

**ORDINANCE O-2020-20**

**AN ORDINANCE AMENDING THE WINDHAM VILLAGE ZONING  
ORDINANCE WITH RESPECT TO FENCE REQUIREMENTS.**

**Whereas**, the Village Planning Commission has recommended to Council that it is appropriate to amend the Village of Windham Zoning Code with respect to the height and design of fences; and

**Whereas**, the Council has determined that the recommended amendment is appropriate and the Village of Windham Zoning Code should be amended; and

**Whereas**, in accordance with Windham Codified Ordinance Section 1147.01 the Council on August 25, 2020, by resolution fixed the time, date and place of the public hearing on the proposed amendment and directed the Village Fiscal Officer to publish the notice described in Windham Codified Ordinance Section 1147.01; and

**Whereas**, the Council caused notice of the proposed amendment and the time and place of the public hearing to be published in the Record Courier, a paper of general circulation in the Village, once a week for three successive weeks; and

**Whereas**, on October 13, 2020 at least thirty days after the date of the first publication of the notice in the Record Courier, the Council held a public hearing on the proposed amendment; and

**Whereas**, the Council has decided to amend the Zoning Code.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Village of Windham, Portage County, Ohio, the majority or more of its members thereto concurring:

SECTION 1: That the current version of Windham Codified Ordinance 1165.05 is hereby repealed in its entirety.

SECTION 2: Windham Codified Ordinance 1165.05 as is set forth in the attached Exhibit A, which is incorporated herein by reference, is hereby enacted.

SECTION 3: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were accepted in an open meeting of this Council, and that deliberations of this Council and any of its committees that resulted in such formal actions were in meeting open to the public, in compliance with Section 121.22 of the Ohio Revised Code.

SECTION 4: That this ordinance shall take effect and be in full force from and after the earliest period allowed by law.


First Reading: August 25, 2020

Second Reading: September 22, 2020

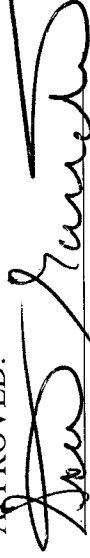
Third Reading: October 27, 2020

Vote of Council:      Ayes: 6  
                                     Nays: 0

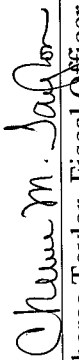
ATTEST:

  
Chere Taylor, Fiscal Officer

APPROVED:

  
Scott Garrett, Mayor

I hereby certify that the above Ordinance was duly published by public posting at pre-designated posting places.

  
Cheree Taylor, Fiscal Officer

APPROVED AS TO FORM:

  
Thomas Reitz, Solicitor

## 1165.05 FENCES, WALLS AND HEDGES.

(a) Fences, walls and hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall or hedge along the sides or front edge of any front yard shall be over two and one-half feet in height.

(b) Fences, walls or hedges located in any residential zoning district (i.e., those covered by chapters [1169](#), [1171](#), [1173](#), or [1174](#)) may be permitted along the side or rear lot lines to a height of not more than six feet (6') above the grade (~~excluding the sides or front edge of any front yard~~), ~~provided at least twenty-five percent (25%) of the vertical surface of any fence, or wall, shall be open to light and air; and that~~ Any fence, wall or hedge shall be well maintained, will be harmonious and appropriate in appearance with the existing character of the immediate area in which it is to be located, and will not be hazardous or disturbing to neighboring uses.

(c) ~~Solid walls, fences and hedges shall conform to all required setback lines for yards.~~  
Fences and walls may be placed up to the lot line.

(d) Fences, solid walls and hedges may be located in any commercial, light industrial or industrial zoning district (i.e., those covered by Chapters [1175](#), [1179](#), [1180](#) or [1181](#)) along the side or rear lot lines to a height of not more than eight (8') feet above the grade, ~~provided that no more than ten percent (10%) of the vertical surface of any fence, or wall, shall be open to light and air;~~ and any fence, wall or hedge shall be well maintained, will be harmonious and appropriate in appearance with the existing character of the immediate area in which it is to be located, and will not be hazardous or distributing to existing or future neighboring uses.

(e) ~~Allowable fencing shall be wood or metal chain link fencing commercially available.~~ Fences shall be constructed of wood, steel, aluminum, or PVC (polyvinyl chloride), formulated to resist impact and approved for ultraviolet stabilization, meeting requirements of ASTM D638. All fencing shall be structurally able to withstand weather conditions. Wire fences constructed of fine wire such as chicken wire or similar shall not be allowed and considered hazardous to animals and humans. ~~No barbed wire or electric fence, with the exception of invisible fence, shall be allowed in a residential district.~~ All fencing deemed hazardous or unsuitable by the Planning/Zoning Commission shall be removed within 30 days of written notification by the Zoning Inspector.

(f) Maintenance of Fences: Fences shall be maintained with the same standards required of new fences, and the owner shall:

- (1) Replace or repair any portion that is rusted or rotten
- (2) Re-paint or re-stain any part where the paint or stain is faded, cracked or peeling.
- (3) Repair or replace any part that is loose, bent, bowed or leaning.

(g) Nonconforming fences: A nonconforming fence is defined as a fence which was constructed prior to the enactment of legislation regarding fences. Nonconforming fences shall be repaired and maintained and shall be replaced with conforming fences if more than 50% of any such fence requires replacement, is destroyed or removed.

(Ord. 1500. Passed 12-14-99.)

**ASTM D638** is the most common testing standard for determining the tensile properties of reinforced and non-reinforced plastics. With the use of plastics being at an all-time high, it is critical that manufacturers be able to properly gauge the mechanical strength of their materials.