

**ORDINANCE 15-22**

**AN ORDINANCE AMENDING THE FENCE REGULATIONS OF  
THE VILLAGE OF WEST DUNDEE**

WHEREAS, the Village of West Dundee, Kane County, Illinois is a home rule municipality pursuant to Article VII, Section 6 of the Constitution of the State of Illinois, and the passage of this Ordinance constitutes an exercise of the Village's home rule powers and functions as granted in the Constitution of the State of Illinois; and

WHEREAS, West Dundee's Building Code includes regulations for the construction of fencing as set forth in Section 9-1A-7 of its Municipal Code; and

WHEREAS, the Village Board has reviewed the provisions of the ordinance and has determined that modification is needed; and

NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WEST DUNDEE, KANE COUNTY, ILLINOIS, as follows:

Section 1: That the provisions of the Preamble herein above set forth are hereby incorporated herein by reference.

Section 2: That Section 9-1A-7 C: Specifications, be amended as follows:

C. Specifications:

1. No fence shall be allowed on any part of a front yard, except as provided in subsection C4 of this section.
2. Fences may be erected to a height not exceeding five feet (5') from ground level, except as provided in subsections C4 or C5 of this section.
3. Fences must be erected so that the posts and all other supporting members face to the owner's side. The rough part of the frame shall face the owner's property.
4. On corner lots within the R-3 zoning district only, fences shall be allowed in a front yard abutting a street provided that the fence is located within that portion of the yard between the rear lot line and the rear line of the principal structure on such lot. Such fence shall also be subject to the following regulations:
  - a. With the exception of wrought iron fencing, the fence may be erected to a height not exceeding four feet (4') from ground level.
  - b. Fence shall be constructed in such a manner that the pickets and/or vertical components shall be no less than fifty percent (50%) open.

- c. A maximum of four inches (4") shall be maintained between pickets and/or vertical components.
  - d. The following styles and materials shall be prohibited: chain link, masonry, wire panel and split rail. Masonry materials may be used for fence post construction.
  - e. Fence shall be oriented in such a manner that the finished side faces the public right of way and adjacent property.
  - f. Material and placement for such fencing shall be reviewed and approved by the appearance review commission as detailed in subsection 2-2-5B6 of this code.
5. Fences may be erected to a height not exceeding six feet (6') from ground level in the appropriate yard of any residential use abutting a major right of way (Route 31, Route 72, Huntley Road, Randall Road) and in the appropriate yard when separating a less intensive land use from a more intensive one, including but not limited to single-family residential from multi-family residential and residential from commercial, institutional, industrial, or similar classification.

D. Prohibited Materials:

- 1. The following materials are prohibited for use as a fence: wood stockade, barbed wire, chicken wire, welded wire, woven wire unless in panel construction encased in rot resistance wood framing, of a gauge measuring not more than 11, finished with casing and post caps designed to be decorative, wood snow fence, plastic snow fence, plastic safety or barrier fence, and any materials added to an existing fence which would extend the height of the existing fence.
- 2. Chainlink fence or any solid plastic fencing shall not be permitted in side yards parallel to or facing the street on the address side, and in rear yards on corner lots parallel to or facing to the intersecting street. In those areas, a fence shall have at least one half inch (1/2") of spacing in between planks, or in the case of a board-on-board (shadow box) fence, the overlapping of planks shall not exceed three-quarters of an inch (3/4"). A fence gate may be solid to ensure rigidity and durability. This does not include any yard, or property line that is not immediately adjacent to any street frontage. (Ord. 14-31, 8-4-2014)

Section 3: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

Section 4: All ordinance or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5: That this Ordinance shall be in full force and effect upon its passage and approval, as provided by law.

PASSED by the Board of Trustees of the Village of West Dundee, Kane County, Illinois and approved by the President of said Village this 5th day of October, 2015.

AYES: Trustees Price, Hanley, Yuscka, Pflanz, Wilbrandt and Kembitzky

NAYS: None

Christopher Nelson

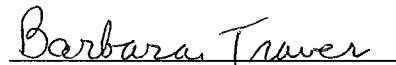


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Village President

ATTEST:

Barbara Traver

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Village Clerk

Passed: October 5, 2015  
Approved: October 5, 2015  
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Prepared by:  
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Community Development Department  
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