

# RECORD OF ORDINANCES

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 30043

Ordinance No. 2023-20

Passed September 18, 20 23

## ORDINANCE 2023-20 VILLAGE OF WESTON, WOOD COUNTY, OHIO

### ORDINANCE FOR KEEPING OF FENCES AND ACCESSORY STRUCTURES

WHEREAS, the Village of Weston is a statutory village located in Wood County, Ohio, with powers of local self-government pursuant to Ohio Constitution Article XVIII, Section 3, and

WHEREAS, the Village Council has adopted Municipal Regulations, including, but not limited to, chapter 174, and

WHEREAS, the Village Council desires to add or expand definitions, regulations, and penalties in the Village Municipal Regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF WESTON, WOOD COUNTY, OHIO, THAT:

#### SECTION 1: KEEPING OF FENCES AND ACCESSORY STRUCTURES

**(A) Definitions used in this section:**

**PROPERTY OWNER** shall include the owner of the real property on which the violation is alleged, and any occupant of such real property.

**FENCE** refers to a hedgerow or artificially constructed structure intended to act as a barrier, to demarcate a boundary, or an enclosure to restrict access to and/or egress from a lot or parcel of land, whether enclosing all or part of said lot or parcel or acting as a barrier to travel.

**FACTORY STANDARDS** refers to the manufacturer's specifications and guidelines, or other *modern* standard building practices that are representative of the original state in which a fence was constructed or manufactured, whether erected or built by a contractor, allowing for natural aging.

**ACCESSORY STRUCTURE** refers to a structure that is designed or intended for the structural support, enclosure, shelter, or protection of animals or other property and is incidental to that of the main building or the use of land. This includes, but not limited to, any accessory building such as a shed, chicken coop, or carport, but also includes any temporary accessory buildings.

**WATERTIGHT** is used to describe a structure that is impermeable to water. When something is watertight, it means that water cannot enter it under normal conditions, ensuring that its interior remains dry and is protected from water damage.

**(B) Regulations for Keeping of Fences and Accessory Structures:**

- 1) **Property owners** must ensure that all fences are maintained to a minimum standard consistent with **factory standards**, and shall not be leaning, collapsing, or having broken or missing components.
- 2) **Property owners** must ensure that all **accessory structures** are maintained in a manner that prevents degradation, leaning, collapsing, or any other form of structural instability. If the accessory structure is fully enclosed, it must also be **watertight**. Any materials used for repair or reinforcement should be appropriate, and uniform to the specific type of structure.
- 3) **Property owners** must take measures to ensure that **accessory structures** do not have holes, gaps, or openings that would allow for the ingress of wild animals.

**(C) Notice to Remove or Remedy; Notice of Violation**

Violation of **SUB-SECTION B** will be issued to the Property Owner by priority mail and by posting at such residence a written **NOTICE TO REMOVE OR REMEDY** after no less than 7 days of the initial inspection by the Village Code Enforcement Officer or designated official. The violation must be removed or remedied in order to gain compliance within 21 days of the written notice, unless other arrangements have been made with the Village Code Enforcement Officer or designated official.

If the violation persists beyond 21 days of the **NOTICE TO REMOVE OR REMEDY** without arrangements, a **NOTICE OF VIOLATION** will be issued to the Property Owner at such

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residence, and also by certified and ordinary mail. Failure to comply within 14 days of this Notice of Violation may result in penalty and declaration of public nuisance by Village Council.

**(D) Penalty**

Violators that fail to comply with **SUB-SECTION B** after 14 days of **NOTICE OF VIOLATION**, and were unsuccessful in remediation arrangements otherwise, are guilty of a minor misdemeanor for the first offense; and a misdemeanor of the fourth degree on subsequent offenses within a year of a previous violation.

**(E) Abatement**

If the violator fails to comply or remedy the public nuisance civil action, the courts may give the authority to the Village to employ the necessary labor and equipment to perform the task(s). The property owner shall be charged the actual cost of abatement, plus a service fee of \$100. The cost to repair any village equipment damaged while abating said nuisance condition shall be included with the aforementioned costs, and shall be payable within 30 days of notice to the violator.

Upon failure to pay the village the billed amount within 30 days of demand for the cost of abatement, the Fiscal Officer shall submit the courts order to the Wood County Auditor, and a description of the property (parcel number), and the request that such amount be entered upon the tax duplicate, be a lien upon such lands from the date of entry and be collected as other taxes and returned to the Village's general fund according to law.

**SECTION 2:** It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any other committees that results in such formal action were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Date: 9/18/23

Vote on Measure: 6 Yeas 0 Nays 0 Abstentions

[Signature]  
President of Council

[Signature]  
Mayor

ATTEST:

[Signature]  
Fiscal Officer

**CERTIFICATION**

I HEREBY CERTIFY THIS TO BE A TRUE AND ACCURATE COPY OF THE VILLAGE OF WESTON ORDINANCE NUMBER 2023-20, AND THAT THERE IS NO NEWSPAPER PUBLISHED IN THE VILLAGE OF WESTON, AND THAT PUBLICATION OF THIS ORDINANCE WAS MADE BY POSTING IT AT THE FIVE PUBLIC PLACES DESIGNATED BY ORDINANCE 2023-1 ON

9/19/23  
[Signature]  
CLERK, VILLAGE OF WESTON