

§ 150.037 FENCES.

(A) *Definition.* For the purpose of this section the following definition shall apply unless the context clearly indicates or requires a different meaning.

**FENCE.** Any non-living structure which is a barrier and used for boundary, confinement, privacy, or partition purposes.

(B) *Permit to construct required.* A fence permit shall be required for the construction of any new fence, the replacement of any fence and for any substantial change to any existing fence. Application for a fence permit shall include the type of fence, the height, width, and length, and a sketch showing the location of the fence on the lot. The fee for a fence permit shall be \$0.09 per lineal foot provided however, that the minimum fee is \$50.00. The fee is payable in advance and a permit, when issued, shall be visibly displayed on the premises of the lot during the period of time of the construction.

(C) *General regulations.* All fences in all districts:

(1) Shall be maintained in good repair. If 50% or more of any existing fence is determined by the Village Administrator or his/her designee to be in a state of disrepair it shall be replaced with a fence that is in compliance with all of the provisions of this section or removed provided, however, that a fence that is required by any provision of the Village Code shall be replaced.

(2) Shall have all fence posts supported by a concrete base to a depth of not less than 36" in the ground.

(3) Shall be constructed with the finished side facing away from the enclosed lot, the framing of the fence to face the lot.

(4) Shall be constructed and maintained such that neither the fence nor any vegetation at its base impedes the natural flow of water.

(5) Shall not have any commercial advertising sign placed thereon. No Trespass and beware of dog signs shall not be permitted on any fence except upon or near any gate allowing entrance to the fenced area and no such sign shall be larger than 2.25 square feet.

(D) *Prohibited fences.* In all districts:

(1) No fence shall be placed or maintained on any portion of the public right-of-way.

(2) No fence shall be placed or maintained in any required yard which, by the nature of its construction, design or location would impair public safety by obstructing the vision of persons using the streets, sidewalks, or driveways on or adjacent to the yard. No such fence shall be located within a vision triangle, the sides of which are formed by the right-of-way lines of two intersecting streets, the length of sides of the triangle to be 30 feet.

(3) No fence shall be constructed in whole or part with any electrically charged wire, barbed wire, spikes, glass, protruding nails, or other sharp or pointed material of any kind.

(4) No chain link fence shall be constructed or maintained with barbed ends up.

(5) No snow fences shall be constructed or maintained except when erected by state or local highway authorities for the exclusive control of wind blown snow or when used as temporary construction barriers.

(E) *Fences in residential districts.* In all residential districts, fences are prohibited in front yards. They are permitted to extend from any point between the front and back wall of the primary structure to side and rear lot lines. **BACK WALL AND FRONT WALL** are defined as the furthest protrusion of the back or front wall of the original construction or any addition

thereto that makes up 50% or more of the entire length of the structure, excluding any enclosed porch, patio, deck, or similar construction. In residential districts:

(1) Chain link fences are prohibited. Wood fences must be cedar or treated wood. Treated wood fences must be of Alkaline Copper Quarternary (ACQ), Copper Azole (CA), Micronized Copper Quarternary (MCQ) type, or equivalent as determined by the Building Administrator.

(2) Parallel fences are prohibited.

(3) Fences shall be open with a minimum open space of no less than 1/4" between slats for the entire length of the fence.

(4) Fences shall be constructed and maintained with not less than 2" of clearance between the ground and the bottom of the fence for the entire length of the fence.

(5) Fences shall not exceed a height of six feet including lattice, if installed.

(6) Fences that are required by any provision of the Village Code must be placed on the owner's property/lot line provided, however, that fences installed to conform to swimming pool regulations shall be exempt from this requirement.

(7) At least one gate or opening shall be provided in all fence enclosures. The required gate or opening shall face the street and be at least three feet in width and not exceed six feet in height.

(8) The installation of "invisible" fences used to confine pets shall require a fence permit. Invisible fences must conform to the provisions of [Chapter 91](#): Animal Control of the Peotone Municipal Code. Invisible fences are prohibited between the street and front wall of the primary structure.

(F) *Fences in business and industrial districts.* Chain link fences are prohibited in business districts. In industrial districts, chain link fences may not be placed on a common property line with a residential district, business district, or public zone. Fences in business districts may not exceed six feet in height. Fences in industrial districts may not exceed eight feet in height.

(G) *Variances.* Variations from the provisions of this § [150.037](#) shall be presented to and determined by the Board of Trustees provided that no request for a variation from the provisions of division (E)(1) may be presented. Any person requesting a variance shall submit the request in writing stating the specific variation(s) requested and the reason for it. The Board of Trustees may condition the granting of any variance upon such terms as deemed appropriate and proper.