

ORDINANCE 2006 - 03

AN ORDINANCE AMENDING CHAPTER 18.12, DISTRICT REGULATIONS GENERALLY, SECTION 18.12.40 – FENCING, OF THE CODE OF ORDINANCES OF THE VILLAGE OF GLASFORD 1987, AS AMENDED

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE
VILLAGE OF GLASFORD, ILLINOIS, A MUNICIPAL CORPORATION,

SECTION 1: That Chapter 18.12 of District Regulations Generally, Section 18.12.40, is
amended as follows:

Section 18.12.040 Fencing

18.12.040-A Fence Permit Application.

1. No person shall erect a fence within the Village without first having received a fence permit from the Board of Trustees, unless the fence is for agricultural purposes.
2. Applications for a fence permit shall be submitted with an application fee of \$25. Fence permit application forms shall be made available from the Office of the Village Clerk.

All submitted applications for a fence permit shall include the following as a condition precedent to the issuance of a fence permit, to-wit:

- (a) a plat of survey by an Illinois registered surveyor indicating the property boundary lines and the placement of pins and markers at the corners and angles of the lot; or
- (b) attach and submit with the application adequate proof, acceptable in the sole discretion of the Board of Trustees, of the property boundary lines and placement of markers and pins set at the corners of the property or lot and angles of the property; and
- (c) if, in the sole discretion of the Board of Trustees, applicant has failed to submit adequate proof of the property line boundaries and placement of the markers and pins, applicant shall submit a plat of survey by an Illinois registered land surveyor,

which plat shall set out the boundary or lot lines and placement of markers and pins at all corners and angles of the property.

3. No fence shall be erected in the Village of Glasford unless a permit is issued, other than those fences that are exempt from permit requirements in Subsection 18.12.040-B.

18.12.040-B Exemption. The following fences are exempt from permit requirements:

1. Fences used for agricultural purposes/operations.
2. Ornamental fencing consisting of decorative posts, lattices, arbors, trellises.

18.12.040-C Prohibited Fences. Except as specifically provided below in Subsection 18.12.040-D below, the following types of dangerous or hazardous fences shall not be permitted to be either erected or maintained within the Village:

1. Barbed wire fences;
2. Electrical fences;
3. Spiked fences;
4. Fences with broken glass or other sharp points embedded;
5. Any other type of fence that could result in injuries to persons climbing over such fences; and
6. Fences that are leaning in such a manner that an angle of fifteen (15) degrees or more is produced when measured from the vertical.

18.12.040-D Exceptions for Hazardous Fencing. Hazardous or dangerous fences, such as those listed in Subsection 18.12.040-C above, shall only be permitted in the Village for the following uses:

1. Agricultural uses;
2. Public utility structures (at least eight (8) feet above grade level);
3. Telecommunication carrier facilities (at least eight (8) feet above grade level); and

4. Penal institutions (at least eight (8) feet above grade level).

18.12.040-E General Maintenance Requirements. All fences shall be maintained in good and sound condition and shall not create a harborage for rodents.

18.12.040-F Design, Location and Heights Requirements of Fences in Residential Districts.

1. No fence may exceed six (6) feet in height.
2. Except as provided in Subsection 3 below, no solid fence shall be constructed in a front setback past the front building line.
3. An open fence may be erected on a premise anywhere within six (6) inches of the property lines, including the front setback past the building line and the front and side setbacks past the building lines in the case of corner lots. The height of such fences shall not exceed four (4) feet.
4. Except as provided in Subsection 3 above, in the case of solid fences on corner lots, that part of the fence which encloses the side setback shall be erected ten (10) feet from the property line.
5. Perimeter fences may be erected in the side and rear setback behind the front building line.

18.12.040-G Design and Height Requirements of Fences in Agricultural Districts.

1. Fences that are located around dwelling units and other residential structures in agricultural districts shall meet the requirements of subsection 18.12.040-F above.
2. Fences that are located around non-agricultural and nonresidential uses, such as storage buildings, shall meet the requirements of Subsection 18.12.040-H.

18.12.040-H Design and Height Requirements of Fences in Nonresidential Districts.

1. Fences that are constructed in a nonresidential district may be either open or solid fences and shall not exceed eight (8) feet in height.

18.12.040-I Swimming Pool Fences. Fences surrounding private residential swimming pools shall meet the requirements of Chapter 21 of the Peoria County Code.

18.12.040-J Fences for Recreational Activities. Any fence erected around a recreational activity, such as a tennis court or a baseball backstop, may exceed the height requirements set forth in this section, upon the specific approval of the Village Board of Trustees.

18.12.040-K Fences Around Telecommunication Carrier Facilities. A fence shall be required around the perimeter of all communication support structures, unless the antenna is mounted on top of an existing structure. The fence shall be eight (8) feet in height, and at the discretion of the Village Board of Trustees, may be required to be barbed along the top.

18.12.040-L Special Circumstances. At their discretion, the Village Board of Trustees may impose a greater maximum fence requirement on those uses which due to their special circumstance, require distinct consideration.

The decision of the Village Board of Trustees shall be based on the following standards:

1. That the requirement of a taller fence will not alter the general character of the surrounding area.
2. That because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, an adverse impact to surrounding area would occur if the strict letter of these regulations were applied.
3. That the construction of a taller fence will enhance the public health, safety, comfort, morals, or welfare and will not be injurious to other property in the surrounding area.
4. That the taller fence will not impair an adequate supply of light and air to adjacent property or alter the view for motor vehicles at any intersection or corner lot.

18.12.040-M Penalty. Any owner, individual, tenant, resident, entity or corporation who constructs a fence without first obtaining a permit or violates any of the provisions of this Ordinance shall be fined not less than \$60.00 or less than \$250.00 for each offense.

SECTION 2: The recipient of a Municipal Code Ordinance Violation Notice for any violation of this Ordinance may settle the receipt of the Municipal Code Ordinance Violation by making a settlement payment of \$50.00 within fourteen (14) days of the date

of the receipt of the Violation Notice. The settlement option shall not apply to the second and subsequent violation with in a twelve (12)-month period.

Failure to pay the settlement amount on or before the due date shall result in the Village filing a complaint, citation or having a summons issued against the violator who shall be served with a copy of the complaint, citation or summons either by certified mail or personal service, which complaint, citation or summons shall set forth the date to answer the Village's complaint, citation or summons for Code – Ordinance Violation fine and cost. The violator shall be noticed in the complaint, citation or summons to appear at a date and time certain in the Circuit Court of Peoria County, Illinois, Peoria County Courthouse, 324 Main Street, Peoria, Illinois 61602. In any case where service by certified mail or personal delivery has been attempted and failed, the complaint, citation or summons shall be filed in the Circuit Court of Peoria County, Illinois, and a summons shall be issued.

SECTION 3: Except as herein amended or repealed, all other parts and provisions of this Section of the Code of Ordinances shall remain in full force and effect.

SECTION 4: That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form according to law.

PASSED AND APPROVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GLASFORD, ILLINOIS THIS 20 DAY OF APRIL, 2006.

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APPROVED THIS 20TH DAY OF APRIL, 2006.

_____/s/
Village President

(SEAL)

ATTEST: _____/s/
Village Clerk