

ORDINANCE NO. 1072

**AN ORDINANCE AMENDING CERTAIN SECTIONS
OF THE MUNICIPAL CODE RELATING TO FENCING
AND ADOPTING REGULATIONS FOR FENCES, WALLS, AND BERMS
FOR THE VILLAGE OF LADD, BUREAU COUNTY, ILLINOIS**

WHEREAS, the Municipal Authorities of the Village of Ladd, Bureau County, Illinois, have previously enacted ordinances setting forth certain requirements relating to the permitting and construction of fences codified in various Sections of the Municipal Code of the Village of Ladd, Bureau County, Illinois; and

WHEREAS, the Municipal Authorities of the Village of Ladd, Bureau County, Illinois, have decided to amend and add certain requirements relating to the permitting and construction of fences codified in various Sections of its Municipal Code

NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LADD, BUREAU COUNTY, ILLINOIS, AS FOLLOWS:

SECTION ONE: Adoption of Regulations Regarding Fences, Walls, and Berms

The following shall be added as Chapter 17.58 of the Ladd Municipal Code:

17.58 Fences, Walls, and Berms.

17.58.10 – Building Permit Required. No person may erect a fence or wall on any property located in the Village without the issuance of a building permit from the Village.

17.58.20 – Building Permit – Issuance Provisions. A building permit shall be issued to a person requesting to construct a fence or wall on property within the Village only after it has demonstrated to the Building Inspector that the following provisions have been met:

(A) A diagram of the proposed fence or wall shall state that the fence shall comply with all other Village ordinances relating to the fence or wall.

(B) The proposed fence or wall shall not be erected within two feet (2') of any property line unless the fence or wall is a "Division Fence" (defined as a fence line or wall line directly on a property boundary line). A Division Fence may be erected if the Building Inspector is provided with a copy of a written agreement, recorded in the office of the Bureau County Recorded of Deeds, that contains the following terms:

- (1) A legal description of all property in which the division fence shall lie;
- (2) A statement of ownership, or co-ownership, of the fence, as well as a statement with respect to the duty to maintain the fence and the right to enter another's property for the purpose of maintenance, if necessary;

- (3) a statement of each party's remedies for another's breach of his duty to maintain the fence;
- (4) a statement to the duration of the agreement and a procedure for removing the fence upon the expiration of the agreement; and
- (5) a statement that the agreement is binding on all the heirs, legatees, beneficiaries, assigns, or any other successor in title or interest in the property.

(C) If the proposed fence or wall is a Division Fence, the Building Inspector must be provided with a survey of the subject property/properties that establishes the boundary line, performed by a licensed Illinois Land Surveyor within the last six (6) months.

17.58.30 – Design Standards. Fences and walls must be designed in accordance with the following standards:

(A) Location. Fences and walls, including all posts, bases, and other structural parts must be located completely within the boundaries of the lot on which it is located.

(B) Measurement. The height of the fence or wall structure shall be measured from the ground level at the base of the structure to the highest point on the structure. When the ground is of different levels on either side of the fence or wall, the height of the structure for compliance with subsection (C) of this section shall be measured from the lowest side but in no case, when the difference in ground height from one side of the fence structure to the other is two feet (2') or greater, shall the structure protruding above the high side be less than forty-two inches (42") in height.

(C) Maximum Height and Maximum Opacity:

Yard	R District	B District	M District
Front & Corner Side	None allowed	6'/100% Opaque	6'/100% Opaque
Side	6'/100% Opaque	6'/100% Opaque	8'/100% Opaque
Rear	6'/100% Opaque	6'/100% Opaque	8'/100% Opaque

(D) Design and Construction

1. Permitted Materials in Residential Districts:

- (a) Wood;
- (b) Wrought Iron;
- (c) Vinyl;
- (d) Brick;
- (e) Stone;
- (f) Chain-link; and
- (g) Other materials approved by the Planning Commission.

2. Finished Side: All fences and walls must be constructed with the finished side facing the exterior of the property, with support posts placed to the inside, except in such cases where the support posts are an integral part of the design.

3. Barbed Wire and Electric Fences: Barbed wire, razor wire, concertina, and the electrification of fencing are prohibited.

4. Swimming Pools: In-ground swimming pools must be enclosed with a security fence having a minimum height of six feet (6').

5. Maintenance: It is the responsibility of the owner and/or occupant of the property where a fence or wall is erected to maintain the structure in good repair and a structurally sound condition at all times, with no loose, rotting, or rusting materials, and with all structural components attached in accordance with common building practices. If a fence or wall is not in compliance with this section, the Building Inspector may order the fence to be repaired, replaced or removed.

(e) Berm Design

- 1. Perimeter parking lot and transitional yard landscaping may include installation of earthen berms for screening purposes.
- 2. Berms should not be designed in an unnatural, symmetrical pattern, but should be varied in both the vertical and horizontal dimensions.
- 3. Berms may not exceed a maximum slope of three to one (3:1).
- 4. All berms must be planted with landscaping to prevent their erosion. Plantings placed on top of a berm must consist of species compatible with the terrain of the berm.

(f) Exception. Where provisions of this section will cause damage or hardship, the building inspector may alter, with the approval of the Village Board, the conditions of the permit before it is issued.

17.58.40 – Inspection by Building Inspector. The Building Inspector shall from time to time inspect all fences to determine if maintenance is necessary. If the Building Inspector determines that maintenance or repair is necessary, they shall notify the property owner(s) of the necessary maintenance. The property owner(s) shall have thirty (30) days in which to perform the necessary maintenance and repairs. If the maintenance and

repairs are not complete within said thirty (30) days, the Village, at its discretion, may:

- (A) Order the owner(s) to remove the fence;
 - (B) Remove the fence itself; or
 - (C) Perform the necessary maintenance or repairs and charge the property owner(s) for the costs and expenses associated with the maintenance and repairs.
- The Village shall have a right to attach a lien to the real property for any costs and expenses incurred in the maintenance or removal of a fence.

17.58.50 – Violation - Penalty. There shall be a fine assessed to the owner(s) of property not in compliance with this chapter of an amount not to exceed twenty-five Dollars (\$25) per day.

SECTION FOUR: Repeal

All ordinance or parts of ordinances in conflict with this Ordinance, specifically but not limited to Sections 17.56.010 (C.) and 17.56.010 (D.) of the Municipal Code of the Village of Ladd, are hereby repealed insofar as they are in conflict with this Ordinance

SECTION FIVE: Invalidity

If any provision of this Ordinance or its application to any person or under any circumstances is adjudged invalid, such adjudication shall not affect the validity of the Ordinance as a whole or of any portion not adjudged invalid.

SECTION SIX: Effective Date

This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

PASSED AND ADOPTED by the President and Board of Trustees of the Village of Ladd, Bureau County, Illinois this 27th day of August, A.D. 2019.

<u>TRUSTEE</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>	<u>ABSTAIN</u>
Cattani	✓	_____	_____	_____
Nelson	✓	_____	_____	_____
Manning	✓	_____	_____	_____
Martin	✓	_____	_____	_____
Ruggerio	✓	_____	_____	_____
Urbanowski	✓	_____	_____	_____
President Grivetti	✓	_____	_____	_____

Michael Grivetti

**MICHAEL GRIVETTI, President,
Board of Trustees,
Village of Ladd**

ATTEST:

Diane Chandler

DIANE CHANDLER, Village Clerk