

TITLE XV: LAND USAGE

Chapter

150. BUILDING REGULATIONS

151. COMPREHENSIVE PLAN

Giltner - Land Usage

CHAPTER 150: BUILDING REGULATIONS

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BUILDING PERMITS AND REGULATIONS**§ 150.01 REQUIREMENT.**

Any person desiring to commence or proceed to erect, construct, repair, enlarge, demolish, or relocate any building or dwelling, or cause the same to be done, shall file with the Municipal Clerk an application for a building permit. Any person desiring to erect a fence shall also file an application for a building permit with the Clerk. The application shall be in writing on a form to be furnished by the Municipal Clerk for that purpose. Every such application shall set forth the legal description of the land upon which the construction or relocation is to take place, the nature of the use or occupancy, the principal dimensions, the estimated cost, the names of the owner, architect, and contractor, and such other information as may be requested thereon. The application, plans, and specifications so filed with the Municipal Clerk shall be checked and examined by the Board of Trustees, and if they are found to be in conformity with the requirements of this chapter and all other ordinances applicable thereto, the Board of Trustees shall authorize the Municipal Clerk to issue the applicant a permit. Whenever there is a discrepancy between permit application procedures contained herein and those contained in any building code adopted by reference, the provisions contained herein shall govern. At the sole discretion of the Board of Trustees, the village has the right to request a survey of the property upon which the construction or relocation is to take place. Survey will be at the owner's expense.

(Am. Ord., passed 10-14-02) Penalty, see § 10.99

Statutory reference:

Authority for specific safety-related regulations, see Neb. RS 17-550

Extra-territorial jurisdiction, see Neb. RS 17-1001

§ 150.02 LIMITATION.

If the work for which a permit has been issued shall not have begun within six months of the date thereof, or if the construction is discontinued for a period of six months, the permit shall be void. Before work can be resumed, a new permit shall be obtained in the same manner and form as an original permit. Penalty, see § 10.99

§ 150.03 DUPLICATE TO COUNTY ASSESSOR.

Whenever a building permit is issued for the erection, alteration, or repair of any building within the municipality's jurisdiction, and the improvement is \$2,500 or more, a duplicate of such permit shall be issued to the County Assessor.

(Neb. RS 18-1743)

ORDINANCE NO. 150.03.01

VILLAGE OF GILTNER
COUNTY OF HAMILTON
STATE OF NEBRASKA

BE IT ORDAINED BY THE CHAIRMAN AND BOARD OF TRUSTEES OF THE VILLAGE OF GILTNER, NEBRASKA TO ADOPT AN AMENDMENT TO CHANGE THE DOLLAR AMOUNT OF CODE # 150. 03

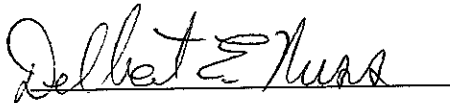
Change shall be \$2500 or more, replacing \$1000 or more

WHEREAS, procedures to amend Code #150.03 in Nebraska Revised State Statute 18-1743 have been met;


THEREFORE BE IT ORDAINED, that the above written amendment change to Code #150.03 be added to the Giltner Village Code

Any other ordinance or section passed and approved prior to passage and approval of this ordinance and in conflict with its provisions is repealed.

This ordinance shall take effect and be in full force from and after its passage, approval, and required posting and or publication as required by law.



Chairperson



Charlynn Kral Krcilek
Village Clerk

Date: Dec. 10, 2007

(SEAL)

§ 150.04 BARRICADES AND LIGHTS.

It shall be the duty of the owner, tenant, or lessee causing the construction, demolition, or moving of any building or improvement within the municipality to have during such work all excavations, open basements, building materials, and debris protected by suitable guards or barricades by day, and by warning lights at night. The failure, neglect, or refusal of said persons to erect such guards shall constitute a violation of this section and the municipal police, County Sheriff or the Building Inspector shall stop all work until guards are erected and maintained as required.

MOVING OF BUILDINGS

§ 150.20 REGULATIONS.

It shall be unlawful for any person, firm, or corporation to move any building or structure within the municipality without a written permit to do so. Application may be made to the Municipal Clerk and shall include the present and future location of the building to be moved, the proposed route, the equipment to be used, and such other information as the Board of Trustees may require. The application shall be accompanied by a certificate issued by the County Treasurer to the effect that all the provisions regulating the moving of buildings have been complied with on the part of the owner of the real estate upon which the building is presently located. The Municipal Clerk shall refer the application to the Board of Trustees for approval of the proposed route over which the building is to be moved. Upon approval of the Board of Trustees, the Municipal Clerk shall then issue the permit, provided that a good and sufficient corporate surety bond, check, or cash in an amount set by motion of the Board of Trustees and conditioned upon moving the building without doing damage to any private or municipal property is filed with the Municipal Clerk prior to the granting of any permit. No moving permit shall be required to move a building that is ten feet wide or less, and 20 feet long or less, and when in a position to move, 15 feet high or less. In the event it will be necessary for any licensed building mover to interfere with the telephone or telegraph poles and wires, or a gas line, the company or companies owning, using, or operating the poles, wires, or line shall upon proper notice of at least 24 hours, be present and assist by disconnecting the poles, wires, or line relative to the building moving operation. All expense of the disconnection, removal, or related work shall be paid in advance by the licensee unless such disconnection or work is furnished on different terms as provided in the company's franchise. Whenever the moving of any building necessitates interference with a water main, sewer main, pipes, or wire belonging to the municipality, notice in writing of the time and route of the building moving operation shall be given to the various municipal officials in charge of the municipal utility departments who shall proceed in behalf of the municipality and at the expense of the mover to make such disconnections and do such work as is necessary.

Penalty, see § 10.99

Statutory reference:

Vehicle size, weight, and load regulations, see Neb. RS 60-6,288 through 60-6,299

§ 150.21 DEPOSIT.

At such time as the building moving has been completed, the building inspector or other designated official shall inspect the premises and report to the Municipal Clerk as to the extent of damages, if any, resulting from the relocation and whether any municipal laws have been violated during the operation. Upon a satisfactory report from the building inspector or other designated official, the Municipal Clerk shall return the corporate surety bond, cash, or check deposited by the applicant. In the event the basement, foundation, or portion thereof is not properly filled, covered, or in a clean and sanitary condition, the Board of Trustees may apply the money deposited for the purpose of defraying the expense of correcting the conditions. If the expense of correcting the hazardous condition is greater than the amount of the deposit set by the Board of Trustees, as required herein, the Board of Trustees may recover such excess expense by civil suit or otherwise as prescribed by law.

UNSAFE BUILDINGS**§ 150.40 DEFINITION.**

(A) The term ***UNSAFE BUILDING*** as used in this subchapter is hereby defined to mean and include any building, shed, fence, or other man-made structure:

- (1) Which is dangerous to the public health because of its condition and which may cause or aid in the spread of disease or injury to the health of the occupants of it or neighboring structures;
- (2) Which because of faulty construction, age, lack of proper repair, or any other cause is especially liable to fire and constitutes or creates a fire hazard; or
- (3) Which by reason of faulty construction or any other cause is liable to cause injury or damage by the collapse or fall of all or any part of such structure.

(B) Any such unsafe building in the municipality is hereby declared to be a nuisance.

§ 150.41 PROHIBITIONS.

It shall be unlawful to maintain or permit the existence of any unsafe building in the municipality, and it shall be unlawful for the owner, occupant, or person in custody of any dangerous building to permit the same to remain in an unsafe condition or to occupy such building or permit it to be occupied while it is in an unsafe condition.

Penalty, see § 10.99

Statutory reference:

Authority to prevent and abate nuisances and unsafe buildings, see Neb. RS 18-1720, 18-1722, and 18-1722.01

§ 150.42 DETERMINATION; NOTICE.

(A) Whenever the Board of Health or designated official is of the opinion that any building or structure in the municipality is an unsafe building, he or she shall file a written statement to this effect with the Municipal Clerk. The Clerk shall thereupon cause the property to be posted accordingly, shall file a copy of such determination in the office of the County Register of Deeds, and shall serve written notice upon the owner thereof, and upon the occupant thereof, if any, by certified mail or by personal service.

(B) Such notice shall state that the building has been declared to be in an unsafe condition, that such dangerous condition must be removed or remedied by repairing or altering the building or by demolishing it, and that the condition must be remedied within 60 days from the date of receipt. Such notice may be in the following terms:

“To _____ (owner-occupant of premises) of the premises known and described as _____.

“You are hereby notified that _____ (describe building) on the premises above mentioned has been determined to be an unsafe building and a nuisance after inspection by _____. The causes for this decision are _____ (here insert the facts as to the dangerous condition).

“You must remedy this condition or demolish the building within 60 days from the date of receipt of this notice or the municipality will proceed to do so. Appeal of this determination may be made to the Board of Trustees, acting as the Board of Appeals, by filing with the Municipal Clerk within ten days from the date of receipt of this notice a request for a hearing.”

(C) If the person receiving the notice has not complied therewith within 60 days from the date of receipt of such notice, or taken an appeal from the determination that a dangerous building exists within ten days from the time when this notice is served upon such person by personal service or certified mail, the Building Inspector or other designated official may, upon orders of the Board of Trustees, proceed to remedy the condition or demolish the unsafe building.

Statutory reference:

Authority to prevent and abate nuisances and unsafe buildings, see Neb. RS 18-1720, 18-1722, and 18-1722.01

§ 150.43 HEARING AND APPEAL.

Upon receiving the notice to repair or demolish the building, the owner of the building, within the time stipulated, may in writing to the Municipal Clerk request a hearing before the Board of Trustees, sitting as the Board of Appeals, to present reasons why the building should not be repaired or demolished. The Board of Trustees shall grant such hearing within ten days from the date of receiving the request. A written notice of the Board of Trustees' decision following the hearing shall be sent to

the property owner by certified mail. If the Board of Trustees rejects the appeal, the owner shall have 60 days from the sending of the decision to begin repair or demolition and removal. If after the 60-day period the owner has not begun work, the Board of Trustees shall proceed to cause such work to be done, provided that the property owner may appeal such decision to the appropriate court for adjudication, during which proceedings the decision of the Board of Trustees shall be stayed. Where the municipality has not adopted a building code, the statutes of Nebraska relating to bonded indebtedness and collection of delinquent taxes shall apply.

Statutory reference:

Authority to prevent and abate nuisances and unsafe buildings, see Neb. RS 18-1720, 18-1722, and 18-1722.01

§ 150.44 EMERGENCY.

Where any unsafe building or structure poses an immediate danger to the health, safety, or general welfare of any person or persons and the owner fails to remedy the situation in a reasonable time after notice to do so, the municipality may summarily repair or demolish and remove such building or structure.

§ 150.45 SPECIAL ASSESSMENTS.

(A) If any owner of any building or structure fails, neglects, or refuses to comply with notice by or on behalf of the municipality to repair, rehabilitate, or demolish and remove a building or structure which is unsafe and a public nuisance, the municipality may proceed with the work specified in the notice to the property owner. A statement of the cost of such work shall be transmitted to the Board of Trustees.

(B) The Board of Trustees may:

(1) Levy the cost as a special assessment against the lot or real estate upon which the building or structure is located; or

(2) Collect the cost from the owner of the building or structure and enforce the collection by civil action in any court of competent jurisdiction.

(C) Any such special assessment shall be a lien on the real estate and shall be collected in the manner provided for special assessments.

Statutory reference:

Authority to prevent and abate nuisances and unsafe buildings, see Neb. RS 18-1720, 18-1722, and 18-1722.01

BUILDING INSPECTOR

§ 150.60 POWER AND AUTHORITY.

The Building Inspector shall be the municipal official who shall have the duty of enforcing all building and housing regulations as herein prescribed. He or she shall inspect all buildings repaired, altered, built, or moved in the municipality as often as necessary to insure compliance with all municipal ordinances. He or she shall have the power and authority to order, at the direction of the Board of Trustees, all work stopped on any construction, alteration, or relocation which violates any provisions prescribed herein. He or she shall, at the direction of the Board of Trustees, issue permission to continue any construction, alteration, or relocation when the Board of Trustees is satisfied that no provision will be violated. If the stop order is an oral one, it shall be followed by a written stop order within one hour. Such written order may be served by any Deputy Sheriff. In the event that the Board of Trustees fails to appoint a Building Inspector, the County Sheriff shall be the Building Inspector ex officio.

§ 150.61 RIGHT OF ENTRY.

It shall be unlawful for any person to refuse to allow the Building Inspector entry into any building or structure where the work of construction, alteration, repair, or relocation is taking place for the purpose of making official inspections at any reasonable hour.
Penalty, see § 10.99

§ 150.62 PERMIT CARDS.

Upon the issuance of a building permit, the Building Inspector shall furnish to the applicant a permit card which shall be a distinctive color and shall contain the nature of the work, the location of the building, the number of the permit, and the date of issuance. The card shall be prominently displayed on the principal frontage of the building site close to or upon the building or structure and shall so remain until the final inspection has been made.

§ 150.63 TIME OF INSPECTION.

The Building Inspector, upon notification from the permit holder or his or her agent, shall make the following inspections of the building or structure and shall either approve that portion of the construction as completed or shall notify the permit holder or his or her agent that the work fails to comply with the requirements of the municipal code: foundation inspection shall be made after trenches are excavated and the necessary forms erected; frame inspection shall be made after the roof, framing, fire-blocking, and backing is in place and all pipes, chimneys, and vents are complete; and final inspection shall be

made after the building is completed and ready for occupancy. It shall be unlawful for any person to do work or cause work to be done beyond the point indicated in each successive inspection without the written approval of the Building Inspector.

§ 150.64 APPEAL FROM DECISION.

In the event it is claimed that the true intent and meaning of this chapter has been wrongly interpreted by the Building Inspector, that the time allowed for compliance with any order of the Building Inspector is too short, or that conditions peculiar to a particular building make it unreasonably difficult to meet the literal requirements prescribed by this chapter and by the Building Inspector, the owner, his or her agent, or the occupant may file a notice of appeal within ten days after the decision or order of the Building Inspector has been made. The Board of Trustees shall hear all appeals and shall have the power and authority, when appealed to, to modify the decision or order of the Building Inspector. Such a decision shall be final, subject only to any remedy which the aggrieved person may have at law or equity. Applications for review shall be in writing and shall state the reasons why the variance should be made. A variance shall be granted only where it is evident that reasonable safety and sanitation is assured and may include conditions not generally specified by this code to achieve that end. A copy of any variance so granted shall be sent to both the Building Inspector and the applicant.

§ 150.65 PLANS, SPECIFICATIONS, PLATS, AND REPORTS; MUNICIPAL OFFICIALS; DUTY.

A municipal official charged with the duty or responsibility of accepting or approving plans, specifications, plats, and reports shall not accept or approve plans, specifications, plats, or reports which have not been prepared in accordance with the Engineers and Architects Regulation Act.
(Neb. RS 81-3447)

CHAPTER 151: COMPREHENSIVE PLAN

Section

- 151.01 Plan adopted by reference
- 151.02 Amendment; minimum yard requirements
- 151.03 Manufactured homes; certain codes excepted
- 151.04 Fences, walls and hedges

- add 151.01.1 and 151.01.2 - 12/13/04

§ 151.01 PLAN ADOPTED BY REFERENCE.

In order to accommodate anticipated long-range future growth, the Hamilton County Comprehensive Plan is hereby adopted by reference as if set forth fully herein. Three copies of the adopted plan shall be kept on file with the Municipal Clerk and available for inspection by any member of the public during office hours.

§ 151.02 AMENDMENT; MINIMUM YARD REQUIREMENTS.

Section 707 of the Hamilton County Comprehensive Plan is hereby amended to read as follows:

There shall be a front yard of not less than a depth of 30 feet from the lot line or in the line with existing principal structures in the same block. On corner lots principal structures shall be 30 feet from lot line frontings on streets or in line with existing principal structures in the same block. There shall be a rear yard of not less than a depth of 25 feet. Each side yard shall not be less than seven feet.
(Ord. 7-707, passed 6-12-00)

Amended 3/12/12

§ 151.03 MANUFACTURED HOMES; CERTAIN CODES EXCEPTED.

(A) For any or all of the purposes designated in Neb. RS 19-901, the Board of Trustees may divide the municipality into districts of such number, shape, and area as may be deemed best suited to carry out the purposes of Neb. RS 19-901 to 19-914 and may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land within the districts. All such regulations shall be uniform for each class or kind of buildings throughout each district, but the regulations applicable to one district may differ from those applicable to other districts.

(B) (1) The Board of Trustees shall not adopt or enforce any zoning ordinance or regulation which prohibits the use of land for a proposed residential structure for the sole reason that the proposed

structure is a manufactured home if such manufactured home bears an appropriate seal which indicates that it was constructed in accordance with the standards of the Department of Health and Human Services Regulation and Licensure or the United States Department of Housing and Urban Development. The Village Board shall require that a manufactured home be located and installed according to the same standards for foundation system, permanent utility connections, setback, and minimum square footage which would apply to a site-built single-family dwelling on the same lot. The Village Board shall also require that manufactured homes meet the following standards:

- (a) The home shall have no less than 900 square feet of floor area;
- (b) The home shall have no less than an 18-foot exterior width;
- (c) The roof shall be pitched with a minimum vertical rise of two and one-half inches for each twelve inches of horizontal run;
- (d) The exterior material shall be of a color, material, and scale comparable with those existing in residential site-built, single-family construction;
- (e) The home shall have a nonreflective roof material which is or simulates asphalt or wood shingles, tile, or rock; and
- (f) The home shall have wheels, axles, transporting lights, and removable towing apparatus removed.

(2) The Village Board may not require additional standards unless such standards are uniformly applied to all single-family dwellings in the zoning district.

(3) Nothing in this subsection shall be deemed to supersede any valid restrictive covenants of record.

(C) For purposes of this section, manufactured home shall mean a factory-built structure which is to be used as a place for human habitation, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site, which does not have permanently attached to its body or frame any wheels or axles, and which bears a label certifying that it was built in compliance with National Manufactured Home Construction and Safety Standards, 24 CFR 3280 et seq., promulgated by the United States Department of Housing and Urban Development; or a modular housing unit as defined in Neb. RS 71-1557 bearing the seal of the Department of Health and Human Services Regulation and Licensure.

(D) Subdivision regulations and building, plumbing, electrical, housing, fire, or health codes or similar regulations and the adoption thereof shall be subject to Neb. RS 19-901 to 19-915.
(Neb. RS 19-902)

ORDINANCE NO. 151.01.1

VILLAGE OF GILTNER COUNTY OF HAMILTON STATE OF NEBRASKA

An ordinance for the Village of Giltner, Nebraska, to amend the Village of Giltner Code by adding a new section to designate a Wellhead Protection Area.

Section 1. Definitions. Wellhead Protection Area means the surface and subsurface area surrounding a water well or well field, supplying a public water system, through which contaminants are reasonably likely to move toward and reach such water or well field.

Section 2. The Village of Giltner designates a Wellhead Protection Area for the purpose of protecting the public water supply system. This delineation is based upon a map prepared by the Nebraska Department of Environmental Quality presented to the Village of Giltner in May 2004.

The legal description for the Wellhead Area is the West 1/2 of Section 05, all of Section 06 and the North 1/2 of the North 1/2 of Section 07 and the North 1/2 of the Northwest Quarter of Section 08, Township 09 North, Range 07 West of the 6th PM in Hamilton County, Nebraska, all of Section 01 and the East 1/2 of the Northeast Quarter of Section 02, Township 09 North, Range 08 West of the 6th PM in Hamilton County, Nebraska, described as follows:

Commencing at a point that is the center line of Road 6 (approximately 1/2 mile East of the Southeast corner of town) that is the Northeast corner of the Northwest Quarter of Section 08, Township 09 North, Range 07 West of the 6th PM in Hamilton County; thence due South an approximate distance of 1320 feet to the Southeast corner of the North one half of the Northwest Quarter of said section; thence due West approximately 7920 feet to the center point of Road G (also being the Southwest corner of the North one half of the Northwest Quarter of Section 07); thence due North (also being the center line of Road G) approximately 1320 feet to the center point of Road 6 and Road G (also being the Northwest corner of the Northwest Quarter in Section 07); thence due West approximately 5280 feet along the center line of Road 6 to the center point of Road 6 and Road F (also known as Southwest corner of the Southwest quarter of Section 01, Township 09 North, Range 08 West of the 6th PM in Hamilton County); thence due North approximately 2640 feet to the Southeast corner of the Northeast Quarter of Section 02, Township 09 North, Range 08 West of the 6th PM in Hamilton County; thence continuing due West approximately 1320 feet to the southwest corner of the East one half of the Northeast Quarter of Section 02; thence due North approximately 2640 feet to the Northwest corner of the East one Half of the Northeast Quarter of Section 02 (also being the center line of Road 7); thence due East

approximately 14520 feet to the Northeast corner of the Northwest quarter of Section 05, Township 09 North, Range 07 West of the 6th PM in Hamilton County (also the center line of Road 7). Continuing on due South approximately 5280 feet to the point that is the Northeast corner of the Northwest Quarter of Section 08, Township 09N, Range 07 West of the 6th PM of Hamilton County. This point also being the point of beginning and containing all the lands within these boundaries of this Wellhead Protection Area.

Section 3. Any other ordinance or section passed and approved prior to the passage, approval and posting of this ordinance and in conflict herewith, is hereby repealed.

Section 4. This ordinance shall take effect and be in full force from and after its passage, approval, and posting as required by law.

PASSED AND APPROVED THIS 13th DAY OF December, 2004.

Randy Firdley

Chairman

Charlynn Kral Krcilek

Charlynn Kral Krcilek
Clerk/Treasurer

(seal)

ORDINANCE NO. 151.01.2

VILLAGE OF GILTNER
COUNTY OF HAMILTON
STATE OF NEBRASKA

AN ORDINANCE FOR THE VILLAGE OF GILTNER, NEBRASKA, TO AMEND CHAPTER 151.01, COMPREHENSIVE PLAN, ARTICLE 3 OF THE VILLAGE OF GILTNER CODE, BY ADDING A NEW SECTION TO DESIGNATE A WELLHEAD PROTECTION PLAN.

Section 1. Definitions. Wellhead Protection Area means the surface and subsurface area surrounding a public water supply well or wellfield, supplying a public water supply system, through which contaminants are reasonably likely to move toward and reach such water well or wellfield.

Section 2. The Village Board designates a Wellhead Protection Plan for the purpose of protecting the public water supply system. The boundaries of the Wellhead Protection Area were adopted by Ordinance # 151.01.1 on December 13, 2004 based on the Wellhead Protection Area map drawn by the Nebraska Department of Environmental Quality in September 2004.

Section 3. Any other ordinance or section passed and approved prior to the passage, approval, and posting of this ordinance and in conflict herewith, is hereby repealed.

Section 4. This ordinance shall take effect and be in full force from and after its passage, approval, and posting as required by law.

PASSED AND APPROVED THIS 13th DAY OF December, 2004

Randy Findley

Chairman

Charlynn Kral Krcilek

Charlynn Kral Krcilek
Clerk/Treasurer



ORDINANCE NO: 7-707

BE IT ORDAINED BY THE CHAIRPERSON AND BOARD OF TRUSTEES OF THE VILLAGE OF GILTNER, NEBRASKA:

Section 1. Section 7-707 of the Municipal Code of Giltner, Nebraska, is amended to read as follows:

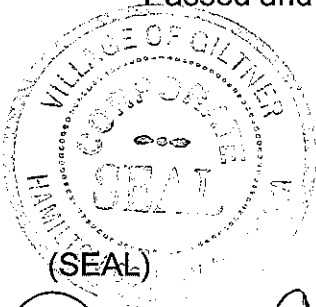
AMMENDED MINIMUM YARD REQUIREMENTS.


There shall be a front yard of not less than a depth of **twenty five (25)** feet from the lot line or in line with existing principal structures in the same block. On corner lots principal structures shall be **twenty five (25)** feet from lot line frontings on streets or in line with existing principal structures in the same block. There shall be a rear yard of not less than a depth of **zero (0)** feet, from rear of property line if not covering up utilities. Each side yard shall not be less than seven (7) feet.


Section 2. Any other ordinance or section passed and approved prior to passages, approval, and publication or posting of this ordinance and in conflict with its provisions is repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Passed and approved this 12th day of March, 2012.




Chairperson


Clerk

§ 151.04 FENCES, WALLS AND HEDGES.

Any person desiring to erect a fence shall file with the Municipal Clerk an application for a building permit. Fences shall not be erected to a greater height than eight feet above the ground. Fences erected on the lot line shall be equally appealing to the eye on both sides, or appealing side shall be erected toward the neighbor's side. Refer to Section 1501 of the Hamilton County Comprehensive Plan for visibility requirements at intersections. The use of barbed wire is prohibited.
(Am. Ord., passed 10-14-02)

