

ORDINANCE NO. 06-2-1532

AN ORDINANCE AMENDING CHAPTER 153  
OF THE MUNICIPAL CODE OF THE VILLAGE  
OF LINDENHURST, LAKE COUNTY, ILLINOIS

BE IT ORDAINED by the President and Board of Trustees of the Village of Lindenhurst, Lake County, Illinois as follows:

**SECTION I:** That Chapter 153 entitled "Fences" is amended by repealing Sections 153.01, 153.02, 153.10, 153.11, 153.12, 153.13, 153.14, 153.15, 153.16 and 153.17 and substituting in lieu thereof new Sections 153.01, 153.02 and 153.03 as follows:

**153.01**      **PROHIBITED FENCES.** It shall be unlawful to maintain or construct on any property in the Village the following:

- (A) Chicken wire, barbed wire, welded mesh wire, expanded metal, hardware cloth and electrically charged wire fences. Governmental entities with permission of the Village may install barbed wire at the top of a fence.
- (B) Snow fences. Governmental entities with permission of the Village may install snow fences.
- (C) Fences made of solid plywood, scrap lumber, temporary fencing and similar non-customary materials.
- (D) Fences made of common concrete or cinder block.
- (E) Fences topped with sharp-edged or spiked material, except this shall not prohibit picket fences.
- (F) Fences on any portion of any public right-of-way, except fences erected by a governmental entity which have been approved by the Village.
- (G) Fences, shrubs or hedges that interfere with clear vision at or near a street intersection in an area.

- (H) Fences so constructed as to prevent natural water drainage and/or water runoff.
- (I) Masonry fences in an easement.
- (J) Fences with posts with the rough or unfinished side of the fence facing toward the street or neighboring property.
- (K) Any fence in the front yard as defined in Chapter 159 of the Village's Zoning Code, except for decorative fences.
- (L) Any fence which would be in violation of any Homeowners Association covenant covering the property.
- (M) Any model home/townhome/condominium fence not approved by the Village.

**153.02**

**PERMITTED FENCES.**

- (A) No person, corporation or other entity shall maintain or construct a fence on any property within the Village without obtaining a permit from the Building Department and paying the required fee.
- (B) Fences may be constructed in rear and side yards and with approval from the Village in front yards on property owned by a governmental entity, as defined in Chapter 159 (Village Zoning Code), subject to the following regulations:
  1. No fence shall exceed six (6) feet in height over grade. Approved governmental entity fences shall be exempt from the height restriction.
  2. No fence, except decorative fences as provided in Section 153.03 herein, shall be constructed or installed closer to the street right-of-way line than the nearest front corner of the adjoining neighbor's house or garage (whichever is closer to the street right-of-way line).
  3. The smooth or finished side of the fence shall face outward.
  4. All posts and rails shall face inward.
  5. All fence post foundations shall be wholly on the property of the party erecting the fence.

6. Where there is an existing rear yard or side yard fence on adjacent property, no party shall erect a fence which runs parallel to and within three (3) feet of an existing fence. Access shall be provided to the area between adjacent fences for proper maintenance.
7. A gate of at least three (3) feet in width shall be provided in any fence which fully encloses an area either by itself or in conjunction with other structures.
8. All fences constructed over easement areas shall be subject to the rights of the owner of the easement.

**153.03**

**DECORATIVE FENCES.**

- (A) No person, corporation or other entity shall maintain or construct a decorative fence on any property within the Village without obtaining a permit from the Building Department and paying the required fee.
- (B) Decorative fences may be constructed in front and side yards of corner lots and in front yards as defined in Chapter 159 (Village Zoning Code) and on property owned by governmental entities, subject to the following regulations:
  1. All decorative fences shall be constructed only of wood. Except approved decorative fences erected by a governmental entity may also be constructed of tubular aluminum.
  2. There shall be a minimum of four (4) feet between all posts.
  3. There shall be a minimum space of twelve (12) inches between fence rails whether they are constructed vertically or horizontally. Except, tubular aluminum decorative fences erected by a governmental entity shall have a maximum of four (4) inches between fence pickets.
  4. The maximum height shall not exceed forty-eight (48) inches.
  5. The smooth side of the fence shall face outward.
  6. All posts and rails shall face inward.
  7. The fence shall not be closer than five (5) feet from the front yard line on all lots and the side yard line on corner lots as defined in Chapter 159 (Village Zoning Code). This paragraph shall not apply to governmental entity property.

8. The fence shall not be constructed for the purpose of forming an enclosure for persons or animals and shall not be part of another structure. This paragraph shall not apply to governmental entity property.

**SECTION II:** All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

**SECTION III:** That this Ordinance shall be in full force and effect from and after its passage and approval as required by law.

**PASSED AND APPROVED** by the President and Board of Trustees of the Village of Lindenhurst, Illinois this 27th day of February, 2006.

**Required Submissions:**

1. A plat of survey of the lot showing the exact location and dimensions of the proposed fence with all relative structures, other fences, etc., properly scaled and labeled.
2. Written Homeowner Association approval if required.