

ORDINANCE NO.: 21 -2021  
INTRODUCED BY: Alexander

**AN ORDINANCE AMENDING CHAPTER 1313, "FENCES," OF THE BUILDING CODE TO PROVIDE FOR ADDITIONAL DEFINITIONS AND REGULATIONS WITH RESPECT TO PERMITTED FENCES AND CONSTRUCTION REQUIREMENTS.**

WHEREAS, the City has all powers of home rule which may now or hereafter lawfully be possessed or exercised by municipalities under the laws of the state of Ohio, including the power to make regulations for the safety, health and welfare of its citizens and all those who work in and visit the City;

WHEREAS, providing for the regulation of fences within the City will enhance the public safety, health and welfare;

WHEREAS, this Council desires to amend Chapter 1313, "Fences," of the Building Code to provide for additional definitions and regulations with respect to permitted fences and construction requirements to enhance the public health, safety and welfare;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Richmond Heights, Ohio, Cuyahoga County, State of Ohio that:

Section 1. Sections 1313.01, "Definitions", 1313.02, "Permitted Fences", and 1313.07, "Construction and Maintenance" of Chapter 1313, "Fences," of the Codified Ordinances of the City of Richmond Heights is hereby amended to provide as follows:

**1313.01 DEFINITIONS.**

- (a) "Privacy fence" means a fence **constructed of wood, PVC or vinyl and** designed to generally inhibit public view, constructed of a palisade design with a row of pickets **or solid panels** vertically attached on one or both sides to the supporting horizontal structure **and on vertical posts, as necessary**; ~~providing an open area between each picket in the same vertical plane.~~ Permitted privacy fences include:
- (1) "Board-on-board" means a fence with upright pickets alternating on each side of the horizontal supporting structure. The pickets are spaced apart one-half (1/2) the width of the picket.
  - (2) "Upright picket" means a fence with upright pickets constructed on one said of the horizontal supporting structure spaced no less than one-half (1/2) inch apart.
  - (3) **"Stockade Fence" means a simple or decorative fence constructed with wood, metal or vinyl boards, planks or panels that has edges placed tightly against one another, providing partial or total protection from public view.**
- (b) "Open ornamental fence" means a fence of architectural design, constructed for a decorative effect or as a landscape accent. Permitted open ornamental fences include:

- (1) "Post and rail or split fence" means a fence constructed of not more than three (3) narrow members placed horizontally between upright supporting posts.
- (2) "Traditional picket fence" means a fence with upright pickets constructed on one side of the horizontal supporting structure spaced apart a distance equal to the width of the picket.
- (c) "Chain link fence" means a metal fence, consisting of loops of minimum nine (9) gauge wire, interconnected in a series of joined links.
- (d) "Temporary snow fence" means a fence made from narrow vertical wood strips fastened with horizontal bands of twisted wire, or from extruded sheets, which is normally used in the winter to control the drifting of snow.

### 1313.02 PERMITTED FENCES.

**Only the following** fences shall be permitted as follows:

- (a) **Privacy Fences.** Privacy fences, not more than six feet in height, shall be permitted only in rear yards, or in side yards where there is an exit from the house or garage. A privacy fence shall be permitted no closer than three inches from the rear property line and rear side property line.
- (b) **Open Ornamental Fences.** Open ornamental fences shall be permitted as follows:
  - (1) **Front yards.** Open ornamental fences may be erected in front yards parallel to the building line to a height not exceeding three feet; provided, however, that rail or split rail fences may be erected in front yards parallel to one foot from the common property line and three feet from the street right of way line.
  - (2) **Rear and side yards.** Open ornamental fences may be erected in rear yards and in side yards where there is an exit door from the house or garage, parallel to and six inches from the common property line to a height not more than six feet.
  - (3) **Patio enclosure fence.** A privacy fence is permitted around the perimeter of an outdoor patio or eating area in a residential district to provide privacy of the occupants of the patio provided that it shall not be closer than ~~three feet~~ **three inches** from the adjoining property.
- (c) **Chain Link Fences.** Chain link fences shall be permitted only in rear yards, or in side yards where there is an exit door from the house or garage. Such fences may be erected three inches from the common property line to a height not more than ~~five~~ **six** feet above the natural grade, except where swimming pool enclosure requirements shall be applicable.
- (d) **Temporary Snow Fences.** A temporary snow fence is permitted during the months of November through March. No snow fence shall be erected or installed closer than twenty feet from a driveway of an abutting property. A snow fence shall not exceed four feet in height and shall not be located so as to impair vision of motorists from a road or street into a driveway.
- (e) The Planning Commission has the authority to determine the height, design, and materials of fences located on lots used by medical marijuana entities without the requirement of the applicant for a fence permit seeking a variance from the provisions of this section.
- (f) **Any fence that can be construed to have a finished and an unfinished side, or on which the supporting posts and/or rails are visible from only one side of the fence creating a less desirable appearance, shall have the finished side of the fence facing outward toward the abutting property. All landscaping and vegetation of the portion of property located in**

between a fence and the property line shall be maintained in good condition by the owner of the parcel with the fence regardless of the width or size of the area in question.

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**1313.07 CONSTRUCTION AND MAINTENANCE.**

**(a) Fences shall be constructed in a workman-like manner, in a straight line, where applicable, and shall be plumb and erect. Fence posts shall be placed at a minimum depth in the ground of three feet, or deeper where the design or location of the fence will incur unusual wind or other loads. Only the property disturbed by the erection and location of a fence shall be the property of the owner of said fence.**

**(b)** Such permitted fences shall be maintained in good condition, be structurally sound and attractively finished at all times. Any grounds between such fences and property lines shall be well maintained at all times with the grass in any such area not exceeding five inches. Any such fences shall be designed, constructed and finished so that the supporting members thereof shall face the property of the owner of the fence.

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Section 2. Existing Sections 1313.01, "Definitions", 1313.02, "Permitted Fences", and 1313.07, "Construction and Maintenance" of Chapter 1313, "Fences," of the Codified Ordinances of the City of Richmond Heights are hereby repealed.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4. This Ordinance shall take effect and be in force at the earliest time permitted by law.

PASSED: March 9, 2021

  
David H. Roche, Mayor

APPROVED: March 9, 2021

ATTEST: Betsy Traben  
Betsy Traben  
Clerk of Council

  
Eloise Cotton-Henry  
President of Council