

Fences, Walls, or Hedge Rows

1146.01 FENCES, WALLS, HEDGE ROWS DEFINED

"Fence", "Wall", "Hedge Row" shall mean any structure composed of wood, iron, steel, masonry, stone, any type of growing plant or shrub, or other material not listed, and erected in such a manner and in such a location as to enclose, secure, partially enclose or secure, provide privacy, decorate, define or enhance all or any part of any premises. Trellises or other supporting structures, supporting or for the purpose of supporting vines, flowers, and other vegetation, when erected in such a position as to enclose all or any part of the premises or otherwise satisfy the intent of this definition shall be considered a fence.

1146.02 LOCATION AND HEIGHT REQUIREMENTS

The following requirements are for any and all fences, walls, and hedge rows constructed within the Municipality whether constructed on residential, commercial, public, or private property:

- a) Fences, walls, or hedge rows erected within the minimum front yard setback shall not exceed three feet (3') in height.
- b) Fences, walls, or hedge rows erected, other than within the minimum front yard setbacks, shall not exceed six feet (6') in height.
- c) Corner lots, where both sides of the lot face the street, shall be treated as a front yard as it relates to this Ordinance.
- d) Fence, wall, and/or hedge row height shall be determined by its height measured from the natural grade.
- e) Fences, walls, and/or hedge rows shall not obstruct clear site distances at intersections. No fences, walls, and/or hedge rows shall be constructed within a triangle of twenty-five feet (25') from the intersection of the right-of-way lines.
- f) Fences, walls, and/or hedge rows constructed in Commercial and Industrial Districts shall be limited to six feet (6') in height. Fences may contain barbed wire, provided that the barbs shall be no less than six feet (6') above the ground or supporting area and shall not project over adjoining properties or right-of-way lines.
- g) Snow fences may be erected between November 1st and March 31st ; however, all snow fences shall be removed by April 15th.
- h) Temporary fences or walls used during building construction or renovation shall not be subject to this Chapter.
- i) Arbors, attached to a fence, shall not exceed ten feet (10') in height.

- j) No hedges or other types of growing plants or shrubs exceeding thirty inches (30") in height, except deciduous trees, shall be planted within the street right-of-way.
- k) All fences or walls, which enclose athletic fields, tennis courts, basketball courts or the like, shall be presented to the Planning Commission for approval.

1146.03 ZONING PERMIT REQUIRED

No person, firm, corporation, property owner, or developer shall erect a fence, wall, and/or hedge row within the Municipality without first securing a zoning certificate in accordance with the following regulations:

- (a) The owner, part owner, or developer of any lot, premises, or parcel of land within the Municipality shall apply to the Zoning Inspector for a zoning certificate.
- (b) The Zoning Inspector shall issue a zoning certificate provided that the applicant:
 - (1) Submits a written application upon forms furnished by the Zoning Inspector, along with all required fees as established in Section 163.14(j) of the Codified Ordinances; a plot plan of the lot, premises, or parcel attached showing the exact location of the proposed fence, wall, and/or hedge row in relation to existing structures; a description of the kind and height of fence, wall, and/or hedge row including building materials and method of construction. Each application shall indicate the owner of the property, the occupant of the property, and the contractor or other person that will construct and/or erect the fence, wall, and/or hedge row.
 - (2) Meets all of the requirements of this Chapter and the Munroe Falls Zoning Ordinance. If the provisions of this Chapter are in conflict with any other provision of the Zoning Ordinance, the provisions of this Chapter shall supersede the other sections of the Zoning Ordinance.

1146.04 GENERAL REQUIREMENTS

All fences, walls, and/or hedge rows erected within the Municipality shall meet the following general requirements:

- (a) A fence or wall of permitted height and design may be constructed along or upon common property lines and across any utility easement so as to allow maximum use of the area to be enclosed. Fences or walls placed on utility easements shall provide access to manholes, utility boxes, clean outs or other apparatus that may be used from time to time for maintenance of the utility. Fences or walls in drainage easements shall require prior approval of the City.
- (b) When a fence or wall obstructs access to a utility box, manhole, or other public apparatus for maintaining utilities, the owner shall be required to remove such fence or wall at his expense without remuneration from the City. The height of the fence or wall shall not include the posts, except, however, the posts may not exceed the fence or wall height by more than six (6) inches.

- (c) Except when constructed of materials that have been designed or manufactured to remain untreated, all fences or walls shall periodically be treated with paint or chemicals so as to retard deterioration.
- (d) All fences or walls shall be maintained in good repair, structurally sound, and sanitary so as to not pose a threat to public health, safety, and welfare. If any fence or wall is found not to be in the state of good structural repair, it shall be removed, replaced, or repaired as required by the Munroe Falls Nuisance Abatement Code, Chapter 1175.
- (e) All fences or walls shall be constructed with the posts of the fence or wall facing inside the structure.

1146.99 PENALTY

The owner of any lot, parcel, or property within the Municipality where anything in violation of this Chapter is erected, planted, and/or constructed and any architect, builder, contractor, occupant, or developer who assists in the commission of any violation, and any person that fails to comply with any of the provisions of this chapter shall, for each violation or noncompliance, be fined not more than one hundred dollars (\$100.00). A separate offense shall be deemed committed each day during or on which a violation occurs or continues.