

BUILDING CODE - FENCES ORDINANCE 14.15

Fences (Cr. #94-3) (1) DEFINITION. A “fence” is herein defined as a barrier constructed of wood, stone, concrete, metal, wire or wire mesh, plastic or other manufactured material, or consisting of a linear planting of hedges, shrubbery or small trees, all of which are intended for aesthetic purposes and/or to prevent ingress or egress to property.

(2) PERMIT REQUIRED. No fence shall be constructed or laced until a permit is obtained from the building inspector. The application for fence permit shall include a description and/or sketch of the proposed fence and a plot plan showing the proposed location on the lot. A fee as determined by resolution of the Village Board and on file in the Village Clerk’s office shall accompany each application for fence permit to offset the cost of issuing the permit. Any permit to construct or erect a fence shall be valid for a period of 6 months, the intent being that any fence construction must be completed within 6 months from the date of permit issuance. No permit shall be required to repair an existing fence and is otherwise in compliance with this section.

(3) FENCE REGULATIONS.

- (a) Maximum Height. As measured from ground level to the highest component of the fence (see Ch. 17, Zoning Code for zoning district).

<i>Districts</i>	<i>Front Yard</i>	<i>Side Yard</i>	<i>Rear Yard</i>
Residential	3 feet	6 feet Beyond front of building	6 feet – Except where adjacent to non-residential property, in which case the maximum allowable height along this side shall be 8 feet
Commercial	3 Feet	8 feet Beyond required front Yard setback	8 feet
Industrial	No fence permitted	12 feet – Beyond Required front yard setback	12 feet

- (b) Location. (Am. #97-11) Fences may be constructed up to lot lines but must be entirely on the owner’s property and shall not encroach upon or overhang adjacent property. When placing a fence, consideration shall be given to allowing sufficient area on the “outside” of the fence area to facilitate maintenance. Fences may not be placed on utility, access, drainage or other easements without the approval of the Village Board.
- (c) Corner Lots. Fences located on corner lots must be placed so as not to obstruct vision on the intersecting streets. Therefore, notwithstanding the foregoing regulations, no fence located within 50’ of the property corner closest to the intersecting streets shall exceed 3’ in height with respect to the grade of the pavement at the center of the street intersection.
- (c) Construction and Maintenance. (Am. #95-15) No fences shall be constructed of unsightly or dangerous materials, which would constitute a nuisance or hazard to the general public. All fences shall be maintained in good repair and appearance. The finished or decorative side of a fence shall face outward, toward adjoining property. Structural posts and rails shall be on the owner’s side of the fence.

(4) TEMPORARY FENCES. Any fence erected for the purpose of providing protection at construction sites or for temporary security at commercial, recreational or other short-term

activities shall not require a permit but must be removed within 7 days following termination of the activity for which the temporary fencing was reacted. No temporary fence shall be placed on streets, sidewalks, parks or other public property without the prior approval of the Village Board, appropriate committee thereof or other public entity having jurisdiction over the property.

- (5) **NON-CONFORMING FENCES.** Any fences existing on the effective date of this section and not in conformance with this section may be maintained, but any modification or improvement of said fence shall comply with this section.
- (6) **PROHIBITED FENCES.** The following types of fences shall be prohibited in the Village: (a) Electrified Fences. Except in agricultural districts. (b) Barbed Wire Fences. Except in agricultural districts or on property zoned industrial where the lowest strand of barbed wire is at least 10' above ground.
- (7) **SWIMMING POOL FENCES.** (Cr. #94-9) Every outdoor in-ground swimming pool and every outdoor above-ground swimming pool having a pool wall less than 4' in height at any point around the pool, as measured on the outside of the pool wall, shall be completely enclosed by a fence or wall not less than 4' in height. The fence or wall shall be constructed without openings, holes or gaps larger than 4" in any dimension except for doors or gates. A building wall may be used as an integral part of such enclosure. All gates or doors in such enclosure shall be equipped with self-closing and self-latching devices. Any deck which surrounds an above-ground swimming pool for which a separate fence or wall is not required shall be equipped with a ladder which can be removed or positioned during non-use so as to prevent access to the deck and to the swimming pool.
- (8) **APPEALS.** See Ordinance 14.06.

14.40 **PENALTY** Except as otherwise provided herein, any person found in violation of any provision of this chapter or any order, rule or regulation made hereunder shall be subject to a penalty as provided in Section 25.04 of this Code of Ordinances.