

chapter by the Zoning Administrator. The permit fee shall be set by the City Council. (Ord. 211. Passed 6-19-90; Ord. 270. Passed 7-1-03.)

3 1416.0 HEIGHT LIMITATIONS IN RESIDENTIAL AREAS.

A fence, wall, hedge or shrub may be erected, maintained or grown on a lot in residential districts within side or rear yards, provided it does not exceed six feet in height, measured from the prevailing grade. No height measurement shall be made from any berm or adjustment made to the prevailing grade of the adjacent ground surface. The same are permitted in front yards, provided they do not exceed three feet if of such a nature as to obstruct vision. Where fencing is open weave or chain link and does not obstruct vision, the permitted height shall be four feet, measured from the ground surface, except as otherwise provided. Where such lot line is adjacent to nonresidentially

2005 Replacement

zoned property, there shall be an eight-foot limit on the height of a fence, wall, hedge or shrub along such lot line, measured from the prevailing grade. No height measurement shall be made from any berm or adjustment made to the prevailing grade of the adjacent ground surface.

(Ord. 211. Passed 6-19-90; Ord. 278. Passed 3-16-04.)

4 1416.0 HEIGHT LIMITATIONS IN NONRESIDENTIAL AREAS.

No fence, wall, hedge or shrub may be erected, maintained or grown on a lot on nonresidentially zoned property, to a height exceeding eight feet, measured from the prevailing grade. No height measurement shall be made from any berm or adjustment made to the prevailing grade of the adjacent ground surface.

(Ord. 211. Passed 6-19-90; Ord. 278. Passed 3-16-04.)

5 1416.0 VISIBILITY AT STREET INTERSECTIONS.

On any corner lot, no fence, wall, hedge or shrub shall be more than thirty inches above the curb or the centerline of the street pavement, within twenty-five feet of the intersection of the two right-of-way lines, so as to interfere with the vision of motorists across the corner.

(Ord. 211. Passed 6-19-90.)

6 1416.0 BARBED WIRE AND ELECTRIC FENCES PROHIBITED.

No person shall maintain or construct any fence with any type of barb at the top. No electrical current shall be charged through any fence whatsoever.

(Ord. 211. Passed 6-19-90.)

7 1416.0 PROTECTIVE MEASURES FENCES.

No person shall erect a protective measures fence without first obtaining a permit therefor from the Zoning Administrator. Such permit shall be granted only after demonstration of the need for such fence. The owner or agent of a protective measures fence shall be granted permission to erect such necessary and reasonable barriers along the uppermost edge of such protective measures fence as he or she deems reasonable for the protection of property within the enclosed area.

When a protective measures fence employs barbed wire along the uppermost edge, the minimum height for such fence below the barbed wired extension shall be six feet.

(Ord. 211. Passed 6-19-90.)

8 1416.0 RESPONSIBILITY FOR CARE AND MAINTENANCE; LIABILITY FOR DAMAGE.

Any person erecting or maintaining a fence or hedge between the edge of the established lot line and the inside edge of the sidewalk, or where any sidewalk would normally be, shall be fully responsible for the care and maintenance of such fence or hedge and shall assume full responsibility for any damage arising due to the erection of such fence or hedge.

(Ord. 211. Passed 6-19-90.)

9 1416.0 COMPLAINTS; VARIANCES.

Upon complaint in writing by any person directly or adversely affected, the Zoning Board of Appeals may, after a hearing in accordance with the established

procedure of

2005 Replacement

such Board, at its discretion and in the interests of the public health, safety or welfare, reduce or remit the requirements of this chapter in individual cases coming before the Board.

(Ord. 211. Passed 6-19-90.)

10 1416. EXISTING FENCES.

Any fence which has already been erected and is in violation of this chapter at the time of its passage shall be exempt from the requirements of this chapter unless such fence is deemed a traffic or a safety hazard, which determination shall be made by the Mayor and Council.

(Ord. 211. Passed 6-19-90.)

11 1416. NONCONFORMING FENCES.

All fences in violation of this chapter at the time of its passage shall be governed by the following conditions:

- (a) Any fence that is in violation of this chapter and is determined by the proper corporate officials to be a traffic or safety hazard shall be made to conform to this chapter within six months of such determination.
- (b) No nonconforming fence shall be enlarged, extended or structurally altered except to make it conform to this chapter.

(Ord. 211. Passed 6-19-90.)

1416.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

2005 Replacement