Permit # _____

APPLICATION FOR A FENCE PERMIT

1868 E. Perry Street
Port Clinton, OH 43452
419-734-5522

Applicant: _____

Address: _____ Phone: _____

Description of fence type: _____

Length of fence: _____

Height of fence: _____

Location of fence: _____

Adjoining property owners:

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Fence must be complete 6 months from approval date or permit becomes invalid.

*I understand and state that all information contained here in is true and correct. If it is found to be in error, my permit may be revoked.

Signature: _____

OFFICE USE ONLY

☐ Approved ☐ Denied

_____	_____	_____
Fee Paid	Safety Service Director	Date

The following sketch indicates an overview of property showing the location of the residence and any accessory buildings as well as the location of the proposed fencing.

(Draw to scale and show all necessary dimensions.
Indicate exact location of proposed fencing i.e. on property line, 5' off line, etc.
Also indicate NORTH direction.)

CHAPTER 1309
Fences

1309.01 Definitions.
1309.02 Permitted fences.
1309.03 Swimming pools.
1309.04 Restricted fences.
1309.05 Similar fences.
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1309.07 Maintenance.
1309.08 Permit.
1309.09 Inspection.
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1309.99 Penalty.

CROSS REFERENCES

Power to regulate - see Ohio R.C. 715.27
Required around junkyards - see Ohio R.C. 4737.05 et seq.
Buffering requirements - see P. & Z. 1147.04

1309.01 DEFINITIONS.

(a) "Fence" means any structure composed of wood, iron, steel, shrubbery, hedges or other material erected in such a manner and position as to enclose or partially enclose any premises or any part of any premises. Trellises or other structures supporting or for the purpose of supporting vines, flowers, and other vegetation when erected in such a position as to enclose any premises or any part of any premises shall be included within this definition. 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 premises or of separating premises from adjoining premises, shall not be included within this definition.

(b) "Privacy fence" means a fence made to inhibit public view and provide seclusion and, when viewed at an angle, has very little, if any, of the area of its vertical plane (the area within a rectangular outline enclosing all parts of the fence in its vertical plane) open to light or air. Examples of privacy fences may include:

(1) Basket weave or woven fence. A fence made of interwoven strips or slats of flexible or semi-flexible material in which the pattern has the appearance of a plaited basket.

(2) Louver or ventilating fence. A fence made of a series of slats placed at an angle or positioned so as to provide air but to deflect light perpendicular to its vertical plane.

(3) Stockade or Palisade fence. A fence constructed with a row of large pointed stakes placed upright against each other having more than fifty percent (50%) of the area of its vertical plane closed to light or air.

(c) "Open ornamental fence" means a fence usually made of wood constructed for its beauty or decorative effect and, when viewed at an angle, one would have the ability to see through the fence to the adjoining property. Examples of open ornamental fences may include:

(1) Rail or split rail fence. A fence constructed of narrow, whole or split, wooden timbers placed horizontally between upright supporting posts.

(2) Picket fence. An open fence made of upright pales or slats.

(3) Shadow box fence. A fence constructed of boards placed vertically and alternately from one side of the supporting members to the other side of the supporting members, leaving equal space between the boards on both sides. No overlapping of boards shall be allowed. The supporting members shall be a minimum of 4 inches wide with the supporting posts being a minimum of 4 inches by 4 inches.

(d) "Chain link fence" means a fence usually made of metal consisting of loops of wire interconnected in a series of joined links.

(e) "Barbed wire fence" means a fence made with metal wire having sharp points or barbs along its length.

(Ord. 33-05. Passed 11-8-05.)

1309.02 PERMITTED FENCES.

Fences shall be permitted in required yards as follows unless an unpierced masonry wall is required pursuant to Chapter 1147 of the Planning and Zoning Code and such fences would be in conflict thereof. In such event, the Planning and Zoning Code shall control. For all types of fences, a minimum setback of five feet from any public alley shall be required.

(a) Open ornamental fences shall be permitted at public facilities and residential zoning districts.

(1) Front yards. Open ornamental fences may be erected in front yards parallel to the building line to a height not exceeding forty two inches above the natural grade, provided however, that rail or split rail fences may be erected in front yards parallel to and on or approximately on the common property line, but not nearer than one foot to the street right of way.

(2) Side and rear yards. Open ornamental fences may be erected in side and rear yards parallel to and on, or approximately on, the common property line to a height of not more than five feet above the natural grade.

(b) Chain link fences shall be permitted in all zoning districts only in rear and side yards. Such fences may be erected parallel to and on, or approximately on, the common property line to a height not exceeding five feet above the natural grade.

(c) Privacy fences shall be permitted in all zoning districts only in rear yards. Such fences may be erected parallel to and on, or approximately on, the common property line to a height not exceeding six feet in height above the natural grade.

(d) Shrubbery or hedges shall be permitted in public facilities and residential zoning districts.

(1) Front yards. Shrubbery, hedges, or landscaping may be permitted in front yards parallel to the building line to a height not exceeding three feet, but not nearer than one foot to the street right of way. All shrubbery, hedges, or landscaping so placed shall be kept trimmed and maintained so as not to interfere with the line of sight for any vehicular traffic and so as not to hinder, obstruct, or interfere with the full use of any sidewalk or other public right of way.

(2) Side and rear yards. Shrubbery, hedges, or landscaping may be permitted in side and rear yards parallel to and on, or approximately on, the common property line to a height of not more than five feet, except that when a side yard or a rear yard is adjacent to any alley or other public right-of-way, the shrubbery, hedges, or landscaping shall be set back five feet from the property line, and the shrubbery, hedges, or landscaping shall be kept trimmed and maintained so as not to interfere with the line of sight of vehicular traffic or encroach into the right-of- way of the alley or other public right-of-way.

(e) A fence shall not be located within three feet of a utility box, manhole or other apparatus that may be used for maintenance of a utility. Fences placed on utility easements shall provide access to any manhole, utility box, clean out or other apparatus that may be used from time to time for maintenance of the utility. When a fence obstructs access to a utility box, manhole or other public apparatus for maintaining utilities, or obstructs the proper flow of water in a drainage easement, the owner shall be required to remove and replace such fence at his/her expense without remuneration from the City. This section shall not prohibit the City from removing any fence located in a utility or drainage easement that obstructs a utility box, manhole or other apparatus or obstructs the proper flow of water.

(Ord. 33-05. Passed 11-8-05.)

1309.03 SWIMMING POOLS.

Swimming pools located within the corporate limits of the City shall be surrounded by a fence not less than four feet in height, and all openings, doorways and entrances into such pool area shall be equipped with gates of equal height with the fence, which gates shall be provided with latches. Aboveground pools shall not be included within the definition of "swimming pool" in this section.

(Ord. 29-77. Passed 9-13-77.)

1309.04 RESTRICTED FENCES.

Barbed wire fences, stockade or electrified fences are hereby prohibited.

(Ord. 29-77. Passed 9-13-77.)

1309.05 SIMILAR FENCES.

The Safety-Service Director may permit other fences which are similar in character and design to one or more of the above permitted fences.

(Ord. 29-77. Passed 9-13-77.)

1309.06 CORNER OR THROUGH LOT.

Where a rear or side yard abuts a street, fences otherwise permitted in side or rear yards shall not extend into required yards, provided however, that this provision shall not prohibit permitted rail or split rail fences erected in such side or rear yards parallel to and not nearer than one foot to the side or rear property line, at a height not to exceed three feet above the natural grade. (Ord. 29-77. Passed 9-13-77.)

1309.07 MAINTENANCE.

All fences shall be maintained in good condition, be structurally sound, safe and attractively finished at all times. Grounds between fences and property lines shall be well maintained at all times. Any fence permitted on the property line shall be designed, constructed and finished so that the supporting members thereof shall face the property of the owner of the fence. If a fence does not meet these standards, the owner of the property with the fence shall be subject to the penalty of Section **1309.99**.
(Ord. 33-05. Passed 11-8-05.)

1309.08 PERMIT.

(a) Any fence which may be permitted shall require the issuance of a permit by the Safety-Service Director or a designated representative after the same has been approved by him. A fence permit shall be granted only upon the basis or representation made by clear drawings and specifications accurately indicating the location, kind of material and full dimensions in figures of such fence. The representations shall be made on forms furnished by the Safety-Service Director, and shall be signed by the owner of the property on which the fence is located.

(b) If the fence described in the fence permit has not been substantially completed within six months of the date of issuance, the permit shall expire and be revoked by the Safety- Service Director or his designated representative. No further work shall proceed on the fence until a new fence permit has been obtained. If a new fence permit is not obtained within 90 days of the expiration of the permit, upon the written demand of the Safety-Service Director, all portions of the fence which were installed shall be removed by the owner of the property.

(c) A permit fee for the erection of a fence, as set by Council, shall be paid prior to the issuance of a permit.
(Ord. 33-05. Passed 11-8-05.)

1309.09 INSPECTION.

Each property owner shall determine property lines and ascertain that the fence thus constructed does not deviate from the plans as approved by the Safety-Service Director issuing permits, and such fence does not encroach upon another lot or parcel of land. The City shall furnish such inspection as is deemed necessary to determine that such fence is constructed in accordance with plans submitted for permit, provided however, that the issuance of such permit by the City shall not be construed as to mean the City has determined such fence is not encroaching upon another lot, nor shall it relieve the property owner of the duty imposed upon him herein.
(Ord. 29-77. Passed 9-13-77.)

1309.10 REQUEST FOR VARIANCE.

(a) Application for Variance. An application for a variance may be taken by any property owner, including a tenant, from the provisions and requirements of this chapter. The application shall be to the Board of Zoning Appeals (hereinafter referred to as the Board). The application shall be filed with the Administrative office of the Board, who shall transmit the same to the Board. A fee as established by Council shall accompany any application for a variance.

(b) Variance by Board. No variance shall be granted unless the board finds that all of the following facts and conditions exist:

(1) That special circumstances or conditions apply to the subject property that do not apply generally to other properties in the same zoning district.

(2) That the special circumstances or conditions are not the result of the actions of the property owner or applicant.

(3) That the special circumstances or conditions make it necessary that a variance be granted to preserve a substantial property right of the applicant which is possessed by owners of other property in the same zoning district.

(4) That the grant of a variance will not be injurious to neighboring properties and will not be contrary to the public interest or the intent and purpose of this Chapter.

Factors or standards to be considered and weighed for an area variance include, but are not limited to the following:

(1) Whether the variance is substantial.

(2) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.

(3) Whether the variance would adversely affect the delivery of governmental services.

(4) Whether the property owner's predicament feasibly can be prevented through some method other than a variance.

(5) Whether the spirit and intent behind the fence regulations would be observed and substantial justice done by granting the variance.

(c) In granting a variance, the board, may impose such requirements and conditions regarding the location, character and other features of the proposed fence structure as the board deems necessary to carry out the intent and purpose of the fence regulations and to otherwise safeguard the public safety and welfare.
(Ord. 33-05. Passed 11-8-05.)

1309.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor. Each day that such violation continues shall constitute a separate offense.
(Ord. 29-77. Passed 9-13-77.)

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