

VILLAGE OF NORTHFIELD
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ARTICLE II

FENCES, WALLS OR OTHER ARTIFICIAL BARRIERS

Section 18-8 FENCE, DEFINITION

Whenever the word "fence" is used in this Article, it shall include fences, walls, and other structural or artificial barriers. (1986 Code)

Section 18-9 HEIGHT AND LOCATION RESTRICTIONS, GENERAL

No fence shall be built, erected, or installed the bottom of which is more than four inches (4") above grade or which has any portion of the fence more than six feet four inches (6'4") above grade. No fence may be built, erected or installed by any party on property belonging to the Village, the County, or the State, unless the proof has been submitted to the Building Commissioner that appropriate permission has been granted by the proper government agencies. (Ord. 99-978, 4-26-1999; amd. Ord. 03-1143, 2-18-2003; Ord. 04-1216, 9-21-2004)

Section 18-10 HEIGHT RESTRICTIONS, FRONT YARD

No fence more than four feet (4') in height shall be built, installed, or erected anywhere within that portion of any lot or parcel of land which lies between the front lot line and the building line established by ordinance of the Village, except that if such fence, wall, or artificial barrier be composed of such materials and built, installed, or erected in such manner that not more than twenty percent (20%) of its entire surface area prevents penetration of light or constitutes a barrier to view, it may be not more than five feet (5') in height. (1986 Code)

Section 18-11 HEIGHT RESTRICTIONS, RAISED GROUND

No fence shall be built, installed or erected on any ground or surface that has been raised, filled or landscaped for the purpose of circumventing the height restriction of Section 18-9 or 18-10 of this Article. (1986 Code)

Section 18-12 STREET CORNERS, VISION REQUIREMENTS

No fence shall be built, installed or erected within thirty feet (30') of the intersection of lot lines adjacent to a street corner unless seventy five percent (75%) or more of each vertical surface of such structure is open to vision. (1986 Code)

Section 18-13 TRAFFIC HAZARD PROHIBITION

No fence shall be so located on a corner lot or built of such height that by reason of the topography of the site vision will be obstructed and a traffic hazard thereby created. (1986 Code)

Section 18-13.1 PROHIBITED FENCE MATERIALS

It shall be unlawful to erect or maintain anywhere within the Village a fence having razor wire, barbed wire, spikes or any similar device, or any electric charge. For purposes of this Section, "barbed wire" shall mean any pointed metallic protrusion from fencing material, the purpose of which is to discourage entry to any premises. "Electric charge" shall not include a low voltage, buried and insulated wire installation, the purpose of which is to transmit a signal to a control device worn by a pet. (Ord. 97-921, 11-24-1997)

Section 18-14 SIMILIARITY REQUIREMENTS

A fence which differs in appearance from one side to the other, and which is built, installed, or erected along a boundary line bordering adjacent property, must comply with the adjacent property owner's written designation as to which side will face the adjacent property. This Section shall be inapplicable whenever such adjacent owner refuses to make said written designation. (1986 Code)

Section 18-15 PERMITS; REPLACEMENT OF EXISTING FENCES

No fence shall be built, installed or erected unless a building permit is applied for and obtained through the Community Development Director or his/her designate. The written designation of an adjacent property owner, or the certificate of the applicant that such designation was requested and refused, when either is required by this Article, shall be submitted with the application for a fence permit and shall be kept as a part of the permit file.

All fence permit applications shall be on forms provided by the Village and shall be submitted to the Department of Community Development and Building. Permission shall be granted only when it is clearly demonstrated that the applicant has met the requirements set forth in this Article, and received approval from the Community Development Director or his/her designate. Replacement fencing which conforms to this Article and is identical in height, structure and design to that being replaced shall also require a permit, but shall not require a fee or approval of the Architectural Commission. (Ord. 88-542, 4-1988; amd. Ord. 99-963, 1-25-1999)

Section 18-16 HEIGHT AND LOCATION VARIANCES

A. Application; Standards. Any person desiring a variance from the requirements of this Article, with respect to issuance of a permit for a new fence or alteration of any existing fence, my appeal in writing to the Northfield Architectural Commission. The appeal must be accompanied by a list of the names and addresses of persons owning or occupying property adjacent to the subject property. The Architectural Commission shall determine whether strict compliance with the requirements of this Article will result in undue hardship to the applicant. In making its determination, the Commission shall consider, among other facts, the following:

- (1) Whether there exists hardship on the part of the property owner, which would substantially limit or restrict such owner's use and enjoyment of the property. Such hardship, however, shall not result from a self-imposed condition created by the owner;
- (2) Whether the granting of the variance requested will create a traffic safety hazard by reducing visibility on the part of the drivers and/or pedestrians; and
- (3) Whether granting of the variance requested will be compatible with the area in which it is situated with regard to its location, height, construction material, landscaping and impact on the surrounding neighborhood.

B. Drawings. The petitioner shall provide seventeen (17) copies of drawings, plans and specifications relating to the site, the specific location of the proposed fence, its length and its impact on the surrounding landscaping and a variation application fee as required in Appendix D of this Code. These shall be provided in sufficient time to permit meeting the notice requirement in Subsection C of this section.

C. Notice Requirement. The petitioner shall be required to provide all persons occupying property adjacent to the subject property written notice of this request for a variance. Such notice shall be in writing and copies shall be provided to the Commission. Said notice shall also be recorded with the Cook County recorder of deeds in relation to the property at issue so as to provide record notice to potential or subsequent purchasers of the property. The notice must be delivered to the above parties not less than fifteen (15) days or more than thirty (30) days prior to the hearing of the petition before the Commission. All notices pursuant to this Section shall be delivered by registered or certified mail, return receipt requested.

D. Dilatory Applications. If an applicant applies for a variation after that applicant, or the applicant's predecessor, acting in violation of village regulations or a previously granted variation, then no other variation may be granted, unless as a condition of the requested relief, the applicant pays for all village costs associated with the violative activity, including, but not limited to, staff time, engineering and legal fees and costs associated with the village's enforcement and review efforts.

E. Finality of Determination. The determination of the Architectural Commission shall be final and appeal must be pursued according to the Illinois Administrative Review Act. (Ord. 99-994, 9-27-1999)

Section 18-17 RESERVED (Ord. 99-994, 9-27-1999)

Section 18-18 VIOLATIONS

In all cases where a fence shall hereafter be erected contrary to the provisions of this Article, the Community Development Director or his/her designate shall forthwith notify the owner or agent or lessee of the land on which same is located, or the contractor engaged in erecting same, and shall specify in such notice in what manner same violates the provisions of this Article, and the said Community Development Director or his/her designate shall require the person so notified to forthwith make same conform to and comply with the provisions of this Article, specifying in such notice the time within which such work shall be done. Said notice shall also include a statement for the purpose of making the violator aware that he may petition the Architectural Commission for a variance according to Section 18-16 of this Article.

If, at the expiration of the time set in the notice provided for in this Article, the person so notified shall have refused, neglected, or failed to comply with the request made in such notice, and shall not have torn down or changed said fence, wall or similar structure or other artificial barrier so as to conform to and comply with the provisions of this Article, or properly petitioned the Architectural Commission, the Community Development Director or his/her designate shall have the authority to proceed forthwith to tear down, or cause to be torn down, such fence or so much thereof as is being maintained or shall have been erected and constructed in violation of the provisions of this Article, and the cost of such tearing down shall be charged to and recovered from the owner thereof or from the person for whom the same has been or is being erected. The violator shall also be subject to the penalties set forth in Section 1-13 of this Code. (1986 Code; amd. Ord. 99-963, 1-25-1999)