

THE CITY OF LA SALLE

La Salle County, Illinois

An ordinance amending City Ordinances regarding Regulating
Fences and Related Matters.

ORDINANCE NO. 2554

ADOPTED BY THE CITY COUNCIL OF THE CITY OF LA SALLE
on this 24th day of March, 2015

Jeff Grove, Mayor
Carrie Brown, City Clerk

Jim "Diz" Demes
James Bacidore
Tom Ptak
Jerry Reynolds
John Lavieri
John Duncan III
Therold "Boo" Herndon
Mark Schneider
Alderman

Published in pamphlet form by authority of the Mayor and City Council of the City
of La Salle, on this 24th day of March, 2015

ORDINANCE NO. 2554

**AN ORDINANCE AMENDING CITY ORDINANCES
REGARDING REGULATING FENCES AND RELATED MATTERS.**

WHEREAS, the City Council of the City of LaSalle deems it to be in the best interests of the citizens of the City of LaSalle and the public in general that City Ordinances in regard to fences, specifically including, but not necessarily limited to, the construction and maintenance of fences by parties independent of the City of LaSalle within the City of LaSalle be amended as provided herein; and

WHEREAS, the City of LaSalle deems it to be an appropriate exercise of the corporate powers of the City of LaSalle to amend its Ordinances in regard to regulation of fences including, but not necessarily limited to, the construction, maintenance and use of fences as provided herein, which municipal authority includes, but is not necessarily limited to, the police power of the City of LaSalle, the power to prevent and abate nuisances, the power to promote and protect the health, safety and welfare of the citizens of the City of LaSalle and the home rule powers of the City of LaSalle in accord with the terms and provisions set forth herein.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LASALLE, LASALLE COUNTY, ILLINOIS, AS FOLLOWS:

Section One. That the above referenced recitals are hereby made a part and portion of the ordained portion of this Ordinance.

Section Two. That the LaSalle City Code and Ordinances related thereto, specifically Code including Sections 150.40 is hereby amended to prospectively provide as follows:

Section 150.40: The Construction and Maintenance of Fences shall be in accord with the following:

A. DEFINITIONS:

- (1) **FRONT YARD.** A yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street line and the main buildings or any projection thereof, other than steps, unenclosed balconies and unenclosed porches.
- (2) **REAR YARD.** The yard extending across the rear of a lot measured between lot lines and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections other than steps, unenclosed balconies and unenclosed porches. On corner lots the rear yard shall be considered as parallel to the street upon which 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.

- (3) ***SIDE YARD.*** Starting at a yard between the buildings and the side line of the lot extending from the front of the same building located on the property or any projection thereof other than steps, unenclosed balconies and unenclosed porches to the rear lot line.
- (4) ***YARD.*** An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purposes of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.
- (5) ***DECORATIVE FENCES.*** A fence used mostly for aesthetics, which adds to the visual beauty of the property.
- (6) ***HAZARD ENCLOSURE.*** This fence is intended to enclose swimming pools, pets, excavations and similar hazards. Any fence constructed for purposes including these purposes must be a minimum of 48 inches high with the mesh and/or other construction materials spaced close enough to prevent children, dogs and cats from entering.
- (7) ***SECURITY OR PROTECTION FENCE.*** A security or protection fence may be constructed for the purposes of enclosing a lot, or a portion of a lot, for security and protection of premises zoned Industrial (M-1 / M-2), Commercial (C-1 / C-2 / C-3) and/or Agricultural (Ag-1).
- (8) ***SOLID FENCE.*** A Fence in which 80% or more of the surface area of the fence is solid. Such fences will be constructed with the finished or decorative side facing the adjacent or abutting property or street.

B. PROVISIONS REGARDING LOCATION AND TYPE OF FENCE TO BE ALLOWED WITHIN THE CITY OF LASALLE:

- (1) Within districts zoned within the City of LaSalle Zoning Ordinance as Residential (including R-1 / R-2 / R-3 / R-4), the following regulations shall apply in regard to the type, construction and location of fences by parties on private property.
 - (a) The construction and maintenance of fences on private property on premises zoned Residential (including R-1 / R-2 / R-3 / R-4) within the City of LaSalle Zoning Ordinances, shall be of the type and location as follows:
 - (i) In Premises zoned Residential, fences may be of a decorative type, hazard enclosures type and/or solid, subject to the following:

- A. Fences may not exceed 4 feet (48 inches) when installed in a front yard, nor more than 6 feet in height in rear or side yards.
- B. All fences shall be designed and constructed in such a manner that the posts of the fence shall be on the interior of the fence and face the interior of the premises on which the fence is being constructed.
- C. Notwithstanding anything else contained herein suggesting to the contrary, no fence shall be constructed on a corner lot within a distance of 15 feet from the curb in each direction or at a height of more than 2 feet 6 inches (30 inches in total) above the level of the adjacent street pavement.
- D. No solid fence shall be constructed in a front yard or on a side yard of a corner lot without obtaining a waiver and/or variance from this Ordinance and then only provided that the City Council finds that the same will not adversely affect visibility.
- E. No fence shall be constructed closer than 2 feet from any sidewalk line; and in the event that no sidewalk line exists, then no fence shall be constructed closer than 5 feet from the edge of the existing pavement unless within the discretion of the building inspector following review of appropriate evidence (i.e., survey), the building inspector shall authorize the same to be constructed closer.

(II) Fences Constructed In Areas Zoned Commercial (C-1 / C-2 / C-3), Industrial (M-1 / M-2) and/or Agricultural (Ag-1) on Private Property shall be of the type and location as follows:

- A. No such fence shall exceed 8 feet in height. Further, no such fence, other than a decorative fence of 4 feet or less in height shall be erected, constructed and/or maintained within 25 feet from the front lot line.

- C. **PROVISIONS REGARDING PERMITTING OF FENCES:** Prior to the construction of any fence, a permit authorizing construction must be sought from the office of the building inspector pursuant to an application filed with the Building Inspector. The application for permit shall include, but not be limited to, a diagram of the proposed fence, which diagram shall include, but not be limited to, the type, height and proposed location of the fence. In the event that the application and diagram indicates that the petitioner's fence will be in compliance with the provisions of the City Ordinances in the opinion of the Building Inspector, the Building Inspector shall issue a permit in regard to the fence. In the event that the application and diagram does not indicate that the proposed fence is in compliance with the City Ordinances, the Building Inspector shall deny the request for permit. Any denial of a request for permit may be appealed to the City Council of the City of LaSalle by written notice of appeal of the denial filed with the Office of the City Clerk of the City of LaSalle within 21 days of the denial of the permit. In the event the City Council shall also deny the permit, then any party may appeal the denial of the City Council to the Circuit Court of LaSalle County within 35 days of the denial of said permit by the City Council pursuant to the appropriate provisions of the Illinois Compiled Statutes in regard to administrative review proceedings as provided within said Illinois Compiled Statutes.
- D. Additionally, notwithstanding any provision herein that may suggest to the contrary, any party may request a waiver and/or variance from the City Council of the City of LaSalle regarding any provision and/or requirement of this Ordinance by filing a written request for waiver and/or variance with the City Clerk of the City of LaSalle and providing a copy of the request for waiver and/or variance to the Office of the Building Inspector of the City of LaSalle, which waiver and/or variance may be granted by the City Council of the City of LaSalle in the exercise of the appropriate discretion of the City Council of the City of LaSalle provided that the City Council of the City of LaSalle finds that the granting of said variance will be appropriate considering all of the circumstances involved in the request for variance and/or waiver. In the event of denial of a request for variance and/or waiver any denial of the request for variance and/or waiver may be appealed to the Circuit Court of LaSalle County within 35 days of the date of denial in the manner provided with respect to appeal of decisions of administrative review as provided within the Illinois Compiled Statutes.
- E. ADDITIONAL PROVISIONS REGARDING FENCES:
- (1) Locations and Right-of-Way: No private fences shall be allowed or constructed on public street, highway, or alley right-of-way unless a waiver and/or exception is granted and further provided that in such event the City of LaSalle agrees to a lease, license and/or other easement in regard thereto.
 - (2) Location With Respect to Utility Easements: In the event that any fence is allowed to be constructed over a utility easement, the construction and

maintenance of the same shall be subject to the paramount right of the City to maintain, repair, construct and/or replace existing and/or new utilities and the construction and/or maintenance of any such fence shall be subservient to the rights of the City in that regard and any damage caused to any such fence by the exercise of the City's rights in regard to the utilities shall be repaired and/or replaced at the sole cost of the landowner. The City shall have no responsibility in regard thereto.

(3) Provisions Regarding Barbed Wire and/or Electrical Fences: No party shall erect, construct and/or maintain any electrical fence or any fence constructed in whole or in part of barbed wire or to use barbed wire as a guard to any parking lot, stairway or entranceway to a building or parcel of land subject to the following exceptions and subject to any variance and/or waiver as the City Council may deem appropriate in a given set of circumstances; specific exceptions include the following:

(a) The use of barbed wire may be allowed when installed at a minimum of 8 feet above ground level and the property being protected contains either intrinsically hazardous conditions, property deemed valuable and incapable of being adequately protected otherwise by the landowner and/or public utilities. Additionally, the provisions herein regarding the barbed wire being at least 8 feet above ground level shall also authorize an exception in regard to the height of the fence up to and including 9½ feet above ground level in such circumstances.

(b) The use of low voltage/low amp security systems may be placed on the interior of a fence located in a commercial, industrial and/or agricultural premises.

(F) Non-Conforming Uses: Any fence existing at the time of the adoption of this Ordinance, which is not in compliance with the terms and provisions herein, but which is in compliance with the terms and provisions of the presently existing Ordinances of the City of LaSalle may be allowed to be continued to be maintained except that in the event that any portion thereof should be destroyed and/or removed, the destroyed and/or removed portion shall not be repaired and/or replaced absent the same otherwise being in compliance with the terms and provisions of this Ordinance.

(G) Penalties for Violation: In addition to any other penalties as may be authorized by law, any party who prospectively constructs a fence within the City of LaSalle without first obtaining a permit as provided herein, and any party who violates any provision or portion of a provision of this Ordinance shall be fined not less than \$75.00 and not more than \$750.00 for each violation with it being specifically provided that each violation of any section of this Ordinance shall constitute a separate violation and further provided that each day on which a

violation of this Ordinance exists shall constitute a separate and new additional violation of this Ordinance. Additionally, the City of LaSalle may additionally enforce this Ordinance through the use of injunctive relief and in circumstances deemed appropriate by the joint decision of the Building Inspector, City Engineer and Mayor, the City may, in appropriate circumstances, summarily abate any violation of this Ordinance.

Section Three. That in the event that any provision and/or portion of a provision of this Ordinance should be declared unenforceable and/or invalid for any reason, then in any of these events, the invalidity and/or unenforceability of any provision and/or portion of a provision of this Ordinance shall not affect the remainder of the provisions of this Ordinance.

Section Four. That notwithstanding anything else contained herein to the contrary, the provisions of this Ordinance shall not affect the provisions of City of LaSalle Code Sections 93.120 through 93,123 inclusive, nor shall the same affect City of LaSalle Code Sections 96.09 and 96.10.

Section Five. That this Ordinance shall hereby supersede any and all prior Ordinances; additionally to the extent that any prior Ordinance is in conflict herewith, the same is expressly repealed to the extent of any such conflict; City of LaSalle Code Section 133.10 is expressly repealed and superseded by the provisions of this Ordinance as to fences constructed prospectively.

Section Seven. That this Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of LaSalle, LaSalle County, Illinois, held on the 24th day of March, 2015

MAYOR AND ALDERMEN	AYE VOTE	NAY VOTE	ABSTAIN / ABSENT
James Demes	X		
James W. Bacidore	X		
Tom Ptak	X		
Jerry Reynolds	X		
John Lavieri	X		
John S. Duncan, III	X		
Therold Herndon	X		
Mark Schneider	X		
Jeff Grove, Mayor			

APPROVED: Jeff Grove, Dated 03/24/2015
Mayor

ATTEST: Cassie Brown, Dated 03/24/2015
City Clerk, City of LaSalle

STATE OF ILLINOIS)
) SS.
COUNTY OF LA SALLE)

I, Carrie Brown, certify that I am duly elected and acting municipal clerk of the City of La Salle, Illinois, La Salle County, Illinois.

I further certify that on the 24th day of March, 2015 the corporate authorities of the above municipality passed and approved Ordinance No. 2554 an ordinance amending city ordinances regarding regulating fences and related matters and provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No.2554 including the ordinance and cover sheet thereof was prepared and a copy of such ordinance was posted in the municipal building, commencing on the 24th day of March 2015 and continuing for at least ten days thereafter. Copies of the ordinance were also available for public inspection upon request in the office of the municipal clerk.

Dated in La Salle, Illinois this 24th day of March, 2015.

(SEAL)



City Clerk