

ORDINANCE NO. 2022 - 03

ORDINANCE AMENDING SECTION 1313.01 OF THE CODIFIED ORDINANCES OF LEWISBURG, OHIO, DEALING WITH CONSTRUCTION REQUIREMENTS FOR FENCES

That Whereas, for the health, safety, and welfare of the citizens of Lewisburg, Ohio, it is useful and appropriate to amend Section 1313.01 of the Codified Ordinances of Lewisburg, Ohio, dealing with construction requirements for fences;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF LEWISBURG, PREBLE COUNTY, OHIO, AS FOLLOWS:

Section 1. Section 1313.01 of the Codified Ordinances of Lewisburg, Ohio, currently reads as follows:

1313.01 CONSTRUCTION REQUIREMENTS.

No person, property owner, or tenant of a property owner shall construct or erect, or have constructed or erected a fence within the Village which does not comply with the following requirements:

- (a) The fence must be erected at least six inches from the surveyed property line of all adjacent property owners.
- (b) The fence must be erected with the good side of the fence facing the adjoining property owners (example: in the case of a chain-link fence, the good side is the side without the upright support poles that tend to hinder the mowing of a lawn).
- (c) The fence may not substantially impair the view of adjoining property owners; i.e., a "spite fence". Any fence greater than six feet in height from level ground shall be prima facie considered as a "spite fence".
- (d) The person, property owner, or tenant of a property owner who wishes to erect, or have erected, a fence, must first apply for and receive a permit from the Village specifically describing the type of fence to be erected, the property it is to be erected on, the location and height of the fence, and the name of the person and/or construction firm erecting the fence.

Section 2. Section 1313.01 of the Codified Ordinances of Lewisburg, Ohio, is herein amended to read as follows:

1313.01 CONSTRUCTION REQUIREMENTS.

No person, property owner, or tenant of a property owner shall construct or erect, or have constructed or erected a fence within the Village which does not comply with the following requirements:

Richard V. Faber, Jr.
Attorney and
Counselor at Law
200 N. Commerce St.
P.O. Box 517
Lewisburg, Ohio
45338
Phone:
(937) 962-4341
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- (a) The fence must be erected at least six inches from the surveyed property line of all adjacent property owners.
- (b) The fence must be erected with the good side of the fence facing the adjoining property owners (example: in the case of a chain-link fence, the good side is the side without the upright support poles that tend to hinder the mowing of a lawn).
- (c) The fence may not substantially impair the view of adjoining property owners; i.e., a "spite fence". Any fence greater than six feet in height from level ground shall be prima facie considered as a "spite fence".
- (d) The person, property owner, or tenant of a property owner who wishes to erect, or have erected, a fence, must first apply for and receive a permit from the Village specifically describing the type of fence to be erected, the property it is to be erected on, the location and height of the fence, and the name of the person and/or construction firm erecting the fence.
- (e) All fences, walls or similar structures shall be anchored firmly to the ground, shall be constructed in a workmanlike manner, and shall be constructed of wood, plastic, metal, or chain link. Fences shall not be constructed of barbed-wire, or of any wire construction except chain link. No "farm" style fencing shall be permitted.
- (f) All fences, walls, or similar structures shall be maintained in a manner that fences, walls, or similar structures shall always be in a state of good structural repair. Metal and wood fences shall be treated periodically with chemicals and paint so as to retard oxidation and deterioration. Fences, walls or other structures not maintained in good repair shall be rehabilitated or removed as necessary.

Section 3. The remaining provisions of Chapter 1313 of the Codified Ordinances of Lewisburg, Ohio, shall remain unchanged.

Section 4. This Ordinance shall be effective from and after the earliest period allowed by law.

Dated: 03-17-2022

Marsha Jones
Mayor

Attest: Elizabeth A. Wagner
Clerk of Council

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