

ORDINANCE # 07-23-24

CHAPTER 18: FENCES

Section 18.501: Building Permit Required:

No person shall construct or erect a privacy, decorative or security fence upon any lot in the Village of Clayton without first having obtained a permit from the Village Clerk. The Village Clerk shall make a permit application available to any person, and the completed application shall set forth the location, construction, and material of the fence. The village Clerk may grant the permit if he/she finds the fence to be in compliance with this Chapter and of the codes of the Village or deny the permit if he/she does not. Any person aggrieved by a decision of the Village Clerk may appeal to the Board of Trustees. The fee for a permit application shall be set by the Board of Trustees from time to time.

Section 18.502: Permitted Fences – Construction Standards:

It shall be unlawful for any person to erect or maintain any fence or other like structure except as follows:

1. Privacy fences may be erected on any lot and shall be no more than eight (8) feet high and shall not be located closer to the front property line than the newest portion of the rear of the building.
2. Decorative fences may be erected on any lot and shall be no more than four (4) feet high and be of open construction.
3. Security fences may be erected on any business or industrial lot to a height of not more than twelve (12) feet; the top four (4) feet must be of open woven wire or barbed wire construction.
4. Open wire fences or the enclosure of private tennis courts may be constructed to a height of no more than twelve (12) feet but must be set back from all property lines at least six (6) feet. Such fences may be of any material except as provided in Subsection (3) herein. The top four (4) feet must be of open wire or woven wire construction.
5. Materials for the construction of a privacy fence must be wood or pvc, except that posts may be made of metal. Maximum board width is twelve (12) inches for solid, staggered or basket weave fences. Solid panels such as plywood, wafer board, etc., will not be allowed except around construction sites for public safety and such fences must be removed when the construction project is completed.
6. Materials for the construction of a decorative fence may be wood, pvc, woven wire, chain link, wrought iron, square tubing, or metal pipe. A decorative fence must be of open construction and no panels such as plywood, wafer board, etc., will be allowed except as provided in Subsection 4 herein.
7. All framework of a wood fence whether a privacy fence or a decorative fence must be on the inside portion of the fence, and all posts of a wire fence must be inside of the fabric. All posts (except metal “t” line posts) must be set in concrete to a minimum depth of eighteen (18) inches and shall be a minimum of four (4) inches by four (4) inches. Metal “t” posts may be driven.

8. No fence shall be constructed in such a manner as to conceal a nuisance, or any other violation of the Municipal Code of Clayton and no fence shall be constructed on property during a time in which an action for violation of the Municipal Code of Clayton, nuisance abatement action or any other violation of state statute regarding the property is pending.

Section 18.503: Maintenance:

No person shall permit, cause, keep, maintain, or allow a fence within the corporate limits of the village in a dilapidated or dangerous condition.

Section 18.504: Barbed Wire Fences, Etc.:

It shall be unlawful to maintain or construct any fence composed in whole or in part of barbed wire, or of any material designed to cause injury to persons, or any wire charged with electric current, within three (3) feet of any public street, sidewalk, alley, park, or other public place.

Section 18.505: Fences Around Pools:

Any person who owns or maintains a swimming pool of a depth of more than twelve (12) inches shall enclose such pool by a fence of at least four (4) feet in height.

Section 18.506: Violations Declared Nuisance:

All fences or other like structures erected or maintained in violation of this Chapter are hereby deemed and declared to be a nuisance and any owner or occupant of a lot or tract of land upon which such nuisance exists shall be deemed guilty of a misdemeanor. Each day on which such violation continues shall constitute a separate offense.

Aye's 6 Nay's 0 Approved 10/10/2023

APPROVED

SAMUAL C. MILLER

President, Village of Clayton

ATTEST

LORETTA E. CARROLL

Village Clerk

VILLAGE OF CLAYTON FENCE ERECTION PERMIT

The following information and documents are required before a fence building permit can be issued. This application must be filed with the Village Clerk forty-five (45) days prior to the anticipated start of construction, and you must build according to the rules contained in Ordinance # 7-23-24 of the Village of Clayton. Construction may not be commenced until the permit has been approved. No fee for this permit.

Applicant Name: _____

Address: _____

Phone #: _____

Address of construction site (if different): _____

Legal description of construction site (can get this from deed, survey, or tax bill): _____

Fence material to be used: _____

Post material to be used: _____

Sketch a drawing to scale, with dimensions figured, showing accurately buildings, the size and exact location of fence. (put drawing below or attach a separate sheet): _____

I hereby certify that all the construction done pursuant to this permit will comply with the information submitted in this application and that all construction shall comply with all existing federal, state, and local laws, and regulations. I further agree I will be liable for and shall pay full compensation to the village for any damage to village utilities, streets, culverts, or property done during or as a consequence of the construction; and further shall be liable for the village's reasonable expense in the collection of the compensation for damages including their reasonable attorney fees.

Date: _____

Applicant Signature: _____

Presented at Board Meeting

Date: _____

Aye's: _____

Nay's: _____

Approved: _____

Rejected: _____