

VILLAGE OF BRADLEY

ORDINANCE NO. O-7-19-1

AN ORDINANCE AMENDING CHAPTER 10 (BUILDINGS AND BUILDING REGULATIONS), ARTICLE V (FENCES), SECTION 10-330 (REGULATIONS; INSPECTIONS) OF THE BRADLEY CODE

ADOPTED BY THE
BOARD OF TRUSTEES OF THE
VILLAGE OF BRADLEY

THIS 26th DAY OF August, 2019

Published in pamphlet form by the authority of the Board of Trustees of the Village of Bradley, Kankakee County, Illinois this 26th day of August, 2019

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AN ORDINANCE AMENDING CHAPTER 10 (BUILDINGS AND BUILDING REGULATIONS), ARTICLE V (FENCES), SECTION 10-330 (REGULATIONS; INSPECTIONS) OF THE BRADLEY CODE

WHEREAS, the Corporate Authorities of the Village of Bradley, Kankakee County, Illinois, have the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety, and welfare of its citizens; and

WHEREAS, the Corporate Authorities of the Village previously adopted certain building regulations related to the erection and maintenance of fences within the Village, which regulations are codified as Section 10-330 of the Bradley Code; and

WHEREAS, the Corporate Authorities of the Village have determined that it is in the best interests of the Village and its citizens to amend Section 10-330 of the Bradley Code as set forth in this Ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS, PURSUANT TO ITS STATUTORY AUTHORITY, AS FOLLOWS:

SECTION 1. The President and Board of Trustees hereby find that all of the recitals contained in the preamble to this Ordinance are true, correct, and complete and are hereby incorporated by reference hereto and made a part hereof.

SECTION 2. That Chapter 10 (Buildings and Building Regulations), Article V (Fences), Section 10-330 of the Bradley Code is hereby amended to read as follows:

Sec. 10-330. - Regulations; inspections.

(a) *Definitions.* For purposes of this section.

- (1) *Fence:* Any structure, partition or enclosure of wood, wrought iron, iron, aluminum, chain-link, PVC or a retail marketed plastic composite, brick and dressed or decorative stone, enclosing or dividing a piece of land. A fence shall not include naturally growing shrubs, bushes and other foliage.
- (2) *Front Yard:* A yard extending along the full length of the front lot line between the side lot lines to a depth specified in yard requirements for the zoning district.
- (3) *Front Lot Line:* A street right-of-way forming a boundary of a lot. On a corner lot, the required setbacks as defined in the Village's Zoning Ordinance for the specific zoning district shall determine which of the two lot lines abutting a street

right-of-way shall be considered a front lot line and which shall be considered a side lot line.

- (4) *Cornerside Yard:* A side yard, which adjoins any street to a width specified in the yard requirements for the zoning district.
 - (5) *Side Yard:* A yard between the principal building and the side lot line of the lot, and extending from the front lot line to the rear yard lot line.
 - (6) *Rear Yard:* A yard extending across the rear of a lot measured between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the principal building or any projection other than steps, unenclosed balconies or unenclosed porches. On corner lots, the rear yard shall be considered parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard.
- (b) *Construction.* All fences shall be constructed in such a manner that the finished side of the fencing shall face the exterior of the lot so that all supporting posts face the interior of the lot only.
 - (c) *Plat of survey or property pins.* A property owner or his designated agent shall submit a certified plat of survey showing the boundaries of the lot and indicate on the survey the location for any proposed fence. A property owner shall expose property pins for inspection by the department of building standards and submit a drawing showing the location of the proposed fence.
 - (d) *Permit application and issuance.* No such fence shall be constructed without first obtaining a permit from the department of building standards. An application fee as provided in the village fee schedule in section 18-1 shall be paid in full upon application and a building permit fee as provided in the village fee schedule in section 18-1 shall be paid in full upon approval of the application by the department of building standards.
 - (e) *Inspection.* A property owner or his designated agent shall be responsible for notifying the department of building standards in order to allow for an inspection of all postholes prior to sinking of posts therein in order that the building inspector may determine compliance with this section. The property owner shall be responsible for notifying the building department to inspect the completed fence to determine compliance with this section. The inspection called for herein shall be solely for the purpose of determining compliance with this section and not to determine property boundaries. It shall be the sole responsibility of the property owner to determine that all portions of the fence are constructed within the property boundaries owned by the property owner.
 - (f) *Fences located in rights-of-way and utility and drainage easements.* No private fences shall be allowed or constructed on a public street, highway or alley right-of-way. Fences may, by

permit, be placed on public utility easements, so long as the structures do not interfere in any way with the existing underground, ground or over ground utilities. The village or any utility that has authority to use such easements shall not be liable for repair or replacement of such fences in the event they are moved, damaged or destroyed by virtue due to the lawful use of an easement. Fences shall not be located in any platted drainage easement containing a channel as defined in section 42-5. Care shall be taken to construct fencing such that it does not block the normal flow of surface waters from rainfall runoff in a drainage easement or any other location. The village reserves the authority to remove or cause to be removed any fence placed in a drainage easement in a manner that blocks the normal flow of surface waters from rainfall runoff. Inspection notwithstanding, the village shall not be liable for any damage by virtue of a fence placed or adjusted in a manner that blocks the normal flow of surface waters from rainfall runoff. It shall be the sole responsibility of the property owner to determine the fence is placed in a manner that does not block the normal flow of surface waters from rainfall runoff.

- (g) *Good repair.* All fences shall be maintained in good, structurally sound repair and in a neat, clean, presentable condition. If the department of building standards or code enforcement officer determines that any fence does not meet the requirements of this section, he shall order the property owner or his designated agent by registered or certified mail that applicable repairs or improvements shall be made within 30 days. Should the property owner or his designated agent fail to make the required repairs or improvements as directed, the property owner or his designated agent shall be in violation of this section and the village shall cause a citation to be issued against the property owner or his designated agent.
- (h) *Dangerous fences.* No fence shall be constructed of material obviously intended to inflict great bodily harm if a person or animal were to attempt to climb or scale such fence. Such materials shall include, but are not limited to, electrically charged wires or other electrical conduit, barbed wire, broken glass, razor blades or razor wire, and sharp or ragged metal spikes or spears. A variance from the requirements of this subsection may be granted for the protection of public utilities by the village board pursuant to a hearing held before planning and zoning commission and recommendation on the variance application by the planning and zoning commission.
- (i) *Nonconforming fences.* Fences in existence as of the adoption of this amended section which are not in violation of subsections (g) and (h) of this section, and are not located on a public street, highway, alley or other public right-of-way, may continue to be maintained and repaired if any portion of said fence is damaged.
- (j) *Fences located in residentially zoned districts or on a lot in any zoning district used for single- or multi-family dwelling purposes.* No fence may be more than six feet in height above the natural contour of the ground, with the exception of chain-link fencing which shall be limited to a maximum height of 48 inches, if located in a residentially zoned district or on a lot in any zoning district used for single- or multi-family dwelling purposes. All such fences must be secured by posts, the base of which posts shall be at least 42 inches below ground level and secured by concrete.

(1) *Corner lots adjacent to an alley.* A fence or wall may not be erected, constructed or maintained in a front yard. A fence or wall may be erected, constructed or maintained in a cornerside yard in general accordance with the diagrams provided below, subject to all applicable regulations of this Section. A fence located within a cornerside yard shall maintain a minimum setback of one (1) foot from the property line when there is no sidewalk or two (2) feet from an existing sidewalk.

Insert Fence Location Exhibit

(2) *Corner lots not adjacent to an alley.* A fence or wall may not be erected, constructed or maintained in a front yard. A fence or wall may be erected, constructed or maintained in a cornerside yard in accordance with the following: rear yard to rear yard, a fence or wall located in a cornerside yard shall maintain a minimum setback of one (1) foot from the property line; rear yard to front yard, a fence or wall located in a cornerside yard shall maintain a minimum setback from the property line of ½ the distance of the required front yard setback of the residential zoning district in which the property is located.

- (k) *Fences located in B-1, B-2, or B-3 zoning districts on lots used solely for commercial uses.* Fences may not exceed six (6) feet in height above ground level in B-1, B-2, or B-3 zoning districts on lots used solely for commercial uses. All fences must be secured by posts, the base of which posts shall be at least 42 inches below ground level and secured by concrete. No fence or wall may be erected, constructed or maintained in a front yard or cornerside yard except, in situations when screening of outdoor storage is required. A fence or wall may be erected, constructed or maintained in a side or rear yard.
- (l) *Fences located in M-Industrial zoning districts on lots used solely for manufacturing and/or industrial uses.* Fences may not exceed eight (8) feet in height above ground level located in M-Industrial zoning districts on lots used solely for manufacturing and/or industrial uses. All fences must be secured by posts and the base of the posts shall be at least 42 inches below ground level, and in the case of fences eight feet in height, the base of the posts shall be at least 48 inches below ground level and secured in concrete. No fence or wall may be erected, constructed or maintained in a front yard or cornerside yard, except in situations when security measures are necessary or screening of outdoor storage is required. A fence or wall may be erected, construction or maintained in a side or rear yard.
- (m) *Unlawful construction.* It shall be unlawful for any person to construct a fence in violation of this section.

SECTION 3. In the event that any provision or provisions, portion or portions, or clause or clauses of this Ordinance shall be declared to be invalid or unenforceable by a Court of competent jurisdiction, such adjudication shall in no way affect or impair the validity or enforceability of any of the remaining provisions, portions, or clauses of this Ordinance that may be given effect without such invalid or unenforceable provision or provisions, portion or portions, or clause or clauses.

SECTION 4. That all ordinances, resolutions, motions, or parts thereof, conflicting with any of the provisions of this Ordinance, are hereby repealed to the extent of the conflict.

SECTION 5. That the Village Clerk is hereby directed to publish this Ordinance in pamphlet form.

SECTION 6. 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 by the Board of Trustees on a roll call vote on the 26th day of August, 2019.

TRUSTEES:

ROBERT REDMOND	Aye - <u>X</u>	Nay - <u> </u>	Absent - <u> </u>
MICHAEL WATSON	Aye - <u>X</u>	Nay - <u> </u>	Absent - <u> </u>
RYAN LEBRAN	Aye - <u>X</u>	Nay - <u> </u>	Absent - <u> </u>
BRIAN BILLINGSLEY	Aye - <u>X</u>	Nay - <u> </u>	Absent - <u> </u>
DARREN WESTPHAL	Aye - <u>X</u>	Nay - <u> </u>	Absent - <u> </u>
BRIAN TIERI	Aye - <u>X</u>	Nay - <u> </u>	Absent - <u> </u>

ACTING VILLAGE PRESIDENT:

MICHAEL WATSON Non-Voting - X

TOTALS: Aye - 6 Nay - 0 Absent - 0

ATTEST:

Julie Tambling
JULIE TAMBLING, VILLAGE CLERK

APPROVED this 26th day of August, 2019.

Michael Watson
MICHAEL WATSON, ACTING VILLAGE PRESIDENT

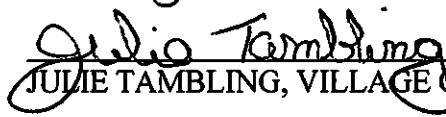
ATTEST:

Julie Tambling
JULIE TAMBLING, VILLAGE CLERK

STATE OF ILLINOIS)
)
COUNTY OF KANKAKEE) §§

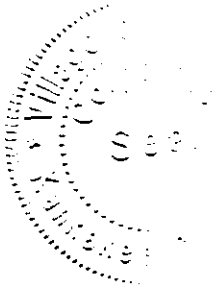
I, Julie Tambling, Village Clerk of the Village of Bradley, County of Kankakee and State of Illinois, DO HEREBY CERTIFY that the attached is a true, perfect, and complete copy of Ordinance number O-7-19-1, "AN ORDINANCE AMENDING CHAPTER 10 (BUILDINGS AND BUILDING REGULATIONS), ARTICLE V (FENCES), SECTION 10-330 (REGULATIONS; INSPECTIONS) OF THE BRADLEY CODE," which was adopted by the Village President and Board of Trustees at a meeting held on the 16th day of August, 2019.

IN WITNESS WHEREOF, I have hereunto set my hand in the Village of Bradley, County of Kankakee and State of Illinois, on this 16th day of August, 2019.



JULIE TAMBLING, VILLAGE CLERK

(SEAL)

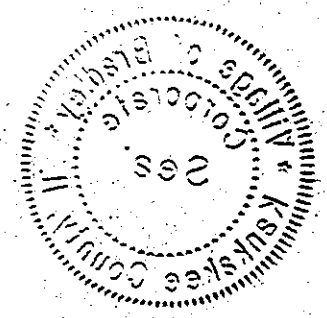


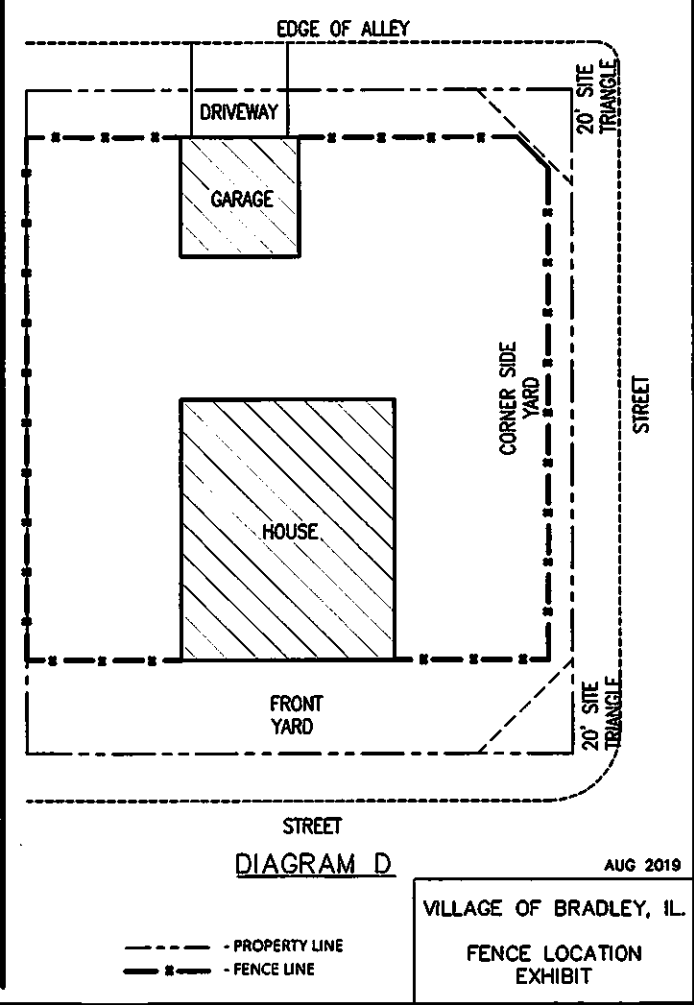
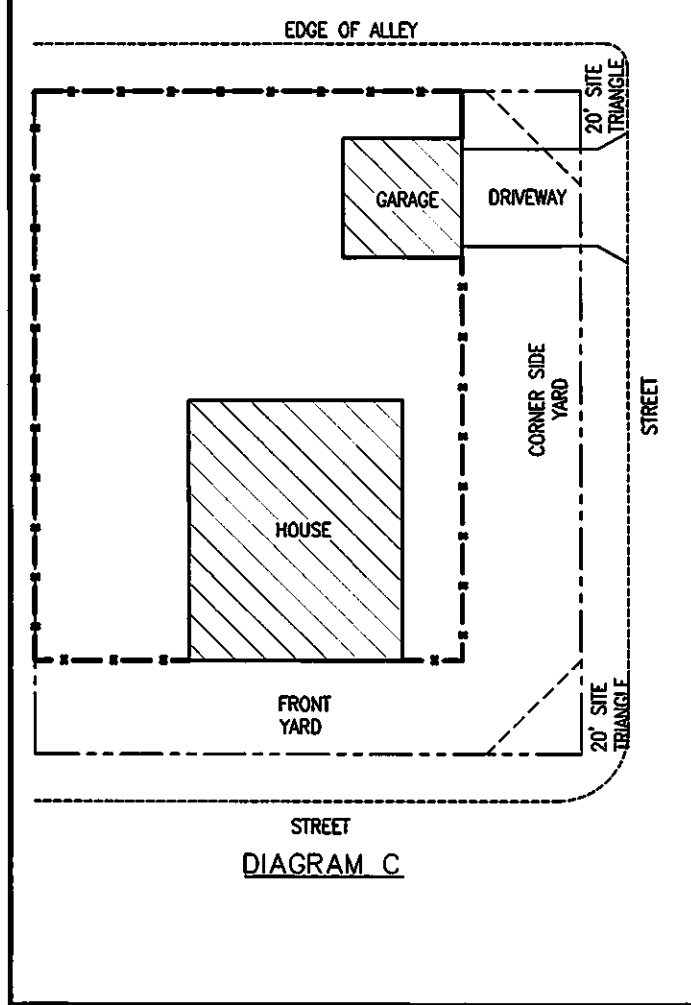
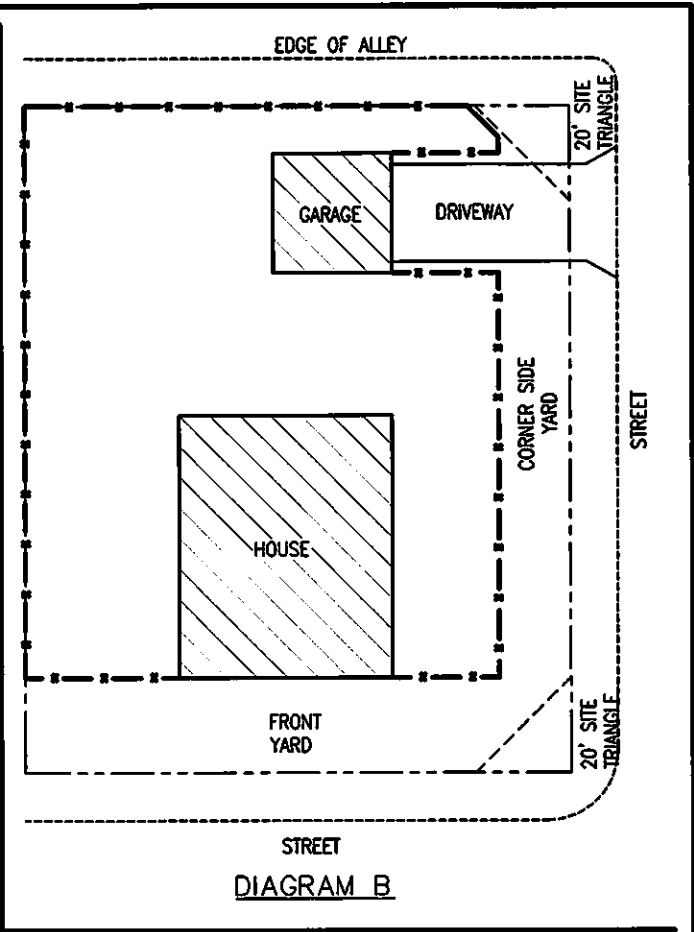
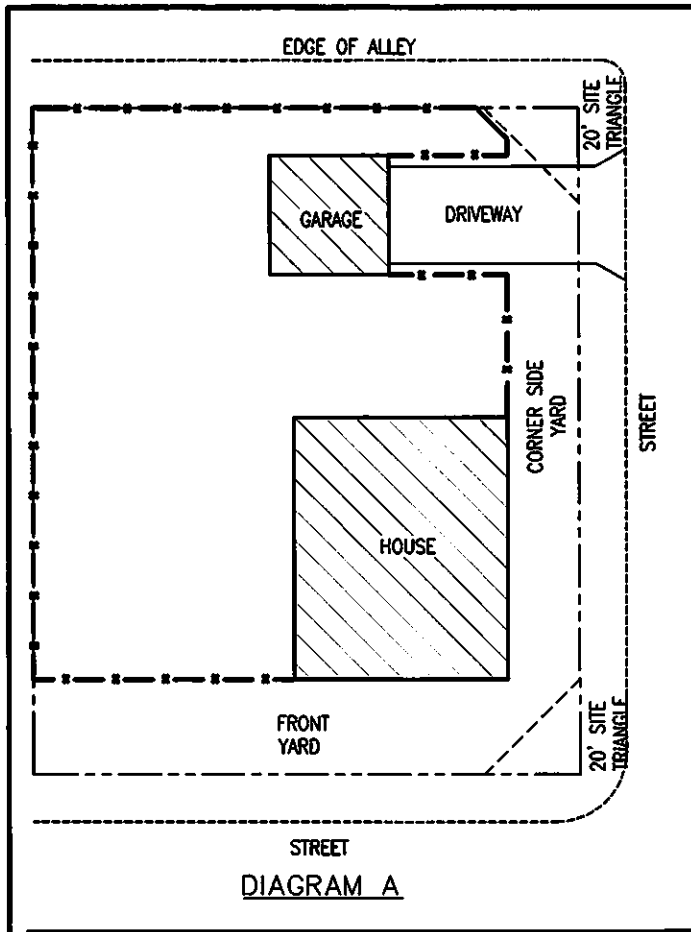
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- - - - - PROPERTY LINE
 - * - * - FENCE LINE

AUG 2019
 VILLAGE OF BRADLEY, IL.
 FENCE LOCATION
 EXHIBIT