

CP

ORDINANCE NO. 4933

**AN ORDINANCE AMENDING TITLE 15, CHAPTER 155,
SECTION 155.205 OF THE LOMBARD VILLAGE CODE**

WHEREAS, the President and Board of Trustees approved Ordinance 4769A amending Title 15, Chapter 155, Section 155.205 of the Code of Lombard, Illinois on March 16, 2000; and

WHEREAS, said amendment included, among other things, a requirement for permits for the erection, relocation or placement of fences or walls; and

WHEREAS, said Ordinance incorrectly denoted the proper lettered and numerical location for insertion of said text amendment into the Lombard Village Code; and

WHEREAS, the President and Village Board of Trustees find that it is the best interests of the Village to correct Section 155.205 of the Lombard Village Code; and

WHEREAS, the President and Village Board of Trustees find that the proposed readoption does not affect any of the substantive text included as part of Section 155.205 of the Lombard Village Code.

NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That Title 15, Chapter 155, Section 155.205 of the Lombard Village Code is amended to read in its entirety as follows:

“§155.205 FENCES, WALLS, AND HEDGES

A. Application for Permits

Effective March 17, 2000, permits for the erection, relocation, or placement of a fence or wall shall be required. Application for a fence or wall permit shall be made to the Director upon a form provided by the Director and the permit application shall include the following information:

1. Property owner's name, address, and phone number;
2. The name, address, and phone number of the installer of the fence or wall;
3. Address of the property on which the fence or wall is being located;
4. Plat of Survey for the property, showing all site improvements including driveways;
5. Type of fence or wall (e.g. wood, brick, wrought iron, chain link, etc.);

6. Site Plan showing the location of fence or wall on the property and in relation to all adjacent properties and driveways;
7. Height(s) of fence or walls; and
8. Such other information as may be required by the Director to show full compliance with this and other applicable ordinances of the Village.

B. Permit Issuance

1. Review of Applications.

It shall be the duty of the Director, upon the filing of an application for a fence or wall permit, to examine such plans and specifications and other data related to the proposed erection or placement of the fence or wall. If it appears that the proposed fence or wall is in compliance with all the requirements of this Chapter, the permit shall then be issued.

2. Denial and Revocation of Permit.

When a permit is denied by the Director, a written notice shall be given to the applicant along with a brief statement of the reasons for denial. The Director may revoke or suspend a permit for any false statement or misrepresentation.

3. Void if Work not Completed.

A permit issued by the Director becomes null and void if work is not completed within sixty (60) days of issuance.

C. Permit Fees

Every application, before being granted a fence or wall permit under this Chapter, shall be subject to a fee, as is established in Section 150.141 of the Code of Ordinances.

(A.) Fences and Walls

(1.) Fences or walls in Residential Districts

(a.) Fence or Wall Materials

Fences or walls in residential districts shall not include the use of barbed wire or other material intended to maintain security by means of bodily injury. Electrified fences shall not be permitted in residential districts. Fences or walls within fifteen feet (15') of any multi-family building must be of fire resistant type of construction, as approved by the Bureau of Inspectional Services. Materials for fences or walls in the clear line of sight area shall meet the requirements of Section 155.205(A)(1)(e) of this Chapter.

(b.) Permitted Locations

Fences or walls may be erected, placed, or maintained along a lot line or within a required yard on a residentially zoned property, except as otherwise restricted by Section 155.205(A)(1)(e) of this Chapter. Fences or walls may be erected in public utility easements and drainage easements, except that fences or walls erected in said easements shall not impede drainage flow.

(c.) Permitted Height

(i.) Fences or walls in any residential district shall not exceed six feet (6') in height, except that where a lot in a residential district abuts property(ies) in a business, office, or industrial district, the height of the fence or wall along the property line adjoining such business, office, or industrial district on the residential lot may reach, but not exceed, eight feet (8') in height.

(ii.) Fences or walls in required front and corner side yards shall not exceed four feet (4') in height. Where properties adjoin railroad right-of-way and the street for which the lot has frontage does not cross said railroad right-of-way, fences or walls along the property line adjoining and paralleling said railroad right-of-way may be six feet (6') in height in the required front or corner side yard.

(iii.) Wherever the rear yard of a lot abuts the front yard of an adjacent lot, the maximum height for any fence or wall within the required rear yard shall be four feet (4').

(d.) Fence Installation

When fences are located in the required front yard or corner side yard, the finished or decorative side of the fence shall face the adjacent property(ies) or street.

(e.) Fences or Walls in the Clear Line of Sight Area

No fences or walls more than two feet (2') in height shall be located within the clear line of sight area, as defined in Section 155.802 of this Chapter, unless it meets all of the following criteria:

- (i.) Fences or walls are of open construction, such as chain link without slats, wrought iron, cyclone, picket, or split rail fences.
- (ii.) Fences or walls are not of solid construction, such as board on board, solid wood, brick, concrete, or chain link with slats.
- (iii.) Deciduous trees around or adjacent to the fence are free of foliage and branches from ground level to eight feet (8') above ground level. All other plant materials which are around, adjacent to, or through the fence are no greater than two feet (2') in height.
- (iv.) Supporting members are no great than six inches (6") in width.

(2.) Fences or Walls in Business and Office Districts

(a.) Fence or Wall Materials

The use of barbed wire shall be permitted only around approved outside storage areas and only at a height greater than six feet (6') and less than eight feet (8') above the ground. No electrified fences shall be permitted. Fences or walls within fifteen feet (15') of any building must be of fire resistant type construction, as approved by the Bureau of Inspectional Services. Materials for fences or walls in the clear line of sight area shall meet the requirements of Section 155.205(A)(2)(e) of this Chapter.

(b.) Permitted Location

Fences or walls may be erected, placed, or maintained along a lot line or within a required yard in business or office district, except as otherwise restricted by Section 155.205(A)(2)(e) of this Chapter. Fences or walls may be erected in public utility easements and drainage easements, except that fences or walls erected in said easements shall not impede drainage flow.

(c.) Permitted Height

- (i.) No fence or wall shall be erected, place, or maintained to a height exceeding eight feet (8') in any business or office district.

(ii.) Fences or walls in the required front or corner side yard shall not exceed four feet (4') in height.

(iii.) Wherever the rear yard of a lot abuts the front yard of an adjacent lot, the maximum height for any fence or wall shall be four feet (4').

(d.) Fence Installation

When fences are located in the required front yard or corner side yard, the finished or decorative side of the fence shall face the adjacent property(ies) or street.

(e.) Fences or Walls in the Clear Line of Sight Area

No fences or walls more than two feet (2') in height shall be located within the clear line of sign area, as defined in Section 155.802 of this Ordinance, unless it meets all of the following criteria:

(i.) Fences or walls are of open construction, such as chain link without slats, wrought iron, cyclone, picket, or split rail fences.

(ii.) Fences or walls are not of solid construction, such as board on board, solid wood, brick, concrete, or chain link with slats.

(iii.) Deciduous trees around or adjacent to the fence are free of foliage and branches from ground level to eight feet (8') above ground level. All other plant materials which are around, adjacent to, or through the fence are no greater than two feet (2') in height.

(iv.) Supporting members are no greater than six inches (6") in width.

(3.) Fences or Walls in Industrial Districts

(a.) Fence or Wall Materials

The use of barbed wire shall be permitted only around approved outside storage areas and only at a height greater than eight feet (8') and less than ten feet (10') above the ground. No electrified fences or walls shall be permitted. All fences within fifteen feet (15') of any building must be of fire resistant type of construction, as approved by the Bureau of Inspectional Services. Materials for fences or walls in the clear line of sight area shall meet the requirements of Section 155.205(A)(3)(e) of the Chapter.

(b.) Permitted Location

Fences or walls may be erected, placed, or maintained along a lot line or within a required yard in the industrial district, except as otherwise restricted by Section 155.205(A)(3)(e) of this Chapter. Fences or walls may be erected in public utility easements and drainage easements, except that fences or walls erected in said easements shall not impede drainage flow.

(c.) Permitted Height

- (i.) No fence or wall shall be erected, placed, or maintained, to a height exceeding ten feet (10').
- (ii.) Fences or walls in a required front or corner side yard shall not exceed four feet (4') in height.
- (iii.) Wherever a rear yard of a lot abuts the front yard of an adjacent lot, the maximum height for any fence, wall, or hedge shall be four feet (4').

(d.) Fence Installation

When fences are located in the required front yard or corner side yard, the finished or decorative side of the fence shall face the adjacent property(ies) or street.

(e.) Fences or Walls in the Clear Line of Sight Area

No fences or walls more than two feet (2') in height shall be located within the clear line of sight area, as defined in Section 155.802 of this Chapter, unless it meets all of the following criteria:

- (i.) Fences or walls are of open construction, such as chain link without slats, wrought iron, cyclone, picket, or split rail fences.
- (ii.) Fences or walls are not of solid construction, such as board on board, solid wood, brick, concrete, or chain link with slats.
- (iii.) Deciduous trees around or adjacent to the fence are free of foliage and branches from ground level to eight feet (8') above ground level. All other plant materials which are around, adjacent to, or through the fence are no greater than two feet (2') in height.
- (iv.) Supporting members are no greater than six inches (6") in width.

(4.) Fences or Walls in the CR Conservation/Recreation District

(a.) Fence or Wall Materials

Fences or walls in the CR Conservation/Recreation District shall not include the use of barbed wire or other material intended to maintain security by means of bodily injury. Electrified fences shall not be permitted in the CR Conservation/Recreation District. Materials for fences or walls in the clear line of sight area shall meet the requirements of Section 155.205(A)(4)(e) of this Chapter.

(b.) Permitted Location

Fences or walls may be erected, placed, or maintained along a lot line or within a required yard in the CR District, except as otherwise restricted by Section 155.205(A)(4)(e) of this Chapter. Fences or walls may be erected in public utility easements and drainage easements, except that fences or walls erected in said easements shall not impede drainage flow.

(c.) Permitted Height

- (i.) Fences or walls within thirty feet (30') of an improved public right-of-way shall not exceed four feet (4') in height.

- (ii.) Fences or walls within thirty feet (30') of a property line, other than property lines shared by an improved public right-of-way, shall not exceed six feet (6') in height.

(d.) Fence Installation

When fences are located in the required front yard or corner side yard, the finished or decorative side of the fence shall face the adjacent property(ies) or street.

(e.) Fences or Walls in the Clear Line of Sight Area

No fences or walls more than two feet (2') in height shall be located within the clear line of sight area, as defined in Section 155.802 of this Chapter, unless it meets all of the following criteria:

- (i.) Fences or walls are of open construction, such as chain link without slats, wrought iron, cyclone, picket, or split rail fences.
- (ii.) Fences or walls are not of solid construction, such as board on board, solid wood, brick, concrete, or chain link with slats.
- (iii.) Deciduous trees around or adjacent to the fence are free of foliage and branches from ground level to eight feet (8') above ground level. All other plant materials which are around, adjacent to, or through the fence are no greater than two feet (2') in height.
- (iv.) Supporting members are no greater than six inches (6") in width.

(5.) Application for Permits

Effective March 17, 2000, permits for the erection, relocation, or placement of a fence or wall shall be required. Application for a fence or wall permit shall be made to the Director upon a form provided by the Director and the permit application shall include the following information:

- (a.) Property owner's name, address, and phone number;

- (b.) The name, address, and phone number of the installer of the fence or wall;
 - (c.) Address of the property on which the fence or wall is being located;
 - (d.) Plat of Survey for the property, showing all site improvements including driveways;
 - (e.) Type of fence or wall (e.g. wood, brick, wrought iron, chain link, etc.);
 - (f.) Site Plan showing the location of fence or wall on the property and in relation to all adjacent properties and driveways;
 - (g.) Height(s) of fence or walls; and
 - (h.) Such other information as may be required by the Director to show full compliance with this and other applicable ordinances of the Village.
- (6.) Permit Issuance
- (a.) Review of Applications

It shall be the duty of the Director, upon the filing of an application for a fence or wall permit, to examine such plans and specifications and other data related to the proposed erection or placement of the fence or wall. If it appears that the proposed fence or wall is in compliance with all the requirements of this Chapter, the permit shall then be issued.
 - (b.) Denial and Revocation of Permit

When a permit is denied by the Director, a written notice shall be given to the applicant along with a brief statement of the reasons for denial. The Director may revoke or suspend a permit for any false statement or misrepresentation.
 - (c.) Void if Work not Completed

A permit issued by the Director becomes null and void if work is not completed within sixty (60) days of issuance.

(7.) Permit Fees

Every application, before being granted a fence or wall permit under this Chapter, shall be subject to a fee, as is established in Section 150.141 of the Code of Ordinances.

(B.) Hedges

(1.) Permitted Locations.

Hedges may be placed or maintained along a lot line or within a required yard in any zoning district, except as otherwise restricted by Section 155.205(B)(3).

(2.) Permitted Height.

The maximum allowed height for a hedge shall be the same maximum allowed height for a fence or wall in the zoning district in which said hedges are located, except as otherwise restricted by Section 155.205(B)(3).

(3.) Hedges in the Clear Line of Sight Area.

Hedges in the clear line of sight area as defined in Section 155.802 of this Chapter shall not exceed two feet (2') in height."

SECTION 2: That this ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

Passed on first reading this 1st day of February, 2001.

First reading waived by action of the Board of Trustees this ____ day of _____, 2001.

Passed on second reading this 15th day of February, 2001.

Ayes: Trustees Borgatell, Tross, Schaffer, Seby, Florey, Kufrin, Jr.

Nays: None

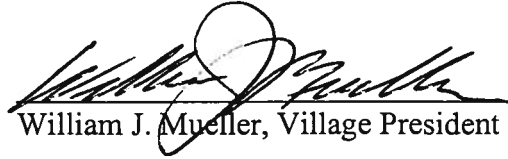
Absent: None

Approved by me this 15th day of February, 2001.

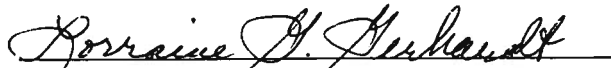
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Re: Amending Title 15, Chapter 155, Section 155.205

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William J. Mueller, Village President

ATTEST:


Lorraine G. Gerhardt, Village Clerk

Published by me in pamphlet form this 16th day of February, 2001.

Lorraine G. Gerhardt, Village Clerk