

ORDINANCE

AN ORDINANCE AMENDING CHAPTER 17 ("OFFENSES"), ARTICLE 1 ("IDENTIFICATION OF SPECIFIC OFFENSES) OF THE OAK PARK VILLAGE CODE TO REMOVE SECTIONS 17-1-2 ("BARBED WIRE AND ELECTRIC FENCES"), SECTION 17-1-3 ("FENCES; HEIGHT, LOCATION, STANDARDS"), SECTION 17-1-3.1 ("FENCES ON RESIDENTIAL AND HOSPITAL PROPERTY"), SECTION 17-1-3.2 ("FENCES ON PROPERTIES CONTAINING A BUSINESS, COMMERCIAL OR LIGHT INDUSTRIAL USE"), AND SECTION 17-1-3.3 ("IN ALL ZONE DISTRICTS")

BE IT ORDAINED by the President and Board of Trustees of the Village of Oak Park, Cook County, Illinois, in the exercise of their home rule powers, as follows:

Section 1. Village Code Amended. Chapter 17 ("Offenses"), Article 1 ("Identification of Specific Offenses") of the Oak Park Village Code is amended to remove Section 17-1-3 ("Fences; Height, Location, Standards"), Section 17-1-3.1 ("Fences on Residential and Hospital Property"), Section 17-1-3.2 ("Fences on Properties Containing a Business, Commercial or Light Industrial Use"), and Section 17-1-3.3 ("In All Zone Districts") by deleting the overstricken language and to add the underlined language as follows:

17-1-2: ~~BARBED WIRE AND ELECTRIC FENCES:~~ RESERVED

~~No person being the owner, lessee or agent of any real estate in this Village shall erect, maintain or permit to be erected or maintained on or about the exterior building line of such real estate or upon any portion of the sidewalk adjacent to such real estate, any railing, fence, guard or protection of any kind of barbed wire, or upon which railing, fence, guard or other protection there shall be affixed or placed or in any manner attached, any spike, nail or any pointed instrument of any kind or description, under the penalty provided for in section 1-1-5 of this Code; and each and every day such person shall fail or neglect to remove from such railing, fence or other protection, any such spike, nail or other pointed instrument, after notice in writing from the Director of Public Works or Police Department to do so, he shall be deemed guilty of a new, separate and distinct offense.~~

~~No person shall erect, maintain or permit to be erected or maintained any fence, structure or other object in the Village that is electrically charged for the purpose of giving an electric shock to persons or animals in contact therewith.~~

17-1-3: ~~FENCES; HEIGHT, LOCATION, STANDARDS:~~ RESERVED

~~No person shall hereafter within the Village erect, construct, substantially repair or replace any fence or section or portion thereof without first filing an application for a fence permit with the Village Clerk and obtaining the required permit; except a permit shall not be required for temporary fences designed for the protection of gardens and lawns. All fences shall conform to the following requirements and specifications.~~

~~17-1-3.1: FENCES ON RESIDENTIAL AND HOSPITAL PROPERTY:~~

~~A. Except as provided in subsection 17-1-3.1B of this Section, which regulates the installation of certain fences located on townhome developments, the following provisions shall regulate the installation and maintenance of fences on residential and hospital property within the Village:~~

~~1. Fences which are located within thirty five feet (35') of a front lot line or closer to the front lot line than the existing building, whichever is less, including fences which were erected on corner lots prior to December 1, 1997, shall be at least fifty percent (50%) open, said open space to provide reasonable visibility into the enclosed property, and shall not exceed five feet (5') in height.~~

~~2. Fences erected, constructed, substantially repaired or replaced on or after December 1, 1997, on corner lots and which are located within thirty five feet (35') of the intersection point of two (2) intersecting street lines of such a corner lot or closer to the aforementioned intersection point than the existing building, whichever is less, shall meet the following requirements:~~

~~a. Such fences shall not exceed five feet (5') in height as measured from the ground to the highest point of the fence and shall be at least fifty percent (50%) open, and said open space shall provide reasonable visibility for operators of vehicles and pedestrians from one intersecting street to the other. In addition to the general requirements set forth above, when boards are used as the surface material for such fences, the boards so used shall not exceed five inches (5") in width and three quarters of an inch (3/4") in thickness, and shall be installed vertically to form a flat and at least fifty percent (50%) open surface with no less than three and one half inches (3 1/2") of open space between each board.~~

~~b. Such fences which do not comply with the open space requirements of subsection 17-1-3.1A2a of this Section shall not exceed:~~

~~(1) Thirty inches (30") in height, or~~

~~(2) A height at which the highest point of the fence shall be at an elevation below horizontal sight lines across such clear sight area, as defined in Section 25-1-8 of this Code, measured from points forty five inches (45") above the center lines of the intersecting streets along such center lines for a distance of one hundred feet (100') from the center of the intersection, whichever is less.~~

~~3. Fences located more than thirty five feet (35') from a front lot line or behind the front of an existing building and less than fifteen feet (15') from an exterior side lot line shall not exceed six feet (6') in height with the exception of fences authorized by subsection 17-1-3.1A5 of this Section.~~

~~4. Fences located more than thirty five feet (35') from a front lot line or behind the front of an existing building and less than ten feet (10') from an exterior side lot line shall not exceed six feet (6') in height, with the exception of fences authorized by subsection 17-1-3.1A5 of this Section, unless there shall be filed with the Division of Code Enforcement a letter of consent signed by the owner of record of the property adjacent thereto, which consent may authorize said fence to be erected to any height not in excess of seven feet (7').~~

~~5. Fences located less than ten feet (10') from a rear lot line and parallel thereto shall not exceed eight feet (8') in height.~~

~~B. Fences located along any front lot line of a townhome development which are less than ten feet (10') from the front lot line and parallel thereto shall be permitted up to eight feet (8') in height without an open space requirement, when such fence separates a street and a yard located along the front lot line, which yard functions as a private yard for a townhome unit. The materials used for the construction of a fence along any front lot line of a townhome development must complement the development and shall require the specific approval of the Village through the fence permit process. Fences separating such individual townhome yards from one another shall not exceed seven feet (7') in height. Any townhome fence which does not satisfy the criteria set forth herein shall be subject to the limitations set forth in subsection 17-1-3.1A of this Section. All fences erected pursuant to this subsection 17-1-3.1B shall, however, remain subject to the clear sight limitations for street intersections set forth in Section 25-1-8 of the Village Code.~~

~~C. Should a fence of greater height or a fence containing less open space be desired, the Village Board of Trustees may permit the erection and construction of fences not to exceed eight feet (8') in height which contain less than the required open space or no open space, whenever it shall be shown that the property concerned is in need of a higher fence to permit the owner/occupant to reasonably enjoy the use of his/her property and that the proposed fence will not have an undue adverse effect on surrounding properties.~~

~~**17-1-3.2: FENCES ON PROPERTIES CONTAINING A BUSINESS, COMMERCIAL OR LIGHT INDUSTRIAL USE:**~~

~~The following provisions shall regulate the installation and maintenance of fences on property containing business, commercial or light industrial uses:~~

~~A. Fences located within thirty five feet (35') of a front lot line shall be at least fifty percent (50%) open, said open space to provide reasonable visibility into the enclosed property, and shall not exceed five feet (5') in height; provided, that open wire fencing, which meets the qualifications listed below, and fences of wrought iron, steel or aluminum may be erected to a height not to exceed eight feet (8'). Fences located more than thirty five feet (35') from a front lot line shall not exceed eight feet (8') in height. The height of a fence shall include all gates and appurtenances.~~

~~If an open wire fence is erected, it is preferred that said fence, including gates and appurtenances, be coated with black or brown vinyl coating.~~

~~B. Should a fence of greater height be desired, the Village Board of Trustees may permit the erection and construction of fences not to exceed ten feet (10') in height whenever it shall be shown that the property concerned is devoted to a hazardous usage or is in need of additional security and that the proposed fence will not have an undue adverse effect on surrounding properties.~~

~~17-1-3.3: IN ALL ZONE DISTRICTS:~~

~~A. If a fence of a greater height and/or lesser percentage of open area is required by another ordinance of the Village, then such fence may be erected, but in no event shall such fence exceed the minimum height and density requirement of that ordinance.~~

~~B. All fences shall be maintained in a nondeteriorated and rust free condition. Posts shall be set and maintained vertically.~~

~~C. The definition of words or phrases italicized in Sections 17-1-3.1 and 17-1-3.2 of this Article shall be found in the Zoning Ordinance of the Village.~~

~~D. To determine Zone District, reference must be made to the Official Zoning Map of the Village.~~

~~E. Any fence which fails to conform with Section 17-1-3 of this Article and which lawfully existed on the effective date of this Section, may be contained subject to Section 17-1-2 of this Article.~~

Section 2. Severability and Repeal of Inconsistent Ordinances. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance. All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. Effective Date. This Ordinance shall be in full force and effect after its approval, passage and publication as provided by law.

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ADOPTED this 7th day of March, 2022, pursuant to a roll call vote at follows:

Voting	Aye	Nay	Abstain	Absent
President Scaman				
Trustee Buchanan				
Trustee Enya				
Trustee Parakkat				
Trustee Robinson				
Trustee Taglia				
Trustee Walker-Peddakotla				

APPROVED this 7th day of March, 2022.

Vickie Scaman, Village President

ATTEST

Christina M. Waters, Village Clerk

Published in pamphlet form this 7th day of March, 2022.

Christina M. Waters, Village Clerk