

ORDINANCE NO. 2024 -45

AN ORDINANCE AMENDING CHAPTER 1193 ENTITLED “YARD STRUCTURES AND LANDSCAPE FEATURES” OF THE PARMA HEIGHTS CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY, AS AMENDED

WHEREAS, the Council’s Safety Committee is recommending that Chapter 1193 of the Parma Heights Codified Ordinances be amended; and

WHEREAS, this Council desires to adopt the recommendation of its Safety Committee.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Parma Heights, County of Cuyahoga, and State of Ohio:

Section 1: That Chapter 1193 of the Codified Ordinances as it previously existed is amended, and as amended, shall henceforth read as shown by edits set forth in Exhibit “A”, as amended, which is attached hereto and incorporated by reference.

Section 2: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of the Council and of any of its Committees comprised of a majority of the members of the Council that resulted in those formal actions were in meetings open to the public, in compliance with the law.

Section 3: This Council declares this Ordinance to be an emergency measure for the immediate preservation of the public health, peace, and safety of this Municipality, and for the further reason that the Safety Committee has determined this a matter of public safety; wherefore, this Ordinance shall be in full force and effect immediately after its passage by Council and approval of the Mayor.

PASSED: June 24, 2024


PRESIDENT OF COUNCIL PRO TEM

ATTEST: Barbara Allen
CLERK OF COUNCIL

June 24, 2024
APPROVED

FILED WITH
THE MAYOR: June 24, 2024


MAYOR MARIE GALLO

EXHIBIT A, as amended

CHAPTER 1193

Yard Structures and Landscape Features

1193.01 Yard structures and landscape features.

1193.02 Dangerous and hazardous property line markers.

1193.03 Obstructions to view.

1193.04 Violation; legal and equitable remedies.

1193.01 YARD STRUCTURES AND LANDSCAPE FEATURES.

(a) Yard structures such as fences, trellises, walls, and landscape features such as hedges, trees and shrubs, may be permitted along the side or rear yards. Such structures and landscape features are permitted along the side and rear lot line to a maximum height of six feet. Wood fences shall be treated with wood preservative or painted and well maintained. The finished side of the fence shall be toward the neighbor.

(b) No person shall construct or install any wall, fence or other structure on any property without first making an application and obtaining a permit therefor from the Building Department. The applicant must submit a sketch showing the location, height, type of fence and distance from structures of abutting property owners. The application must be accompanied by the base application fee of fifty dollars (\$50.00) plus twenty-five cents (\$0.25) per running lineal foot.

(1) The City does not assume the responsibility of any encroachments or defining of any property lines. The property owner is responsible for ensuring the accuracy and proper placement of the fence.

(2) The Director of Public Service shall give due regard to safety factors and effect on neighborhood property values, along with other applicable requirements of the Building Code.

(c) No fence, hedge, trellis or other device used to mark boundary lines around a property, or within the property line, exceeding six feet in height, shall be erected, altered, reconstructed or relocated on any lawn adjacent to any boundary line of any lot or parcel of land, or any part thereof in the City. Permitted fences in residential districts shall include the following types: picket, ranch, board on board, chain link (top rail bar required), PVC material, split rail and stockade. Masonry walls of brick, random stone or ashlar, coursed stone or ashlar, or decorative block are permitted, subject to the approval of the Director of Public Service. Necessary drainage and/or drain tile shall be installed to ensure proper drainage. Prohibited fences include panel fences where panels are made of plastic, metal or fiberglass, wire mesh fences which have openings between the wires of larger than four

inches, individual strand-type wire fences, basket weave and barbed wire. No fence or supporting structure shall be installed in an easement or swale.

(d) Post spacing shall not exceed eight feet. All post holes should be a minimum of 30 inches deep for four-foot-high fences and 36 inches deep for fences higher than four feet, up to six feet. All terminal, corner and gate posts should be set 36 inches deep.

(e) Post holes should be at least four inches larger in diameter than the largest dimension of the post. All terminal, corner and gateposts should be set in concrete.

(f) Fences shall be permitted only in rear yards. If a residential structure has a side entrance, the fence shall be no further towards the street than three feet past the side entrance on the driveway side of house. The fence shall be no further towards the street than the rear of the residential structure on the non-driveway side of the residential structure.

(g) The height of any fence shall be measured using the average elevation grade at the front of the building.

(h) Erection or positioning of fences yard structures acting as a barrier, including but not limited to, any wall, fence, hedge, shrub, tree, other structure, or other growth, on a corner lot shall not start any closer to the street than the setback of the house and not less than two feet off the sidewalk on the side of the existing property. The fence yard structure, including but not limited to, any wall, fence, hedge, shrub, tree, other structure, or other growth, on the non-street side of the property shall be no further toward the street than the rear of the residential structure, and in no case shall it extend any further toward the street than five feet past the side door, if any, on the non-street side of the property.

(i) No fence shall be erected from the sidewalk line of any property to the front projection of the building thereof, otherwise defined as the building setback line. Nothing contained in this section shall apply to shrubbery for decorative purposes, which in no event shall be permitted to grow above three feet in height when more than 15 feet from the intersection of a driveway with the public sidewalk, or 18 inches in height when less than 15 feet from the intersection of a driveway with a public sidewalk. Any trees within a side yard shall have the branches trimmed so as to provide a minimum distance of eight feet from the ground to the lowest branches when such branches are located within 15 feet of the intersection of a driveway with a public sidewalk.

(j) The supporting posts of fences, hedges, trellises or other devices used to mark or establish boundary lines around property, or within the property line, where posts are necessary, shall be erected on the side of the property being fenced. In other words, posts shall be erected on the inside of the fence, hedge, trellis, etc., and not on the outside of the fence.

(k) This section shall apply to public facility, retail, office, commercial and industrial lots, except for such lots, fences in excess of six feet in height may be approved by the Planning Commission in order to more adequately screen such lots from the view of adjacent residential property.

(l) Decorative open fencing may be constructed in a front yard and shall not exceed 30 inches in height and shall be set back a minimum of five feet from the front of the property. No chain-link, board on board or stockade fence is permitted in a front yard. Decorative fencing shall not be continuous in construction or in any way enclose the front yard.

(m) Treated wood fences must comply with current EPA regulations, or the corresponding provisions of subsequent legislation.

(Ord. 2002-12. Passed 4-8-02; Ord. 2006-18. Passed 6-12-06; Ord. 2006-18. Passed 6-12-06; Ord. 2010-13. Passed 5-10-10; Ord. 2018-33. Passed 8-1-18.)

1193.02 DANGEROUS AND HAZARDOUS PROPERTY LINE MARKERS.

No person shall install, erect, place, maintain or permit or cause the installation, erection, placement or maintenance of any stake, stick, pole, stone, rock or other dangerous or hazardous object to mark, designate or establish any property line. Any object or device which, once installed, erected, place or maintained to mark, designate or establish a property line, will be a danger to life or limb of those persons reasonably using the area in the vicinity where such object or device is located, is prohibited, and shall constitute a public nuisance and shall be subject to abatement as provided in Section 634.05.

(Ord. 2002-12. Passed 4-8-02.)

1193.03 OBSTRUCTIONS TO VIEW

No yard structure, including but not limited to, any wall, fence, hedge, shrub, tree, other structure, or other growth, shall be constructed, planted or maintained in such a manner as to obstruct the view of traffic.

(Ord. 2002-12. Passed 4-8-02.)

1193.04 VIOLATION; LEGAL AND EQUITABLE REMEDIES.

(a) Enforcement of this chapter shall be authorized by filing a criminal complaint in a court of competent jurisdiction, alleging a violation of any of the provisions of this chapter.

(b) No person shall fail or refuse to comply with any order issued by any City authority pursuant to the provisions of this chapter within the period specified for such compliance.

(c) No person shall knowingly violate any provision of this chapter.

(d) The provisions of this chapter shall apply equally to any occupant, owner, agent, superintendent, officer, member or partner, trustee or receiver who shall alone or with others have a legal or equitable ownership in the premises, or shall have possession, charge, care or control of the premises.

(e) Whoever violates any provision of this chapter is guilty of a misdemeanor of the first degree. A separate offense shall be committed each day during or on which a violation occurs or continues. The application of this penalty shall be in addition to the equitable remedies.

(Ord. 2002-12. Passed 4-8-02.)