

**VILLAGE  
OF  
FOXLAKE**



**FENCES**

## Chapter 7

### FENCES

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**6-7-1: SHORT TITLE:** This Ordinance shall be known and may be cited as the “Village of Fox Lake Fence Ordinance”.

**6-7-2: DEFINITIONS:** For the purpose of this Ordinance, certain words used herein are defined as follows:

“Fence” shall mean a barrier erected upon, or immediately adjacent to, a property line for the purpose of separating properties, or for screening, enclosing and/or protecting the property within its perimeter. A fence shall not include construction site barriers, landscape treatments or privacy screens as defined herein.

“Privacy Screen” shall mean a barrier erected within the interior of a parcel of property and not upon, or immediately adjacent to, a property line for the purpose of obscuring patios, decks, courtyards, swimming pools and other similar outdoor features, from observation by persons outside the perimeter of the property. Privacy screens shall not include landscape treatments.

“Site-Obscuring” shall mean opaque or having such qualities as to constitute an effective visual barrier in the determination of the Village's Building Commissioner. A chain link fence, in the absence of slats, shall not be considered site-obscuring.

**6-7-3: Conformity, Permit Required, Fee:** No person shall hereafter within the Village, erect, build, construct, or reconstruct any fence or privacy screen or any section or portion thereof unless the same shall conform to these requirements and specifications. No person shall erect or construct any fence or privacy screen, or dig, auger or otherwise prepare post holes within the Village, without first obtaining a permit therefore from the Village Building Department. Permits will be issued only when a drawing of the proposed fence and post holes is approved for conformity with this Chapter by the Building Department. The permit fee shall be established in the Village Permit Fee Schedule.

**6-7-4: Maximum Height and Permitted Locations of Fences and Privacy Screens:** The respective owners or lessees of property in the Village of Fox Lake may construct fences and privacy screens in such a manner as hereinafter stated.

- A) No fence shall be erected, constructed or reconstructed to a height of more than six feet (6') above the adjoining ground level of the owner's or lessee's property unless otherwise provided by Section 6-7-8 herein.
- B) On that portion of improved residential property fronting on a public street all fences therein shall be at least fifty percent (50%) open and no fence shall exceed forty-eight inches (48") in height above the surface of the ground, and shall not extend beyond the property line.
- C) On that portion of improved residential property which constitutes the side of the premises and which abuts on a public street, all fences therein shall be at least fifty percent (50%) open and no fence shall exceed forty-eight inches (48") in height above the surface of the ground, and shall not extend beyond the property line. A six foot (6') high fence may be constructed on a rear lot line adjacent to a street as long as visibility at corner intersections is not impaired. Visibility is a primary concern in all situations involving fence construction, and the Building Commissioner is hereby granted broad discretion in determining if visibility is or is not impaired.
- D) On that portion of premises which constitutes the rear or side of residential property, which abuts on private residential property, fences

shall not exceed six feet (6') in height above the surface of the ground, and shall not extend beyond the property line on either side or to the rear, and shall not extend further than the building set back line on either side of the property. This portion of fence may be of a solid type construction known as a privacy fence.

- E) On that portion of premises which constitutes the rear or side of a residential corner lot, fences shall not exceed six feet (6') in height above the surface of the ground, and may be of a solid type construction known as a privacy fence; however, no fence on any corner lot shall extend beyond the building line or the front of any principal building on any adjacent lot, whichever is less.
- F) On that portion of premises which constitutes the side of the premises and which abuts to adjacent private residential property and which extends from the building set back line to the front property line, fences shall not exceed forty-eight inches (48") in height above the surface of the ground and shall be at least fifty percent (50%) open.
- G) No privacy screen shall be erected, constructed or reconstructed to a height of more than six feet (6') above the adjoining level of the owner's or lessee's property, when located between a property line and the required minimum side yard setback for the dwelling pursuant to Section 9-1-4-3 of the Village of Fox Lake Zoning Ordinance. Privacy screens may be erected, constructed or reconstructed to a maximum height of eight feet (8') when setback from a side or rear property line a distance equal to the minimum side yard setback required for the dwelling pursuant to Section 9-1-4-3 of the Village of Fox Lake Zoning Ordinance. Privacy screens are permitted only within a rear yard as defined by the Village of Fox Lake Zoning Ordinance.
- H) No fence shall be constructed so as to encroach into the public right-of-way. Provided that, such encroachment may be permitted by the Village Board of Trustees upon request and a showing that a necessity exists for such encroachment. The decision of the Village Board of Trustees shall be final and binding.

**6-7-5: Location Along Lot Lines:** A structural fence shall be erected so that the entire fence and all supporting structures are entirely on the owner's property. Fence posts and all other supporting structures as well as rough side of the fence, if any, shall face the owner's property, except when said fence separates a residential lot from a business or industrial lot. No inspection by the Building Commissioner nor any permit issued by him shall be any evidence or guarantee that the fence has been so correctly located on the subject property.

**6-7-6: Construction:** All fences and privacy screens shall be of an ornamental type, constructed of either ornamental wire, wrought iron or wood. All supporting post, cross members and protruding bolts, screens and/or hardware of site-obscuring fences and privacy screens shall be inside the property and faced toward the interior of the property of the person who erects, constructs or causes to have constructed the site-obscuring fence or privacy screen.

**6-7-7: General Conditions:**

- A) Old or used material shall not be permitted to constitute any portion of a fence or privacy screen unless such material shall be reasonably sound in the judgment of the Building Commissioner.
- B) All constituent materials of a fence or privacy screen, with the exception of bolts, screws, nails or other such hardware, shall be of identical or similar type, or of such other materials as are, in the judgment of the Building Commissioner, reasonably compatible.

**6-7-8: Barbed Wire and Electrically-Charged Fences:** It shall be unlawful to construct and maintain any electrically-charged fence in the Village of Fox Lake. No barbed wire or other sharp, pointed material shall be used in connection with the construction of any fence or privacy screen in any residentially zoned area. In non-residential zones, barbed wire or other pointed materials may be used, provided said material is exclusively located at least seven feet (7') above the ground, and projects over the fence owner's property and does not overhang abutting properties. In non-residential zones, the location of barbed wire fences must be first approved by the Village Building Commissioner.

**6-7-9: Maintenance and Repair:** Any person, firm or corporation that owns or leases property upon which a fence or privacy screen is located shall be responsible for the repair, upkeep, maintenance and reconstruction of any such fence or privacy screen and any area adjacent thereto. If ownership of a fence located upon a property line is joint or cannot be determined, then each party owning or leasing property adjacent to the fence shall be responsible for its care, upkeep and maintenance.

**6-7-10: Obstruction of Visibility:** No fence shall be constructed, nor shall anything be placed, planted or allow to grow in such a manner as to obstruct or impair visibility of oncoming vehicular or pedestrian traffic from any intersecting street, driveway or alley way.

**6-7-11: Existing Fences:** Any fence which is erected and in violation of this Chapter at the time of its passage shall be exempt from the requirements of this Chapter unless such fence is deemed a traffic or safety hazard, which determination shall be made by the Mayor and the Village Board of Trustees.

**6-7-12: Non-conforming Fences:** All fences in violation of this Chapter at the time of its passage shall be governed by the following conditions:

- A) Any Fence that is in violation of this Chapter and is determined by the Village Building Commissioner to be a traffic or safety hazard shall be made to conform to this Chapter six (6) months from such determination.
- B) No non-conforming fence shall be enlarged, extended or structurally altered except to make it conform to this Chapter.

**6-7-13: Compliance, Appeal, Variances:**

- A) The Building Commissioner or his/her designate may inspect any fence to determine whether it conforms with the provisions of this Ordinance. Any person who erects, constructs, builds or causes to be erected, built or constructed a fence, or a privacy screen, or who owns or leases property upon which a fence or privacy screen is located, shall permit the Building Commissioner or his/her designate access to inspect said fence or privacy screen to determine whether it complies with the provisions of this Ordinance.
- B) Failure to comply with any written notice from the Building Commissioner or his/her designate shall be deemed a violation of this Ordinance.
- C) Appeal from a decision of the Building Commissioner shall be permitted to the Village Board of Trustees in a manner and in conformance with the rules promulgated by the Board.
- D) The Village Board of Trustees may grant such variations from the provisions of this Chapter in harmony with their general purpose and intent. Such variation shall be granted only after the Village Board has made a finding of fact that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this Chapter.
- E) Upon the receipt of any request for a variation of any provisions of this Ordinance, the Village Board of Trustees shall conduct a public hearing after due notice of the time and place of such hearing is given to all property owners immediately adjacent and contiguous to the property which is the subject of the variance request.
- F) All fences and privacy screens shall comply with the Village of Fox Lake Zoning Ordinance and all other Ordinances of the Village and applicable State laws.

**6-7-14: Revocation of Permit:** If after the issuance of such permit the Village Board of Trustees shall have reason to believe that any fraud or misrepresentation was used in obtaining the permit, or any laws of the Village or State have been violated, the Village President or Building Commissioner shall be, and is hereby authorized to revoke such permit, after ten (10) days notice to the violator.

**6-7-15: Penalty:** Any person who commits a violation of any of the forego-

ing provisions of this Ordinance shall be subject to a fine of not more than seven hundred fifty dollars (\$750.00), and each day of each violation shall constitute a separate offense.

**6-7-16: Severability:** If any Section, subsection, clause phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion of this Ordinance, and such holding shall not affect the validity of the remaining portions of this Ordinance.

**6-7-17: Repeal and Savings Clause:** All Ordinances and parts of Ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions or causes of action which shall be accrued to the Village of Fox Lake prior to the effective date of this Ordinance.

**6-7-18: Effective Date:** This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

**6-7-19: Ordinance Number:** This Ordinance shall be known as Ordinance Number 98-37 & 98-38

98-37. passed June 1, 1998

98-38 passed June 15, 1998