

Chapter 151: Fences

CHAPTER 151: FENCES

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Cross-reference:

Building fees, see § 150.02

§ 151.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BARBED WIRE. A strand or strands of wire or similar material with barbs or other sharp objects spaced at regular intervals along the strand or strands of wire.

FENCE. Any structure, from whatever material, serving as an enclosure, barrier, boundary or separation.

LANDSCAPING SCREENING. Planted earth berm, densely planted evergreens, shrubs or trees or any combination thereof.

(‘77 Code, § 28.01) (Ord. 89-1, passed 2-20-89)

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§ 151.02 PURPOSE AND INTENT.

This chapter is intended to regulate the construction, placement and maintenance of fences and screenings as required or allowed in this section. Fences or screenings will be allowed as permitted or as special uses which are not detrimental to the health, safety or welfare of the Village, and in addition do not diminish the rights of citizens to sufficient air and light and safety of travel and access throughout the Village. Fences or screenings will be required that are deemed necessary to insure the rightful enjoyment of all properties, to protect property values, to insure the safety of the public rights-of-way and to protect the public from dangerous or potentially dangerous uses.

(‘77 Code, § 28.02) (Ord. 89-1, passed 2-20-89)

§ 151.03 FENCES IN PUBLIC RIGHT-OF-WAY.

No fence shall be erected or maintained on any public right-of-way except those fences erected for the purpose of insuring the public safety by a governmental body having proper authority.

(‘77 Code, § 28.03(a)) (Ord. 89-1, passed 2-20-89) Penalty, see § 10.99

§ 151.04 BARBED WIRE; ELECTRICALLY CHARGED FENCES.

The use of barbed wire or electrically charged fences is prohibited on all land used for residential purposes. The use of barbed wire or electrically charged fences may be approved as a special use on land used for purposes other than residential. All electrically charged fences shall be properly identified as required in the special use permit.

(‘77 Code, § 28.03(b)) (Ord. 89-1, passed 2-20-89) Penalty, see § 10.99

§ 151.05 MAINTENANCE OF FENCES AND SCREENING.

All fences shall be maintained in good repair. Fences shall be kept upright, and broken, damaged, or missing rails, posts, or other components shall be promptly repaired or replaced. Additionally, fences shall not block or hinder natural drainage or water flow. All landscaped screening required by this chapter or required as a condition of approval for a special use permit shall be continually maintained and replaced as necessary.

(‘77 Code, § 28.03(c)) (Ord. 89-1, passed 2-20-89) Penalty, see § 10.99

(Am. Ord. 04-32, passed 11-15-04)

§ 151.06 OBSTRUCTIONS TO LINE OF SIGHT.

In no event shall any wall, fence or other structure, landscape screening or other planting be placed or maintained in a location relative to a public or private street, alley or other means of ingress such that the sight of oncoming vehicular or pedestrian traffic is impaired for users of such

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means of ingress and egress. All fences shall be constructed so as to comply with the provisions of this code of ordinances.

(‘77 Code, § 28.03(d)) (Ord. 89-1, passed 2-20-89) Penalty, see § 10.99

(Am. Ord. 04-32, passed 11-15-04)

§ 151.07 FENCE MATERIALS.

Fences shall be constructed from the following materials wood, aluminum, wrought iron, vinyl (PCV), or wood laminates, or a combination of these materials, provided that all materials used are rigid. Exceptions to the material requirements are:

- (A) Masonry support columns used in connection with wrought iron fencing.
- (B) Residential dog runs constructed in accordance with §151.10(E) may be constructed of wire mesh materials.
- (C) The special use provisions found in §151.12 of this section.

(‘77 Code, § 28.03(e)) (Ord. 89-1, passed 2-20-89; Am. Ord. 89-7, passed 6-19-89)

(Am. Ord. 04-32, passed 11-15-04)

§ 151.08 FENCE CERTIFICATE REQUIRED.

Anyone wishing to erect a fence within the Village must, before erecting the fence, obtain a fence certificate from the Village.

(‘77 Code, § 28.04) (Ord. 89-1, passed 2-20-89) Penalty, see § 10.99

§ 151.09 RESIDENTIAL FRONT YARD FENCES.

Fences in required front yards in residential districts shall not be permitted except for: (a) picket or split rail fences which shall not exceed three feet in height and which shall comply with §§ 151.10 and 151.11 herein; and (b) those fences permitted as a special use pursuant to § 151.12.

§ 151.10 HEIGHT REGULATIONS.

(A) *Nonresidential front yard fences.* No fence shall be erected or maintained in a front yard of any nonresidential district lot adjoining a public street in any district to a height greater than four feet except as a special use.

(B) *Nonresidential side and rear yard fences.* No fence shall be erected or maintained in a side or rear yard of any nonresidential district to a height greater than six feet, except as permitted in the Public Lands District.

(Am. Ord. 07-02, revised 6-18-07; passed 2-20-07)

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(C) *Residential front yard fences.* No fence shall be erected or maintained in a front yard of any lot adjoining a street in a residential district to a height greater than three feet.

(D) *Residential rear and side yard fences.* In residential districts, fences of up to four feet shall be permitted in rear and side yards provided that they extend no further forward on the lot than eight feet to the rear of the front of the residence and that they extend no wider than the width of the lot. Any such fences shall be so located and constructed as not to interfere or conflict with the use of any utility easements or installations existing or planned to be installed in such easements. Fences in corner side yards or along the portion of a rear yard that is bounded by a side lot line fronting a public street shall be limited to a maximum of three feet.

(Am. Ord. 04-32, passed 11-15-04)

(E) *Exceptions.*

(1) Dog runs under 200 square feet placed against the rear of a residential structure shall be permitted provided their height does not exceed seven feet.

(‘77 Code, § 28.05) (Ord. 89-1, passed 2-20-89)

(2) Fences surrounding antennas or towers shall be permitted so long as their height is six feet in accordance with § 158.053 and they are screened with densely planted evergreens.

Penalty, see § 10.99

§ 151.11 DENSITY REGULATIONS.

(A) Solid fences are prohibited in all residential zoning districts.

(B) In all residential zoning districts, no fence shall have support posts, pickets or columns greater than six inches in width or diameter.

(C) All fences in residential zoning districts shall have posts, pickets, or columns spaced so that the minimum spacing thereof is at least as wide as the width of the widest post, picket, or column used in the fence and which shall be at least 50% open on any elevation.

(D) The finished side of all fences shall face the adjoining property. The finished side is the side which is the smooth side or the side not containing the structural supports.

§ 151.12 SPECIAL USES.

The following are special uses which may be granted in accordance with the procedures for variations set forth in §§ 158.091(E) and (F) and 158.102 of this code of ordinances. Requirements for a fence special use are set forth in § 158.105 of this code of ordinances.

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(A) Side or rear yard fences in any residential district over four feet or any nonresidential district fences over six feet.

(B) Barbed wire or electrically-charged livestock fences.

(C) Fences of nonapproved materials (such as, chain link or masonry).

(D) Front yard fences which are masonry, stone or boulder walls which shall not exceed two feet in height.

(‘77 Code, § 28.06) (Ord. 89-1, passed 2-20-89; Am. Ord. 93-3, passed 10-18-93)

§ 151.13 LANDSCAPED SCREENING REQUIREMENTS.

(A) *Nonresidential uses.* Where a nonresidential use abuts property in a residential district at a side or rear lot line, or is separated from such property only by a street, such nonresidential use shall be effectively screened by the nonresidential owner along such lot line(s) by landscaped screening as defined in this chapter not less than seven feet in height.

(B) *Off-street parking in nonresidential areas.* The following landscaped and planted areas shall be provided and maintained for all parking areas:

(1) *Front yards.* Permanent landscaped screening at least four feet high shall be constructed and maintained in front yard areas adjacent to permitted front and side yard parking.

(2) *Side and rear yards.* To the extent a nonresidential use abuts property in a residential district as set forth in division (A) of this section, a landscaped, permanent solid fence or landscaped screening at least seven feet high shall be constructed in side and rear yards adjacent to parking areas. Where required in nonresidential side and rear yards, the screening shall be so located and constructed as not to interfere or conflict with the use of any easements or installations existing or planned to be installed in such easements.

(‘77 Code, § 28.07) (Ord. 89-1, passed 2-20-89) Penalty, see § 10.99

§ 151.14 VARIATIONS.

Variations from this Chapter shall be considered pursuant to Section 158.102 and Section 158.105.

(Ord. 01-1, passed 1-15-01)