

terms of this Chapter shall be subject, at the election of the Village, to have his certificate of approval revoked. Upon revocation of such certificate, said plumber or sewer builder and drain layer shall have to reapply to the Village for a certificate of approval or be further prevented from performing any construction, maintenance, or other work on facilities within the Village. After disapproval, no plumber, sewer builder, or drain layer shall be approved for performance of any construction, maintenance or other work on facilities within the Village, unless and until the deficiencies which resulted in the revocation of his permit have been corrected to the satisfaction of the Village in accordance with the provisions of this Code.

- D. The foregoing penalties and prosecutions therefor shall not be held or construed as constituting a bar, release, or waiver by the Village for any civil damages that it may sustain because of any violation by any person of the provisions hereof, where it shall appear that such violation has occasioned damages to the appurtenances, machinery, equipment, sewers, buildings and the like under the jurisdiction of the Village. (Ord. 68-4-5, 1968)

## **CHAPTER 7 FENCES**

### **8-7-1: DEFINITIONS:**

**ANIMAL RUN:** A completely enclosed fence for the exercising and containment of an animal.

**FENCE:** A nonpermanent, nonliving structure forming a barrier, which is not otherwise a part of any building or structure, and which is used to delineate a boundary or as a means of confinement or for the purpose of privacy.

**HEDGE:** A barrier of densely compacted brush, shrubs, low trees or similar materials grown to enclose, screen or separate areas. (Ord. 10A-O-2009)

**HEIGHT OF FENCE:** The height of a fence is a height as measured from the existing grade level of the property on which the fence is installed to the highest most point located on the fence.

**OPEN FENCE:** A fence, including gates, having open spaces that afford direct views through the fence that comprise fifty percent (50%) of each one foot (1') wide segment extending over the entire length and height of the fence.

**PERIMETER FENCE:** A fence following the outward boundaries of the property on which it is located.

PERIMETER OF FENCE: The outermost point as measured by a perpendicular line drawn along the edge of a fence facing outward and perpendicular to the ground.

SOLID FENCE: A fence, including gates, which conceals some view of adjoining property, streets or alleys and any and all activities conducted behind it. (Ord. 81-WS-9, 8-13-1981)

#### **8-7-2: COMPLIANCE; RESTRICTIONS:**

- A. Compliance: It shall be unlawful for any person to erect or to cause to be erected or to own or maintain a fence on any property within the village except as provided in this chapter.
- B. Penalty: Any person violating any provision of this chapter shall be fined not less than twenty five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
- C. Prohibited Fences: No dangerous or hazardous type fence such as barbed wire, electrical fences, fences with spikes, broken glass or other sharp points imbedded in them or any other type fence that could result in injuries to persons climbing on or over such fences shall be permitted to be erected or maintained within the village. Also, no fences that are leaning in such a manner that an angle of fifteen degrees (15°) or more is produced when measured from the vertical shall be erected or maintained within the village. (Ord. 81-WS-9, 8-13-1981)

#### **8-7-3: PERMIT PROVISIONS:**

- A. Required: No person shall erect a fence in the village without having first received a permit.
- B. Application: Applications for such a permit shall be filed in the office of the village clerk and shall include a sketch of the proposed fence indicating the design of the fence, the material to be used, the dimensions of the proposed fence and a plat of survey of the lot on which the proposed fence is to be located showing the proposed location of said fence.
- C. Fee: At the time of the filing of such an application, an application fee of forty dollars (\$40.00) shall be paid.
- D. Investigations And Approval: An investigation with respect to the application shall be made by the building commissioner, who shall report the results of his investigation to the president and board of trustees. No permit shall be issued without the approval of the board of trustees. (Ord. 81-WS-9, 8-13-1981)

#### **8-7-4: GENERAL CONSTRUCTION REQUIREMENTS:**

Every fence to be erected in the village shall be designed and constructed to resist and withstand a wind pressure of not less than twenty (20) pounds per square foot of the gross proposed area of the fence less any openings from any angle of approach. All fence posts used in the construction of a fence must be buried in the ground to a depth of at least one-third (1/3) of the total length of said fence post. All fence parts, anchors and shavings of wood or other organic materials shall be treated with a chemical treatment to protect them from deteriorating when they are placed in or upon the ground. Alterations to the existing grade level preceding the use of a fence for the purpose of altering the height of the fence shall not be permitted. All fences shall be maintained in good and sound condition and shall not create a harborage for rodents. If a fence is to be painted, only a nonlead base paint shall be used. No fence shall be constructed in such a manner as to impede or alter the natural surface water drainage of the property upon which the fence is constructed or any adjoining property. (Ord. 81-WS-9, 8-13-1981)

#### **8-7-5: DESIGN, LOCATION AND HEIGHT REQUIREMENTS:**

- A. Residential Districts: No fence shall be constructed in a front yard past the front building line. A hedge may be located in a front yard past the front building line but it shall be limited to three (3) feet in height. In the case of corner lots, no fence shall be erected beyond the building lines of those sides of the building which face the two (2) streets forming the corner lot. (Ord. 10A-O-2009)
- B. Business Or Commercial Or Light Industrial Districts: All fences constructed in business, commercial or light industrial districts shall be open or solid fences. In business districts, such open or solid fences shall not exceed six feet (6') in height. In commercial and light industrial districts, such open or solid fences shall not exceed eight feet (8') in height.

Where property in light industrial districts adjoins or fronts on any property situated in a residential district, a solid fence shall be erected on those sides adjoining or fronting on the property situated in a residential district. Such a fence shall be located within six inches (6") of the property line that abuts the residential property. Such solid fence shall be not less than five feet (5') in height nor more than eight feet (8') in height. Natural screening such as a densely planted compact hedge may be used in lieu of a solid fence. The height of such natural screening shall be in accord with those requirements set forth above in this section.

In light industrial districts, fences shall be required to screen storage areas. If said storage area is within one hundred fifty feet (150') of the nearest point of any residential district, then all storage shall be in completely enclosed buildings or structures. Storage areas located elsewhere in a light industrial district may be open to the sky but shall be enclosed by a solid fence or wall including solid doors or gates thereto. In light industrial districts, such storage yard fences shall be a solid fence eight feet (8') in height. All such fences shall be allowed only in rear and side yards.

All exterior areas of "food service establishments", as such term is defined in title 4, chapter 8 of this code, wherein garbage and refuse are stored, shall be enclosed by a solid fence or walls, including solid doors or gates thereto. Such fence or walls shall be not less than five feet (5') nor more than six feet (6') in height. All food service establishments licensed by the village prior to the effective date hereof shall comply with the requirements of this chapter within six (6) months from the effective date hereof.

C. Animal Runs: Animal runs shall not be allowed in front or side yards and the perimeter of the fences shall be no closer than five feet (5') from the property line of the adjoining properties. Said animal runs shall have an area of not more than one hundred (100) square feet and shall be not more than six feet (6') in height. (Ord. 81-WS-9, 8-13-1981)

D. Fence Face: All fences must be designed and constructed so that fence posts are on the inside of the fence facing into the property and the face of the fence shall face outward. (Ord. 85-0-20, 11-23-1985)

#### **8-7-6: DEVIATIONS:**

An application for deviations from the requirements of this chapter shall be presented to the plan and zoning commission for review, whereupon the plan and zoning commission shall provide a written recommendation to the director of planning and zoning. The director of planning and zoning shall have fourteen (14) days to review the plan and zoning commission recommendation and approve or disapprove of the application for deviation. In the event the director of planning and zoning's decision is contrary to the recommendation of the plan and zoning commission, the application shall be brought before the board of trustees of the village, at a regular or committee of the whole board meeting, for final determination. (Ord. 15-O-2004, 5-27-2004; amd. Ord. 12-O-2005, 8-11-2005)

## **CHAPTER 8 FALLOUT SHELTERS**

#### **8-8-1: CONSTRUCTION PERMIT PROVISIONS:**

A. Required: No person shall construct a family fallout shelter unless a permit shall have been issued therefor.

B. Application: Application for such permit shall be made to the Building Commissioner on forms to be provided by the Village. Such application shall be accompanied by plans and specifications to be approved by the Building Commissioner and the Fire Chief. The permit shall be issued by the Clerk after approval by the President and the Village Board. No fee or charge shall be made by the Village for such permit.