**For Office Use Only**

Date: \_\_\_\_\_

Permit #: \_\_\_\_\_

Receipt #: \_\_\_\_\_

Amount: \_\_\_\_\_

Issued By: \_\_\_\_\_

**City Of Willowick**  
 31230 Vine St. Willowick Oh 44095  
**Permit Application**  
 440-516-3000



**Type Of Permit**

Concrete     Waterproofing (exterior only)     Sewer  
 Roof (non structural)     Siding     Shed     Fence  
 Temporary Sign     Sign Face Change  
 Sidewalk     Driveway     Apron     Other

**Detailed Work Description:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

OWNER	ADDRESS		
CITY	STATE	ZIP	
PHONE(HOME)	WORK		

CONTRACTOR

---

COMPANY

---

ADDRESS

---

CITY	STATE	ZIP
------	-------	-----

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AGENT	PHONE
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Are you currently registered with the City of Willowick  Yes  No

Date work will begin: \_\_\_\_\_ Completed: \_\_\_\_\_ Estimated Cost: \$ \_\_\_\_\_

I state that the undersigned will notify the Zoning Department to inspect the following: forms prior to pouring concrete, sewers, drain tile, waterproofing before backfill, fence post holes before concrete and all final inspections of all work performed. It is the responsibility of the permit holder to make the necessary arrangements for all inspections with the Zoning Department. I agree to abide by all the conditions herein contained and to comply with all laws and ordinances of the City Of Willowick and the laws of the State of Ohio if applicable and said agreement is a condition of said permit.

Applicant's Signature

Date

Print Name

Date: \_\_\_\_\_  
 Bldg Permit #: \_\_\_\_\_  
 Amt of Contract: \_\_\_\_\_  
 Receipt #: \_\_\_\_\_  
 Job Location: \_\_\_\_\_

**REGIONAL INCOME TAX AGENCY**  
**Building Dept Registration of Contractors**  
 (To be Submitted with Application of Building Permit)

**MUNICIPAL INCOME TAX**  
**CITY OF WILLOWICK**

Contractors Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_  
 Fed ID# or Soc Secur #: \_\_\_\_\_

Type	Contractor	Address:	SSN# or Fed ID#	Contract Amt	Estimated Wages:
Carpentry				\$	\$
Masonry				\$	\$
Excavation				\$	\$
Septic Tank or Sewer				\$	\$
Hot Roofing				\$	\$
Plumbing				\$	\$
Sheet Metal				\$	\$
Electrical				\$	\$
Refrigeration				\$	\$
Air Conditioning				\$	\$
Warm Air Heating				\$	\$
Steam Vapor				\$	\$
Hot Water				\$	\$
Dry Wall or Plastering				\$	\$
Demolition				\$	\$
Landscaping				\$	\$
Painting & Decorating				\$	\$
Other				\$	\$
<b>Total</b>				\$	\$



Homeowner's Exception to Contractor Registration Requirements

...such work is actually performed by the property owner or members of the owner's immediate family, same being defined as the owner's spouse, child, grandchild, sibling or parent, and the work is performed without compensation. Any work performed by the property owner shall be subject to all of the provisions of the City Building Code and to all inspections required under the Code. (Ord. 74-36. Passed 5-20-74).

PLEASE NOTE-Signature Required:

I, the undersigned, hereby state and affirm the following:

- If I subsequently hire anyone outside my immediate family, whether compensated or not, I am responsible to see that this individual or entity is registered as a contractor with the Willowick Building Department. If I keep the permit in my name, I am considered the "General Contractor" and retain full responsibility for the work performed.
- If I receive uncompensated help from my immediate family for this project and damages are incurred either to property or person, I take full responsibility for the work performed.
- I understand that all interior plumbing work requires a permit from the Lake County Health Department and the work is to be inspected and approved by the same; and that plumbing contractors must be registered with the Willowick Building Department.
- **751.99 PENALTY.** Any person or contractor who performs or authorizes the performance of work in the City without first complying with the provisions of this chapter shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than thirty days, or both.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date