CITY OF BAY VILLAGE – APPLICATION FOR FENCE PERMIT

Type of Permit:

_____ Fence

Address: _____
Job site

Owner: _____

Installer: _____
Company name

Address: _____

_____
Phone

REQUIRED DRAWINGS:

1. Property circumference dimensions
2. Location of **existing** buildings
3. Location of **existing** fencing (include height & length)
4. Location of **existing** neighbors' fencing.
5. Location of proposed fence (including height, length, construction materials, and distance from property lines). Ten-day intent placard supplied by the Building Department must be posted in the front and rear yard. The fence location must be marked on the property by using posts and string.
6. Any dispute over the location of the proposed fence because of a property line location shall be settled by the applicant providing a current survey.

Is this a corner property? _____.

If this is a privacy fence, how far is the fence from neighbor's home? _____.

Date of Application _____

Approved _____

FENCE PERMIT REQUIREMENTS

1. Submit application on approved forms.

2. Post two "Intents to Build" placards for ten days.

3. Mark location of new fence by attaching string to temporary posts.

4. Wait ten days for plans to be examined and objections filed.

5. After ten days and final approval come back and pay for your fence permit.

CHAPTER 1163
Fence Regulations, Residence Districts

1163.01 Purpose.
1163.02 Scope.
1163.03 Definition.
1163.04 Establishing regulations; fee.
1163.05 Fence regulations.
1163.99 Penalty.

CROSS REFERENCES

Definitions - see P. & Z. Ch. 1121
Setback requirements for accessory use or structure, Residence Districts – see P. & Z. 1149.01 et seq.
Swimming pool protective barriers - see BLDG. 1349.07
Restraint of Dangerous or Vicious Dogs – see Gen. Off. 505.24 (a)(2)

1163.01 PURPOSE.

The purpose of this chapter is to establish regulations controlling the use of fences, hedges and walls whereby the lot owner in a Residence District may have the privilege of privacy and landscape design within his own lot with due consideration to the environment of his neighbor, the appearance of the community and the safety of the public and the individual. (Ord. 04-65. Passed 5-17-04.)

1163.02 SCOPE.

This chapter shall apply to all Residence Districts. The fence regulations herein shall not apply to any permanent fence structure four feet or less in height erected prior to the effective date of this ordinance. (Ord. 04-65. Passed 5-17-04.)

1163.03 DEFINITION.

(a) As used in this chapter, "fence" means any permanent enclosing structure including walls, privacy screens, sight barriers, or dog runs. Retaining walls are specifically excluded from this definition.

(b) As used in Section 1163.05(g), Lakefront Yard, "fence" means any enclosing structure, permanent or planted, including walls, windbreaks, privacy screens, sight barriers, dog runs, hedges, shrubs or vines planted so as to constitute a fence. Retaining walls are specifically excluded from this definition.

(c) Height: As used in this Chapter 1163 "height" means the vertical distance measured from the existing grade at the base of the fence, at any point along the fence, to the highest most point of the fence and/or fence posts.

(d) Living Fence: As used in this Chapter 1163 "living fence" means a live hedge, bush, shrub, plant, ornamental tree and/or grasses which by their nature grow to heights exceeding three feet and are planted, arranged or have grown to such an extent that they create a line of sight barrier to motorists using driveways, as determined by the Building Director. (Ord. 04-65. Passed 5-17-04.)

1163.04 ESTABLISHING REGULATIONS; FEE.

Fences shall be designed, erected, altered, reconstructed, moved, anchored, positioned and maintained, in whole or in part, strictly in accordance with the provisions of this chapter and permit obtained from the Building Commissioner. Fee for such permit shall be as established in Chapter 1305. (Ord. 04-65. Passed 5-17-04.)

1163.05 FENCE REGULATIONS.

(a) General. Fences shall be designed to be aesthetically attractive and shall present a finished side to the adjoining property, which side shall not be adorned with signs, graphics or paintings of any kind. Fences shall be maintained in good repair and appearance.

(b) Placement. Fences shall be confined to the area within the lot line of the fence owner's property. Fences may be constructed anywhere within the limits of any required yard provided, however, the fence meets the regulations for that yard and the regulations that apply to any yard. In the event of property line dispute, it will be the responsibility of the party installing the fence to provide a survey at their cost.

(c) Any Yard.

(1) The requirements for swimming pool protective barriers shall take precedence where such requirements are in conflict with the regulations of this chapter.

(2) Any enclosing structure intended to serve exclusively as a dog run shall conform to the setback requirements for an accessory use or structure in Residence Districts.

(3) A chain link fence or other substantially open fence not used as a sight barrier, privacy screen, windbreak or dog run, shall not exceed four feet, four inches in height. The fence posts shall not exceed four feet, six inches in height.

(4) Any fence within ten feet in any direction from a point where any driveway, either on the fence owner's lot or the adjoining lot, intersects with the public sidewalk shall have a minimum of seventy-five percent open area.

(5) At least one unlocked gate or fence opening of a minimum of three feet in width shall be provided in each yard to permit emergency entrance from the street.

(6) No electrified or barbed wire fence shall be erected or installed in any location.

(7) Any living fence within ten feet in any direction from a point where any driveway, either on the fence owner's lot or the adjoining lot, intersects with the public sidewalk shall not exceed three feet in height.

(d) Front Yard. Fences within the front yard shall not exceed three feet, four inches in height. The fence posts shall not exceed three feet, six inches in height. Fences shall be setback at least one foot from public sidewalk.

(e) Rear Yard. Fences within the rear yard shall not exceed four feet, four inches in height. The fence posts shall not exceed four feet, six inches in height. (Ord. 04-65. Passed 5-17-04.)

(f) Side Yards. Fences within side yards shall not exceed four feet, four inches in height with fence posts maximum four feet, six inches in height. Fence shall be setback at least one foot from public sidewalk. (Ord. 04-140. Passed 11-15-04.)

(g) Lakefront Yard. Fences on a lakefront lot that are within the rear yard or the side yard which is adjacent to Lake Erie, lakefront yard, shall not exceed four feet, four inches in height confined to a distance not greater than twenty feet toward the lake from the main building. Only protective barriers which are not to exceed four feet, four inches in height with a minimum of seventy-five percent open area are permitted elsewhere within the lakefront yard. Fence posts shall not exceed four feet, six inches in height.

(h) Privacy Screen.

(1) A privacy screen may be constructed only behind the established building setback line or building line whichever is greater so that the length of the screen shall not exceed ten percent of the perimeter of the total lot.

(2) The privacy screen shall not exceed six feet, four inches in height. The posts shall not exceed six feet, six inches in height.

(3) The privacy screen shall not exceed thirty-two feet in any direction.

(4) No privacy screen between four feet, four inches and six feet, four inches in height with fence posts maximum four feet, six inches and six feet, six inches in height respectively shall be installed closer than ten feet from the adjacent neighbors' houses except when specifically consented to in writing by the neighbor, a copy of which shall be filed with the Department of Building Engineering and Inspection.

(i) Adjacent to Nonresidential Uses. Fences on residential properties adjacent to nonresidential uses may be six (6) feet, four inches in height along property lines which abut such nonresidential use; however, such fence shall be no closer than twenty (20) feet from the front property line. The fence posts shall not exceed six feet, six inches in height. (Ord. 04-65. Passed 5-17-04.)

(j) Temporary Wildlife Fences. Temporary fences to prevent the entry of animals into vegetable gardens are permitted when installed and maintained in compliance with the following requirements:

(1) Temporary fences may only be constructed using vinyl/plastic mesh open style netting material being either black or green in color. The material used shall be designed, manufactured and advertised for the prevention of animal entry. Fence post material shall be steel and either black or green in color and must be designed, manufactured and advertised for this type of fence.

(2) Temporary fences may be installed in the rear yard only and must be at least three (3) feet from property lines.

(3) Temporary fences shall not exceed eight (8) feet four (4) inches in height and fence posts shall not exceed eight (8) feet six (6) inches in height.

(4) Temporary fences may be installed on or after April 1st and shall be removed no later than November 15th of each year. (Ord. 10-70. Passed 6-21-10.)

1163.99 PENALTY.

Whoever refuses, neglects or fails to comply with the provisions of this Code shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars ($25.00) nor more than one thousand ($1,000) for a first offense and for a second or subsequent offense shall be guilty of a misdemeanor of the first degree. Each day such violation occurs or continues shall constitute a separate offense.
(Ord. 10-70. Passed 6-21-10.)