ORDINANCE NO. 205-14

AN ORDINANCE REPEALING SECTIONS 1371.04 AND 1371.05 OF CHAPTER 13 OF THE BUILDING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF MEDINA, OHIO.

WHEREAS: As part of the Planning and Zoning Code update recently enacted by Ordinance 109-14, passed June 23, 2014, the regulation of fencing in general and fencing around pools was added to Chapter 11 (Planning and Zoning Code) in order to regulate it and any variance requests under the review of the Board of Zoning Appeals and /or Planning Commission.

WHEREAS: Chapter 13 of the codified ordinances of the City of Medina, Ohio Sections 1371.04 and 1371.05 relative to Fencing presently read as shown in Exhibit A, attached hereto and incorporated herein.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEDINA, OHIO:

SEC. 1: That Sections 1371.04 and 1371.05 of Chapter 13, Building Code, of the codified ordinances of the City of Medina, Ohio relative to Permitted Fencing; Height Limits and Swimming Pools; Fences are hereby repealed.

SEC. 2: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that 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 the law.

SEC. 3: That this Ordinance shall be in full force and effect at the earliest period allowed by law.

PASSED: December 8, 2014

SIGNED: John M. Coyne, III
President of Council

ATTEST: Kathy Patton
Clerk of Council

APPROVED: December 9, 2014

SIGNED: Dennis Hanwell
Mayor

Ord. 205-14
Exh. A

Building Code (Part 13)
Sections 1371.04 & 1371.05
to repeal

1371.04 PERMITTED FENCING; HEIGHT LIMITS.

Fencing may be permitted in any yard and along the edge of any yard not to exceed height limits set forth in the following table and exceptions thereto:

FENCE HEIGHT LIMITS AND EXCEPTIONS

Area	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
Residential	3*	6	6
Commercial	3**	10***	10***
Industrial	6** ***	10***	10***
Public Facilities (parks, play grounds, etc.)	8	8***	8***

Exceptions: * Fences more than three feet high may be permitted when located at least ten feet from the inside sidewalk line.

** Any fence set back fifty feet or more from the street right of way may be eight feet in height.

*** Barbed wire not to exceed twelve inches in height may be added to the top of fence.

(Ord. 110-03. Passed 7-14-03.)

1371.05 SWIMMING POOLS; FENCES.

(a) Permits and Applicability. Public or private inground or aboveground swimming, wading or other pools capable of containing three feet or more of water depth shall be considered structures for the purpose of permits and fencing requirements.

(b) Fences Required. The owners and/or operators of any swimming pool located within the City shall construct and maintain fences of such type and description that will effectively deny ingress to animals and persons not specifically admitted to such swimming pools by the owner or operator thereof.

(c) Fence Specifications. Fences referred to in subsection (b) hereof shall be constructed so that not more than three inches of open space exists between the bottom of the fencing material and the ground measured vertically and shall have not more than three inches of clear opening in any dimension except for doors or gates. Such fencing shall be not less than four feet in height, and not more than six feet in height.

Exception: Aboveground pools having side walls of four feet or more in height from finish grade, shall be required to have fencing and gates only where access to the pool may be had.

(d) Locks Required. Fences shall be equipped with locks so as to comply with the intent as specified in subsection (b) hereof.

(Ord. 78-76. Passed 6-28-76.)

Planning & Zoning Code (Part 11)
Section 1155.01 Fences
for comparison

CHAPTER 1155
SUPPLEMENTAL REGULATIONS

1155.01 FENCES

A. Permits

Unless otherwise identified in these regulations, a contractor or owner shall obtain a permit to erect or construct any fence prior to erection or construction of a fence. The property owner shall assume responsibility for determining the legal, proper placement of the fence, wall or hedge upon their property.

B. Fee

Each application for a permit to erect or construct a fence shall be accompanied by the payment of the fee established in Chapter 1108 of the Planning and Zoning Code.

C. Permitted Fencing; Height Limits

Fencing may be permitted in any yard and along the edge of any yard not to exceed height limits set forth in the following table and exceptions thereto:

1. Fence Height Limits and Exceptions

Area	Front Yard (height in feet)	Side Yard (height in feet)	Rear Yard (height in feet)
Residential	3	6[1]	6[1]
Commercial	3[2]	10[3]	10[3]
Industrial	6[2 3]	10[3]	10[3]
Public Facilities (parks, playgrounds, etc.)	8	8[3]	8[3]

Exceptions:

1 Fence heights may be increased to 8 feet in height if the top 2 feet are less than 50% opaque and is approved by the Planning Director.

2 Any fence set back fifty feet or more from the street right of way may be eight feet in height.

3 Barbed wire not to exceed twelve inches in height may be added to the top of fence.

D. Materials

1. No fence, with the exception of those fences used for agricultural purposes, shall contain an electric charge unless approved by the Board of Zoning Appeals.
2. Barbed wire, razor wire, or any other type of anti-climbing wire shall only be permitted, upon administrative review and approval of the Board of Zoning Appeals, in the industrial district.
3. Materials used for fences shall be of traditional fencing materials (wrought iron, chain link, pressure treated lumber, cedar, redwood, PVC, etc.) and shall be constructed of weather resistant materials or annually treated so that they are weather resistant and maintained in good condition.
4. The finished or most decorative side of the fence shall face away from the property erecting the fence.
5. All latches, hinges and other hardware shall be galvanized or painted so as to prevent or retard rust and degradation.

E. Maintenance

The fence and the property surrounding both sides of the fence shall be properly maintained at all times.

F. Specific Fencing Regulations

Swimming Pool Fences

1. Permits and Applicability

   Public or private in-ground or above ground swimming, wading or other pools capable of containing three feet or more of water depth shall be considered structures for the purpose of permits and fencing requirements.

2. Fences Required

   The owners and/or operators of any swimming pool located within the City shall construct and maintain fences of such type and description that will effectively deny ingress to animals and persons not specifically admitted to such swimming pools by the owner or operator thereof.

3. Fence Specifications

   Fences referred to in subsection (B) hereof shall be constructed so that not more than three inches of open space exists between the bottom of the fencing material and the ground measured vertically and shall have not more than three inches of clear opening in any dimension except for doors or gates. Such fencing shall be not less than four feet in height, and not more than six feet in height.

   Exception: Aboveground pools having side walls of four feet or more in height from the finished grade shall be required to have fencing and gates only where access to the pool may be had.

4. Locks Required.

   Fences shall be equipped with locks so as to comply with the intent as specified in subsection (B) hereof.