

## CHAPTER 173: LOCATION OF FENCES AND FLAGPOLES

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Sec. 173.001 Definitions.

(A) A "fence" is hereby defined as a structure forming a barrier at grade between lots, between a lot and a street or an alley, public or private, or between portions of a lot or lots, such structures being independent of any other.

(B) Fences shall be classified as either solid or open type fence:

(1) A "solid" type fence is so constructed that less than 60% of the superficial area thereof consists of regularly distributed apertures.

(2) An "open" type fence is so constructed that at least 60% of the superficial area thereof consists of regularly distributed apertures. (Ord. 722, J. 4, p. 722, passed 6/28/54)

Sec. 173.005 General provisions for fences.

(A) The use of barbed wire is prohibited except under the following conditions:

(1) In the "I" Industrial District, but at a height of not less than 7 feet above ground level;

(2) In other districts by variation from the Zoning Board of Appeals as provided in Section 173.030 after a public hearing if the Board finds that such type protective barrier is required for the protection of the health, safety and welfare of the residents of the City.

(B) The use of electrically charged fences is prohibited.

(C) Fences shall be designed and constructed to resist a horizontal wind pressure of not less than 30 pounds per square foot in addition to all other forces to which they may be subjected. (Ord. 34-79, J. 14, p. 0716, passed 7/23/76)

(D) Fences must be erected so that the rough, unfinished side of any fence, as well as the posts and all other supporting members, face to the owner's side. This Subsection shall not apply in the case of a fence erected by a residential property owner on the lot line abutting a commercial or industrial lot or abutting an alley which abuts a commercial or industrial lot. (Ord. 57-93, J. 20, p. 183, passed 9/27/93)

(E) No fence shall be constructed in any manner which interferes with the drainage of contiguous properties. (Ord. 57-93, J. 20, p. 183, passed 9/27/93)

Sec. 173.010 Maximum heights for fences.

(A) The height of a non-combustible open type fence may not exceed 6 feet as measured from the average ground level of both sides of said fence.

(B) The height of a solid type fence or a combustible open type fence may not exceed 6 feet except as permitted under paragraph (D).

(C) No fence may be erected to a height of more than 4 feet above the crown of the street or alley within 30 feet of the intersection of the lot lines at the intersection of any street with any other street or alley or of the intersection of alleys. No fence in a residential district shall be erected to a height of more than 4 feet, as measured from the average ground level of both sides of such fence, in any required front yard.

(D) A solid type or open type fence may be erected to a height not exceeding 8 feet in any of the following instances:

(1) Along a railroad right-of-way.

(2) Along the lot line of residential property which separates such property from any business or industrial district or from any property being used for a non-conforming use which is permitted in only a business or industrial district. (Ord. 722, J. 4, p. 722, passed 6/28/54; amended Ord. 59-101, J. 5, p. 21, passed 3/23/59)

Sec. 173.015 Permit required to erect fence.

No fence shall be erected or altered until a permit has first been secured from the City by the person desiring to erect or alter such fence. (Ord. 722, J. 4, p. 722, passed 6/28/74)

Sec. 173.020 Fee for fence permit.

The fee for permits issued for the erection or alteration of fences shall be \$30 plus one percent of the cost in excess of \$500. (Ord. 7-87, J. 17, p. 084-086 passed 1/26/87; Ord. 13-90, J. 18, p. 222-229, passed 2/26/90)

Sec. 173.025 Flagpole regulations.

(A) All flagpoles shall be designed to resist a wind pressure of one and one-half pounds per square foot of flag area applied at the top of the pole and an additional pressure of 50 pounds per square foot on the vertical projection of the pole.

(B) No flagpole may exceed the height permitted for structure by the Highland Park Zoning Ordinance of 1947, as amended, in the district in which such flagpole is erected and maintained. (Ord. 722, J. 4, p. 722, passed 6/28/54)

Sec. 173.030 Zoning Board of Appeals may grant variances to Chapter.

(A) The Zoning Board of Appeals may, after a public hearing and within the limitations hereinafter set forth, vary the provisions of this Chapter in cases in which there are, by reason of an exceptional situation, topography, surroundings, or condition of a specific piece of property, or by reason of exceptional narrowness or shallowness, difficulties or particular hardship in the way of carrying out the strict letter thereof, provided that such variation will not impair an adequate supply of light and air to adjacent property or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the City.

(B) A written petition for a variation under this Section shall be filed in the office of the Building Division upon such forms as may be prescribed by the Zoning Board of Appeals and shall be accompanied by a filing fee in the amount of \$100. The petitioning property owner shall give written notice of the filing of such petition to the owners of all contiguous properties, and also to the owners of all properties across a street, alley, easement (public or private), of any type, immediately opposite the subject property. Such notice shall show the date of the filing of the petition, a description of the type of fence and the nature of the variation requested. The public hearing may not be held sooner than 15 days from the date of mailing or other delivery of said notice. (Ord. 7-87, J. 17, p. 084-086, passed 1/26/87; Ord. 13-90, J. 18, p. 222-229, passed 2/26/90)

Sec. 173.035 Duty of the Chief Building Inspector; nuisance.

It is made the duty of the Chief Building Inspector to exercise supervision over all fences erected, altered, constructed or maintained, and to cause inspection by inspectors in his department of all such fences to be made; whenever it shall appear to be said inspector that any such fence or any part thereof, has been erected in violation of this Chapter or of any other ordinance of the City of Highland Park or is in an unsafe condition or has become unstable or insecure or is in such condition as to be a menace to the safety or health of the public, he shall thereupon issue or cause to be issued a notice in writing to the owner of such fence, or to the person maintaining the same, or to the owner of the property upon which the fence is placed, informing such person, firm or corporation of the violation of this Chapter and the dangerous condition of such fence, and directing him to make such alterations or repairs thereto and to do such acts or things as are necessary or advisable to place such fence in a safe, substantial and secure condition, and to make the same comply with the requirements of this Chapter, within such reasonable time as may be stated in said notice. Any and all fences and flagpoles erected, installed or maintained in violation of this Chapter, or any of the clauses or provisions of the same, or in violation of any of the laws of the City of Highland Park, or the State of Illinois are and each of them is hereby declared to be a public nuisance and subject to treatment and abatement as such. Any such fence or flagpole so erected or maintained contrary to law shall be abated as a common nuisance. (Ord. 722, J. 4, p. 722, passed 6/28/54)

## REPLEALER AND PENALTY

Sec. 173.998 Repeal of conflicting ordinances.

Section 748 of Article XXIII of the Highland Park Code of 1919 is hereby expressly repealed. (Ord. 722, J. 4, p. 722, passed 6/28/54)

Sec. 173.999 Penalty.

Any person, firm or corporation erecting or maintaining any fence within the City who shall neglect or refuse to comply with the provisions of this Chapter or the directions of the Chief Building Inspector, or who erects or maintains any fence that does not comply with the provisions of this Chapter, shall be fined not less than \$25 nor more than \$200 for each offense; and each day on which any such person, firm or corporation shall permit or allow any fence owned, maintained or controlled by him to be erected or maintained in violation of any of the provisions of this Chapter shall constitute a separate offense. (Ord. 722, J. 4, p. 722, passed 6/28/54)