
ORDINANCE 18-19-02
An Ordinance Amending Section 7.2, Fences
of the Johnsburg Zoning Ordinance.

AN ORDINANCE PASSED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF JOHNSBURG
AT A REGULAR MEETING ON JUNE 5, 2018
PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF JOHNSBURG

President

Edwin P. Hettermann

Board of Trustees

Tom Curry
Kyle Frost
Josh Hagen
Mary Lou Hutchinson
Greg Klemstein
Kevin McEvoy

Village Administrator

Claudett E. Peters

ORDINANCE 18-19-02
An Ordinance Amending Section 7.2, Fences
of the Johnsborg Zoning Ordinance.

SECTION 1: That Section 7.2 Fences of the Johnsborg Zoning Ordinance is amended as follows:

7.2 FENCES

7.2-1 Fences Defined – A fence shall be any structure (including gates) which is a barrier and used as a boundary or means of protection or confinement.

7.2-2 Permit required - No person shall erect any fence in the Village unless a permit is obtained in advance. The Village shall require such plans and drawings as deemed necessary prior to the issuance of a permit. All fences shall be constructed in conformance with the ordinances of the Village and inspected by the Village for conformity. The fee for said permit shall be set forth in Chapter 24 of the Johnsborg Municipal Code. Fences installed without a permit shall be removed at the owner's expense.

7.2-3 General Standards – The below standards are applicable to all fences constructed in any residential, business, commercial or industrial zoning district. Fences constructed for agricultural/farming purposes shall be constructed in conformance with Section 10A.1-3 Agricultural District.

- A. Fences shall be erected with the fence posts and supporting members located on the side of the fence facing the property for which the fence permit is issued. The finished side of the fence must face the adjacent property. Chain link fencing must be installed knuckle-side up.
- B. No fence shall contain barbed wire (unless otherwise herein stated) or constructed in any way or with any material as to cause injury to any person.
- C. Electric fences, permanent snow fences, chicken wire, hog and farm-type fences are prohibited.
- D. Fences shall not be permitted in the front yard. In the case of waterfront properties abutting the river or bay, the front yard shall be considered the yard abutting the water.
- E. No fence shall be installed which obstructs the line of site from any roadway or adjacent driveway.
- F. Fences may be placed on the property line, however such fences shall not exceed building lines on any lot lines abutting a street. The fence owner must maintain the side of the fence facing adjacent properties. In the case of fences not installed on the property line, the fence owner must maintain any property extending behind the fence.

- G. Fences built on rear property lines that abut major arterial streets must be in harmony with fences already erected along the same street.
- H. Fences must be installed so as not to interfere or impede the flow of surface drainage and must comply with storm-water management conditions.
- I. Fences may not be installed in drainage easements, Municipal Utility Easements (MUEs) or Restricted Public Utility Easement (RPUEs). Other types of easement may also restrict the placement of fences. Refer to the plat of survey for the subject property for other easements that may be located on the property. (Note plats of subdivision and covenants may also restrict types and locations of fences).
- J. Fences may be erected in public utilities easements (PUEs) that are not restricted at the property owner's risk. Public utility companies are not required to replace or repair any fence removed from the easement in order to access their utilities.

7.2-4 Residential Fencing – In addition to the above General Standards, Residential Fencing shall meet the following standards:

- A. Fences shall be a minimum of 30% open, and not exceed five (5) feet in height as measured from the natural average grade.
- B. If the fence is intended to serve as a swimming pool barrier, please reference Chapter 24.10, Swimming Pools, of the Johnsborg Municipal Code.

7.2-5 Commercial Fencing –In addition to the General Standards set forth in 7.2-3, fencing utilized in Business and Commercial Districts shall meet the following:

- A. Fences shall be a minimum of 30% open and not exceed six (6) feet in height as measured from the natural average grade.
- B. Fences utilized to enclose a structure, such as an air conditioning unit, which could pose a risk to public health and safety may be entirely closed so long as it is located within five feet of the structure.
- C. Chain link and ornamental metals are standard acceptable fencing materials. Any other materials must be approved by the **Village's Architectural Review Committee**.
- D. Fence in the B-5 Downtown District shall be 70% open and not exceed six (6) feet in height as measured from the natural average grade. Ornamental metals are standard acceptable fencing materials. Chain link fences are prohibited. Any materials other than ornamental metals must be approved by the **Village's Architectural Review Committee**.

7.2-6 Industrial Fencing – In addition to the General Standards set forth in 7.2-3, fencing utilized in Industrial Districts shall meet the following:

- A. Fences shall be a minimum of 30% open and not exceed eight (8) feet in height as measured from the natural average grade.
- B. Barbed wire fencing is permitted on fencing eight (8) feet in height. Barbed wire material is limited to the upper one (1) foot section of the fence.
- C. Fences utilized to enclose a structure, such as an air conditioning unit, which could pose a risk to public health and safety may be entirely closed so long as it is located within five feet of the structure.
- D. Chain link and ornamental metals are standard acceptable fencing materials. Any other materials must be approved by the **Village's Architectural Review Committee**.

7.2-7 Dog Pounds, Runs, Enclosures shall only be permitted in rear yards and shall be located not closer than 10 feet to any lot line within the rear yard. Such enclosures constructed of fencing shall not exceed six (6) feet in height nor shall it exceed more than a total of 50 lineal feet measuring all four sides. Only one such pound, run or enclosure is permitted per zoning lot.

7.2-8 All excavations, not properly attended, large enough to be considered a hazard or an attractive nuisance to children shall either be filled to grade or completely enclosed within a four (4) foot fence.

SECTION 2: 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 in full force and effect.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4: This Ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

Voting Aye: Trustees McEvoy, Curry, Hagen, Frost and Klemstein


Voting Nay: None

Absent: Trustee Hutchinson

Abstain: None



Claudett E. Peters, Village Clerk


Edwin P. Hettermann, Village President

Passed: June 5, 2018
Approved: June 5, 2018
Published: June 5, 2018

Prepared by:
Claudett E. Peters, Village Administrator
Village of Johnsburg
1515 Channel Beach Ave
Johnsburg, IL 60051

CERTIFICATION

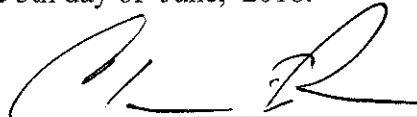
I, CLAUDETT E. PETERS, do hereby certify by my signature affixed below that I am the duly appointed, acting and qualified Clerk of the Village of Johnsburg, County of McHenry, Illinois.

I do further certify that a regular meeting of the President and Board of Trustees of the Village of Johnsburg, held on the 5th day of June, 2018 the foregoing Ordinance entitled: "**An Ordinance Amending Section 7 Fences of the Johnsburg Zoning Ordinance**" was duly passed by the President and Board of Trustees of the Village of Johnsburg, a true and correct copy of which is attached hereto. The passage of said Ordinance was on a roll call vote, on which the vote was as follows:

Voting Aye: Trustees McEvoy, Curry, Hagen, Frost and Klemstein
Voting Nay: None
Absent: Trustee Hutchinson
Abstain: None

I do further certify that said Ordinance was duly published on the 5th day of June, 2018 in pamphlet form.

IN WITNESS WHEREOF, I have above set my hand and caused to be affixed the seal of the VILLAGE OF JOHNSBURG, Illinois, on the 5th day of June, 2018.



Claudett E. Peters, Village Clerk
Village of Johnsburg

