

**§ 150.058 EXISTING SWIMMING POOLS NOT REQUIRED TO BE MOVED.**

No swimming pool or any other structure erected in conjunction with a pool existing as of 6-3-1982 will be required to be moved so as to comply with the location requirements of § 150.052. All other requirements contained in this subchapter are applicable to existing swimming pools, and structures erected in conjunction with the pools.  
(1993 Code, § 1315.09)

*FENCES*

**§ 150.070 DEFINITION.**

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

*FENCE.* A partition, structure, wall, or gate erected as a dividing marker, barrier, enclosure, or visual obstruction, but excluding buildings and bushes, hedges, trees, and other living landscaping.  
(1993 Code, § 1320.01)

**§ 150.071 BUILDING PERMITS REQUIRED.**

A building permit is required for the construction or alteration of a fence, and for any additions to a fence. The permit must be obtained in the name of the owner of the property on which the fence is or will be located. Application must be made on forms provided by the city. The applicant must provide the Building Inspector with a set of plans and specifications for the fence. Permit fees must be paid in accordance with the Uniform Building Code.  
(1993 Code, § 1320.02) Penalty, see § 10.99

**§ 150.072 REQUIREMENTS.**

(A) *Location.* Any fence constructed or altered after 6-3-1982 must be located entirely upon the private property of the owner to whom the building permit was issued. Ownership of the permit passes with ownership of the property. The fence must be set back a distance from the owner's property line sufficient to avoid encroachment onto adjoining private or public property or a public right-of-way.

(B) *Abutting public property.* If a fence is or is to be adjacent to a street, alley, public right-of-way, or other public property, the city may require the applicant for the permit to locate and mark the property line abutting the public property by having a registered surveyor place permanent survey pins or stakes

## **Buildings, Housing, and Construction**

on the property line. If the survey information is not available and the applicant elects not to establish the property line by survey, the permit will not be issued unless the applicant signs an affidavit stating that the applicant is the owner of the premises upon which the fence exists or is to be located.

(C) *Fence size.* No fence shall be over 6 feet in height, and no fence in a front yard shall be over 4 feet in height. Height shall be measured from the natural grade, except that the height of a railing, wall, fence, or screening affixed to a deck constructed on the ground but raised above ground level, will be measured from the elevation of the raised deck for that portion which is affixed to the raised deck. On an interior side yard where it abuts a back yard on a corner lot, a 6-foot fence is permitted.

(D) *Traffic view.* No fence along a public street may be constructed or altered so as to visually obstruct the view from a vehicle on that street of approaching traffic on that street or another street. (1993 Code, § 1320.03) Penalty, see § 10.99

### **§ 150.073 CONSTRUCTION AND MAINTENANCE.**

Every fence must be constructed in a substantial manner and of substantial material, reasonably suitable for the purpose for which the fence is intended. The finished side or fencing material of a fence must face toward adjacent property or a street or alley and the posts and framework for the fence must be on the inwardly facing side. Every fence must be maintained in a condition of reasonable repair and may not by reason of age, decay, accident, or otherwise, be allowed to become or remain in a state of disrepair so as to be or tend to be a nuisance to the injury of the public or any abutting property. Any fence which is dangerous by reason of its construction or state of disrepair or is otherwise injurious to public safety, health, or welfare is hereby declared to be a nuisance. (1993 Code, § 1320.04) Penalty, see § 10.99

### **§ 150.074 PROHIBITIONS.**

It is unlawful for any person to construct and maintain or allow to be constructed or maintained upon any property located within the city limits any barbed wire fence, spiked fence or any fence which is charged or connected with electrical current in a manner as to transmit current to a person or animal which might come in contact with the fence. (1993 Code, § 1320.05) Penalty, see § 10.99