

ORDINANCE NO.: 2014- 59  
INTRODUCED BY: MR. MUSCENTI

3821

**AN ORDINANCE  
AMENDING SECTIONS 1148.04 AND 1148.06 OF THE CODIFIED  
ORDINANCES "FENCES, WALLS, AND HEDGES" TO REQUIRE A  
SURVEY AND TO REQUIRE FENCES FOR CERTAIN RECREATIONAL  
USES IN NON-RESIDENTIAL DISTRICTS.**

WHEREAS, the Planning and Zoning Commission has recommended to Council that Sections 1148.04 and 1148.06 be amended to include a survey requirement and to require fences, walls, and hedges for certain recreational uses in Non-Residential Districts; and

WHEREAS, this Council has reviewed and discussed the amendments recommended by the Planning and Zoning Commission and has decided to enact them; and

WHEREAS, Council has held a public hearing on this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE  
OF CHAGRIN FALLS, CUYAHOGA COUNTY, STATE OF OHIO:**

SECTION 1. That Section 1148.04, "Permits," of Chapter 1148 "Fences, Walls, and Hedges," of the Codified Ordinance of the Village of Chagrin Falls, be and is hereby amended as follows:

**"1148.04 PERMITS.**

(a) Permit Required. No person shall erect any fence or wall without first obtaining a building permit and making payment of the fee required by Section 1309.14 of the Building Code.

(b) ~~Consent Required. Permits for fences or walls shall not be issued without the consent of adjoining property owners or the specific approval by the Building Inspector waiving such consent.~~ Survey Required. If documentation of the property line locations is not conclusive, the Building Inspector may require a survey to identify such locations prior to issuing a permit."

SECTION 2. That Section 1148.06, "Fences, Walls, and Hedges Permitted: Non-Residential Districts," of Chapter 1148 "Fences, Walls, and Hedges," of the Codified Ordinance of the Village of Chagrin Falls, be and is hereby amended to add a new Subsection (d) as follows:

**"1148.06 FENCES, WALLS, AND HEDGES PERMITTED: NON-RESIDENTIAL  
DISTRICTS.**

\* \* \*

**(d) Recreational Uses.**

- (1) Swimming pools. Any swimming pool in which water may collect to a depth in excess of one and one-half feet shall be enclosed by a wall or fence not less than five feet in height. A building or existing wall may be used as part of the enclosure. All gates providing access to the pool or pool area shall be of self-closing and self-latching construction with the latch at least four feet from ground level, shall be designed to permit locking and shall be kept locked when the pool is not in actual use or is unattended. In no case shall a fence include design features that would facilitate its ascent or permit the passage of a child's body as determined by the Building Official.
- (2) Tennis courts. Tennis courts shall be enclosed by a metal chain link or mesh fence at least nine feet in height but no more than twelve feet in height above finished grade."

**SECTION 3.** That existing Section 1148.04(b) of the Codified Ordinances of the Village of Chagrin Falls, and any other ordinance in conflict with this ordinance is repealed.

**SECTION 4.** That actions of this Council concerning and relating to the passage of this legislation were adopted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in compliance with all legal requirements, including Chapter 114 of the Codified Ordinances of the Village of Chagrin Falls.

**SECTION 5.** That in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls, public notice of this Ordinance shall be given by posting a copy thereof for not less than fifteen (15) days in the Village Hall.

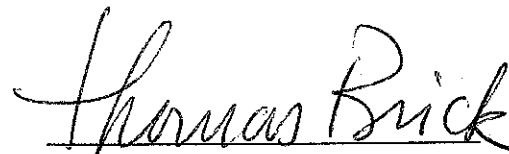
**SECTION 6.** That this Ordinance shall take effect and be in force after the earliest period allowed by law.

PASSED: October 13, 2014

  
\_\_\_\_\_  
Council President

Submitted to the Mayor for  
his approval on this  
14 day of October, 2014

Approved by the Mayor  
October 14, 2014

  
\_\_\_\_\_  
Mayor

