
ORDINANCE #3875

AN ORDINANCE TO AMEND SECTION 150.16 PERMITS AND PERMIT FEES ESTABLISHED AND SECTION 155 ZONING AND CREATING SECTION 158 FENCE REGULATIONS OF TITLE V PUBLIC WORKS OF THE KEWANEE CITY CODE, AND DECLARING THAT THIS ORDINANCE SHALL BE IN FULL FORCE IMMEDIATELY.

§150.016 Permits and Permit Fees Established.

(C) Permit fees for alterations, additions, changes, modifications and repairs performed on existing buildings and property.

(6) Fences: \$20.00

§ 155.060 R-1 ONE-FAMILY DWELLING DISTRICT.

(E) Yard areas. No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure, or enlargement:

(5) Yard areas. No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure, or enlargement:

(f) Fences and walls. Fences and walls shall comply with the regulations set forth in Chapter 158. Decorative concrete, concrete block, chain link, redwood, cedar, or other weather-resistant wood fences will be permitted in all residential areas under the following conditions:

_____ 1. Eight feet in height or under.

_____ 2. Side and rear yards only and front yards as hereinafter restricted. These provisions and the following restrictions on front yard fences shall apply to all residential districts including R-1, R-2, R-3, R-4 and R-5.

_____ 3. Front yard fences must be constructed of a material which will permit 70% visibility through said fences and such front yard fences shall not exceed four feet in height.

_____ 4. No sharp pointed pickets (either wood or metals) permitted.

_____ 5. No barbed wire fences permitted.

_____ 6. No chain link topped by barbed wire strands permitted.

_____ 7. All fences shall be kept in good repair and appearance maintained.

§ 155.066 B-1 BUSINESS DISTRICT, LIMITED RETAIL.

(D) Yard areas. No building shall be constructed or enlarged unless the following yards are provided and maintained in connection with such building:

(4) Privacy screening with uniform eight-foot height must be provided when business abuts a residential district and shall comply with the regulations set forth in Chapter 158.

_____ (a) No sharp pointed pickets.

_____ (b) No barbed wire fences.

_____ (c) No chain link topped by barbed wire.

_____ (d) All fences must be kept in good repair and appearance maintained.

_____ (e) The portion of screening abutting a residential district and paralleling a means of egress to a public way on either side of the screening, as measured from the public right of way toward the interior of the abutting properties, for a distance of not less than 20 feet and not greater than 30 feet, shall comply with § 155.060(E)(5)(f)3. concerning height and visibility requirements. The remaining length of screening shall comply with this division (D).

~~_____ (f) _____ Privacy screening is defined as screening, fence, wall or similar structure that serves to lessen the noticeable effects of the activities on one side of the screen to an observer on the other side. No more than 10% visibility is permitted through said screening when the viewer's line of vision is perpendicular to the length of the screening.~~

~~(71 Code, § 11-11-4) (Ord. 1413, passed 9-13-60; Am. Ord. 2196, passed 6-8-81; Am. Ord. 2661, passed 2-80-88; Am. Ord. 2820, passed 3-8-93) Penalty, see § 155.999~~

§ 155.070 M-1 MANUFACTURING DISTRICT, LIMITED.

(F) _____ Fences and walls. Fences and walls shall comply with the regulations set forth in Chapter 158.

§ 155.071 M-2 MANUFACTURING DISTRICT, GENERAL.

(F) _____ Fences and walls. Fences and walls shall comply with the regulations set forth in Chapter 158.

CHAPTER 158: FENCE REGULATIONS

§ 158.001 TITLE.

This chapter shall be known, cited and referred to as the Fence Regulations of the City of Kewanee.

§ 158.002 PURPOSE AND INTENT.

The purpose of this section is to regulate the materials, location, height, and maintenance of fencing, walls and decorative posts in order to prevent the creation of nuisances and to promote the general welfare of the public.

§ 158.003 DEFINITIONS

Unless otherwise stated, the following terms shall, for the purpose of this chapter, have the meaning indicated in this chapter. Words used in the present tense include the future. Words used in the masculine gender include the feminine and neuter. The singular number includes the plural and the plural the singular. Where terms are not defined herein, they shall have their ordinary accepted meanings or such as the context shall imply.

Fence A barrier constructed of materials other than living shrubbery or solid masonry erected for the purpose of protection, confinement, enclosure, or privacy.

Privacy fence An opaque fence made of wood or masonry along alleys and common lot lines that serves to lessen the noticeable effects of the activities on one side of the fence to an observer on the other side. No more than 10% visibility is permitted through said fence when the viewer's line of vision is perpendicular to the length of the fence.

§ 158.004 NONCONFORMING FENCES.

Any Permanent Fence which meets the definitions herein of FENCE and PRIVACY FENCE which was installed prior to the adoption of this chapter which fails to meet any of the applicable requirements of this chapter, excluding requirements related to maintenance, safety, visibility and vision clearance may be considered a LEGAL NONCONFORMING FENCE and may be permitted to continue in such status until it is either abandoned or removed by its owner.

§ 158.040 PERMITS REQUIRED; COMPLIANCE WITH CODES.

- (A) No person shall install, or cause to be constructed, any fence or screening upon property within the city without first obtaining from the Building Official a permit in writing to do so. Where applicable, all work shall conform to the current adopted building code pursuant to Section §150.015 of this code.
- (B) In addition, any fence or screen, if deemed necessary by the Building Official or his designee, shall be painted, stained or treated with an appropriate material or substance with a weather resistant characteristic to cause the fence or screen to be compatible with structures in the surrounding neighborhood. All such work shall be completed within six months from the date of receiving a permit from the city.

§ 158.050 APPLICABILITY.

The requirements of this section apply to all fencing 30 inches or more in height, for all land uses and activities.

§ 158.060 CONSTRUCTION, APPEARANCE AND MAINTENANCE.

- (A) Appearance.
 - (1) Orientation. For all fences and screens constructed or installed after the passing of this chapter, the finished side of all fences shall face outward from the subject property. Visible supports and other structural components shall be placed and face inward toward the subject property, with exception to fences that are designed and constructed such that the fence panel components are attached to the side of a post perpendicular to the panel.
 - (2) Opacity. Any fence within a street yard, including along property lines that intersect a right-of-way shall have 70% visibility; however, fences abutting a railroad right-of-way may be solid.
- (B) Materials.
 - (1) Residential districts. Acceptable materials for constructing fencing, walls and decorative posts include wood (that is designed, milled and treated as such to be used for fencing purposes), stone, brick, wrought iron, vinyl and chain link. Any fence within a street yard, including along property lines that intersect a right-of-way, shall have 70% visibility. All fences must be kept in good repair and appearance maintained.
 - (2) Nonresidential districts. Acceptable materials for constructing fencing and decorative posts include wood (that is designed, milled and treated as such to be used for fencing purposes), stone, brick, wrought iron, vinyl, chain link and corrugated steel panels providing that the corrugated steel panels are treated with a rust preventative treatment that is weather resistant, is compliant with §158.040(B) herein and is approved by the Building Official. Barbed wire fencing is permitted only in Manufacturing districts and at heights greater than eight feet. The height of the barbed wire is not to exceed two feet above the top of the fence to which it is attached. All barbs and prongs shall be faced toward the ground. The installation of barbed wire fencing is prohibited along any property line abutting a residentially zoned property unless set back from the property line adjacent to the residential property by no less than 15 feet. Any fence within a street yard, including along property lines that intersect a right-of-way, shall have 70% visibility.

- (3) Nonresidential abutting residential. Privacy screening with uniform eight-foot height must be provided where business or manufacturing abuts a residential district.
 - a. No sharp pointed pickets.
 - b. No barbed wire fence except as permitted in (2) herein.
 - c. No chain link topped by barbed wire except as permitted in (2) herein.
 - d. All fences must be kept in good repair and appearance maintained.
 - e. The portion of screening abutting a residential district and paralleling a means of egress to a public way on either side of the screening, as measured from the public right-of-way toward the interior of the abutting properties, for a distance of not less than 20 feet and not greater than 30 feet, shall comply with all regulations for that of the adjacent residential district.
 - (4) Temporary fencing following purposes may be allowed:
 - a. Use of rolled wood or plastic snow fencing for the purposes of limiting snow drifting between November 1 and April 1.
 - b. For the protection of excavation and construction sites and the protection of plants during grading construction. Fencing for excavation sites shall be a minimum of 48 inches in height.
 - c. For security fencing of permitted temporary use or temporary outdoor entertainment areas.
 - d. For the purpose of keeping wildlife out of personal gardens on residential property provided that said fencing surrounds live vegetation intended for consumption and said fencing is not a substitute for permanent fencing. Once the garden has died off and/or the garden is not being maintained, the fencing shall be removed.
 - (5) Dangerous or hazardous fences. Fences constructed of any material deemed to be dangerous or hazardous to the public's welfare and safety by the building official, such as and including electrified, barbed wire and spike-topped fences shall be prohibited except as permitted in [subsection](2).
- (C) Visibility. Any fence located within a front or street yard, including along property lines that intersect a right-of-way, shall have 70% visibility.
- (D) Height.
- (1) Maximum. The maximum height of any fence or decorative post shall be the following:
 - a. Four feet when located within a required front yard or street yard on any property.
 - b. Six feet when:
 1. Located on any residential property, but not within a required front yard or a required street yard, except as allowed along a railroad right-of-way in [subsection](2)(b)
 2. Located on any non-residential property abutting a residential property, but not within a required front yard or within the required front yard of an abutting residential property and set back less than 15 feet.
 - c. Eight feet when:
 1. Located on any nonresidential-zoned property, but not within a required front yard or a required street yard, or not within a required front yard or required street yard setback of an abutting residential property, or set back at least 15 feet.
 2. Located on any non-residential property abutting residential property and set back more than 15 feet.
 3. Located on any public, institutional, public utility, and recreational property.
 - (2) Exceptions.

- a. Non-residential uses. The maximum heights may be exceeded with the approval of a special use permit pursuant to sections §155.155 - §155.157. At a minimum, the following conditions shall be established for such requests:
 1. The increase in height shall in no way further obstruct vision for intersecting streets, driveways, sidewalks or other areas;
 2. The fencing material, any protective treatment and appearance must be compatible with structures and property in the surrounding neighborhood.
 3. The fencing must comply with all required setbacks herein.
- b. Along railroad. A fence which is constructed on that portion of property that abuts a railroad right-of-way may be permitted at a height of not more than eight feet and may be of a solid nature.
- c. Public recreation use areas. Public recreation use areas, courts, fields and diamonds may be enclosed along their boundaries with an open type fence to a height not to exceed eight feet.
- d. Swimming pools. Fencing for all swimming pools shall comply with the regulations outlined in Chapter §159 Swimming Pool Regulations. To be written and submitted at the same time as this Chapter.

(E) Maintenance. All fences, or decorative posts shall be maintained in a structurally sound and attractive manner.

§ 158.100 LOCATION.

- (A) Yards. Fences or decorative posts may be located in any required yard.
- (B) Setbacks.
 - (1) Right-of-way. No fence, wall, or decorative post shall be located in any right-of-way.
 - (2) Property line. Fences may be located on any property line abutting a side or rear yard.
 - a. It shall be the responsibility of the property owner constructing or installing any fence to determine the location of all property lines affected by the fence. It is recommended that property lines be located by way of a licensed land survey.
 - b. Any fence found to be installed past the boundaries of the property lines of the property owner constructing or installing a fence shall be removed immediately at such person's expense.
- (C) Non-residential abutting residential. On all business or manufacturing properties adjacent to a residentially zoned property or property used for residential purposes as of the passing of this section, fences may be located on any property line abutting a rear or side yard, but shall be located no closer than the required front yard setback of the abutting residential property. Except that a fence in the required front yard setback shall be installed in compliance with §158.060 herein.
- (D) Public utilities. Public utility uses such as transformer substations, or other hazardous uses, shall be fenced to a height of not less than six feet. When the lot line of such utility use coincides with a lot line in a residential district, the fencing installed shall provide adequate screening. The screening shall be a privacy fence or an open or semi-open fence with shrubbery, maintained to keep a clean and trimmed appearance, to a height of not less than six feet. When a public utility use fronts on a public street, similar fencing and landscaping shall be required.
- (E) *Near structures on adjacent property.* No fence shall be located in such a manner that it prohibits the normal maintenance of structures located on adjacent property, and in no circumstances shall a fence be within eight feet of such structures.

- (F) Vision clearance on corner lots. In any required front, side, rear or transitional yard of a corner lot, no structure, planting or other obstruction to vision of drivers of motor vehicles, located within 20 feet of the intersecting right-of-way lines bordering such corner lot, shall exceed a height of three feet above the adjoining street grade and shall have a minimum 70% visibility. In any case where a motorist may have to have visibility through two sections of fence on the same property that are installed parallel to each other the combined visibility of the fence panels shall be a minimum of 50%.
- (G) Easements. Fences installed on public/utility easements shall be of a removable nature. Any fence of a permanent nature on an easement shall be removed at the owner's expense at the request of any public utility or the city.

§158.999 PENALTY.

- (A) The provisions of §10.99 shall apply to this chapter.
- (B) Any person violating the regulations set forth in this chapter shall be fined in a sum of not less than \$50 and not to exceed \$500 for any one offense. A separate offense shall be deemed committed for each and every day during which a violation continues or exists.

Passed by the Council of the City of Kewanee, Illinois this 27th day of March 2017.

ATTEST:


Melinda Edwards, City Clerk


Steve Looney, Mayor

RECORD OF THE VOTE	Yes	No	Abstain	Absent
Mayor Steve Looney	X			
Council Member Deann Schweitzer	X			
Council Member Andrew Koehler	X			
Council Member Kellie Wallace-McKenna	X			
Council Member Michael Yaklich	X			

