

**ORDINANCE 2021-03**  
**BY**  
**MAYOR RAYMOND ARRIOLA**

**AN ORDINANCE AMENDING §152.182 FENCES, WALLS, AND HEDGES OF THE MUNICIPAL CODE OF ORDINANCES OF THE VILLAGE OF NEW LEBANON, OHIO.**

**WHEREAS**, it is desirous to repeal the existing code and adopt the amended code of the New Lebanon Code of Ordinances; and

**WHEREAS**, the amending of this section will help maintain property levels and possibly increase their value, and at the same time promote the health, safety, and welfare of the residents of the Municipality of New Lebanon

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Municipality of New Lebanon, Ohio as follows.

**FENCES, WALLS, AND HEDGE REGULATIONS**

Purpose and Intent.

The intent of these provisions is to outline the regulations for accessory fences, walls and hedges. Such structures provide screening, privacy and security, provide a physical and visual barrier, improve pedestrian and vehicular traffic flow, and enhance aesthetics on private property.

The purpose of these regulations is to control the design and installation of fences, protect the general appearance of property within the community, and preserve the health and safety of the general public.

**152.182 General Provisions.**

- (A) No barbed wired or electric fence with the exception of an underground animal containment system is permitted in a residential district.
- (B) A permit is required prior to the installation of a new fence or fence section, or the relocation of any part of an existing fence located in any side or rear yard.
- (C) Fences, walls, and hedges shall not impede, inhibit, or obstruct culverts, drains, natural watercourses, or storm water drainage in any zoning district. No fence shall be constructed so as to alter the natural drainage of an existing property.
- (D) No fill or earthen berm, which results in a change of existing grade in developed or built-up areas of the Village, shall be used to accommodate the placement of a fence or wall.
- (E) All fences shall be installed so that support posts and other support mechanisms face the inside part of the fence and provides at least one easily accessible access point.
- (F) All fences and walls, and any related supported structures or appurtenances, shall be contained within the lot lines of the applicable lot and shall not encroach into adjoining or

- abutting lots and/or rights-of-way. Property owners, with written permission from abutting property owners, may connect to fences on adjoining properties.
- (G) It shall be the duty of each lot owner and contractor, or an agent thereof, to determine lot lines and to ascertain that the fence or wall does not deviate from the plans as approved by the Village issuing any applicable certificate or permit, and that the fence or wall does not encroach on another lot or existing easement. The issuance of the certificate or permit, and any inspection by the Village, shall not be construed to mean that the Village has determined the fence is not encroaching on another lot, nor shall it relieve the property owner of the duty imposed on him or herein.
  - (H) All fence line or property line disputes are civil in nature and are not the responsibility of the Village to resolve. When a fence appears to be erected on the property line it is the responsibility of both property owners to maintain the weeds and grass on their side of the fence according to the Property Maintenance Code.
  - (I) Both sides of all fences or walls and the surrounding property, where reasonably accessible, shall be maintained in equally good condition in accordance with the Property Maintenance Code. Materials used to build, maintain, and repair fences shall be similar to the existing material so as not to create a patchwork appearance.
  - (J) Walls shall be prohibited within all utility easements. Fences that are placed in utility easements are subject to removal without notice by utility companies or the Village when work is being done in the utility easements. Replacement of the fence shall be at the property owner's expense.
  - (K) If any provision of this section is violated, the Code Enforcement Administrator may order that the fence or wall be removed. No property owner shall fail to remove such fence or wall within ten days of the order.
  - (L) Residential Front Yards
    - (1) No fences, wall, hedges, or plantings shall be permitted to interfere with visibility to or from a driveway or corner intersection.
    - (2) Decorative front yard fences shall not exceed three (3) feet in height, except for decorative posts which may not exceed forty-two inches. Decorative front yard walls, when built of solid masonry or stone materials, shall not exceed two (2) feet in height within the required front yard.
    - (3) Such fence or wall may not be located closer than one (1) foot to the rear edge of the sidewalk; however, no fence or wall shall be constructed within the designated right of way.
    - (4) The length of a decorative front yard fence or wall shall not exceed fifty percent (50%) of the property frontage as measured at the public right-of-way. For the purposes of this Code, corner lots shall be considered as having two frontages.
    - (5) A minimum of fifty percent (50%) visibility must be maintained through the decorative fence.

(6) In no case, shall chain link, wire or steel mesh, plywood, particle board and other non-traditional fence materials be permitted in the front yard.

(M) Residential Side and Rear Yards

(1) The side yard is considered the area from the front foundation of the house over to the side property line going towards the rear of the property then back over to the rear foundation of the house. The rear yard is considered that area from the rear wall of the house over to the side property line and then back towards the rear property line.

(2) A privacy fence shall not exceed six (6) feet in height.

(3) Privacy fences, once erected, shall be maintained and repaired of similar materials.

(4) Any fence other than a privacy fence cannot exceed forty-eight (48) inches in height.

(5) Chain link fences with webbing designed to inhibit light, ventilation, or sight through the fence shall not be allowed as privacy fences.

(6) Fences on corner lots must be erected a minimum of three (3) feet from the sidewalk or right of way. However, in no instance, shall a fence, wall, hedge or planting interfere with visibility to or from a driveway or corner intersection.

(7) Fences in residential districts shall be constructed of metal chain link; vinyl coated chain link; iron; vinyl; naturally durable wood; or treated wood.

(N) Non-Residential Districts

(1) Fences used in conjunction with tennis courts and back stops for ball fields shall be exempt from the height limitations; however, in no case, shall a tennis court or back stop be more than twelve (12) feet in height.

(2) Fences in Industrial districts cannot exceed ten (10) feet in height and shall be constructed of metal chain link, vinyl coated chain link or wood.

(3) The use of barbed wire for fencing purposes shall only be permitted in the industrial and agricultural districts.

(4) Barbed wire is only permitted on fencing 8 feet in height or higher.

(5) Fences in agricultural areas can be constructed of metal chain link; vinyl coated chain link; poultry, chicken, rabbit or field wire only when sufficiently supported by wood split rail.

**SECTION 1:** This ordinance shall take effect and be in force from and after the earliest period by law.

Passed this 20<sup>th</sup> day of April, 2021.

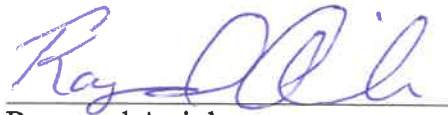
First Reading: April 20, 2021

Second Reading: Waived

Third Reading: Waived

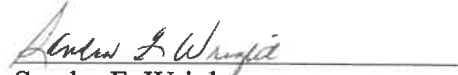
Effective Date: April 20, 2021

APPROVED:



Raymond Arriola  
Mayor

ATTEST:



Sandra F. Wright  
Clerk of Council

APPROVED:



Glenna A. Madden  
Municipal Manager

Dated:

April 20, 2021

### CERTIFICATE

I, Sandra F. Wright, Clerk of Council of the Municipality of New Lebanon, Ohio do  
Hereby certify the foregoing is a true and correct copy of Ordinance 2021-03 as passed  
by Council and approved by the Mayor and that the same has been published as  
required by Section 2.17 of the Charter of the Municipality of New Lebanon, Ohio.



Sandra F. Wright  
Clerk of Council