

**CITY OF WEST FRANKFORT
STATE OF ILLINOIS**

ORDINANCE NO. TA1-29

**AN ORDINANCE CREATING A FENCING REGULATION AND PERMIT PROCESS
FOR RESIDENTIAL AREAS OF THE CITY OF WEST FRANKFORT, ILLINOIS, IN
THE WEST FRANKFORT CODE OF ORDINANCES SECTION 17: ZONING**

**PASSED BY THE CITY COUNCIL OF THE CITY OF WEST FRANKFORT ON THIS
13TH DAY OF FEBRUARY, 2024**

**Published in pamphlet form by authority of the
City Council of the City of West Frankfort,
Franklin County, Illinois**

This 13th day of February, 2024

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AN ORDINANCE CREATING A FENCING REGULATION AND PERMIT PROCESS FOR RESIDENTIAL AREAS OF THE CITY OF WEST FRANKFORT, ILLINOIS, IN THE WEST FRANKFORT CODE OF ORDINANCES SECTION 17: ZONING

WHEREAS, the City of West Frankfort, Illinois under its power and authority as a Home Rule Unit of government has adopted an Ordinance Creating a Fencing Regulation and Permit Process for Residential Areas in the City of West Frankfort, Illinois, including regulations for height and placement requirements, and assessed penalties to be included in Title 17: Zoning of the West Frankfort Code of Appeals which is under the appealable jurisdiction of the Zoning Board of Appeals;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WEST FRANKFORT, FRANKLIN COUNTY, ILLINOIS -

SECTION 1: FENCING REQUIREMENTS AND RESTRICTIONS FOR RESIDENTIAL DISTRICTS:

Residential Districts: The establishment of all fences in residential districts shall be regulated as follows:

- 1.1** Fences not exceeding three (3) feet in height may be constructed and maintained at any point behind the front or corner side yard lot lines.
- 1.2** Open fences, defined as a fence constructed in such a way that no more than 20% of the surface area of the fence obstructs a view through the fence from a position perpendicular to the fence, that do not exceed four (4) feet in height may be constructed and maintained at the front or corner side yard lot line.
- 1.3** Fences not exceeding six (6) feet in height may be constructed and maintained at any point behind the corner side yard line, provided they do not extend forward of the wall of the principal building facing the front yard.
- 1.4** Fences up to six (6) feet in height shall be permitted in the required interior side yard or rear yard provided that the fence does not extend nearer to a front lot line than the longest distance between such lot line and the nearest wall of the principal building or structure.
- 1.5** Fences up to six (6) feet in height shall be permitted in the required corner side yard when said yard aligns with the rear yard or corner side yard of a residential property

provided that the fence does not extend nearer to a front lot line than the longest distance between such lot line and the nearest wall of the principal building or structure.

- 1.6 Fences up to nine (9) feet in height shall be permitted along any residential property line which abuts a non-residential use or abuts a major arterial right-of-way.
- 1.7 Subdivision perimeter fencing shall be permitted; provided, that the fence not exceed six (6) feet in height along non-major arterial rights-of-way, or nine (9) feet in height along major arterial rights-of-way. Said fencing shall remain uniform in design and color.
- 1.8 Fences must be positioned so that the finished side faces away from the lot on which it is constructed.
- 1.9 Every fence fronting onto an existing or proposed road right-of-way, except for corner lots, must include a gate giving access to the right-of-way. Fences constructed along major arterial rights-of-way, where a mandatory homeowners' association is responsible for maintaining both the fence and the parkway between the fence and the street are exempt from this provision, except that the Department of Public Utilities may require gates on the section of fence fronting specific lots to allow access to utility facilities.
- 1.10 All fences shall be constructed of manufactured metal fencing material, wood, pvc, masonry or other manufactured fencing material. Such fences shall be maintained in good condition. Wood materials, other than decay resistant wood, shall be protected against decay by use of paint or other preservative. Any paint or other protective material must be maintained free of deterioration, in sound condition and good repair. The permissible height and other characteristics of all fences shall conform to the appropriate statutes, ordinances and regulations of the city and state. Wherever any egress from the dwelling opens into the fenced area, there shall be a means of egress from the premises to any public way adjacent thereto.
- 1.11 A fence permit fee shall be paid for all fences exceeding three (3) feet in height before a fence is erected on any property within the City.
- 1.12 Any fences or kennels constructed for the sole use of animal containment shall not be located in the front yard of any residential property. All kennels shall adhere to all height and location requirements stated within this ordinance.
- 1.13 Fences built/ erected before the passing of this ordinance shall comply with the requirements of this ordinance within one (1) year of its passing.
- 1.14 **Enforcement and Penalties: Citation:** The Code Enforcement Officer is authorized to issue a citation against any person or business entity that is in violation of this section:

- A. For a violation of any section, a person, a business entity or the agent or employee of any business entity may be fined not less than one hundred dollars (\$100.00) nor more than two hundred fifty dollars (\$250.00).

- 1.15 Any conflicts between the fencing ordinance contained herein, and any references to fences in other sections of the West Frankfort City Code, shall be resolved by following whichever ordinance provides for stricter requirements to maintain conformity throughout the Residential Areas of the City of West Frankfort. Any questions regarding fencing requirement should be directed to the Code Enforcement Officer.

SECTION 2: FENCE PERMIT REGULATIONS FOR RESIDENTIAL DISTRICTS:

- 2.1 Permit Required: No person or business entity, nor the agent or employee of any business entity, shall erect or install a fence of any description within the corporate limits of the City unless a permit from the Code Enforcement Officer for such erection or installation has been applied for, approved and issued.
- 2.2 Fence Permit Fee shall be assessed by the Code Enforcement Officer at a rate of \$1.00 per linear foot with a minimum permit fee of \$100.00.
- 2.3 **Enforcement and Penalties:**
 - A. **Citation:** The Code Enforcement Officer is authorized to issue a citation against any person or business entity that is in violation of this section. Such citation shall be filed in the County Circuit Court for processing.
 - B. **Injunction:** The Code Enforcement Officer is authorized to petition the County Circuit Court for a writ of injunction prohibiting any person or business entity from proceeding with the erection or installation of any fence of any description unless a permit for such activity has been applied for, approved and issued.
 - C. **Penalties:** For a violation of subsection A of this section, a person, a business entity or the agent or employee of any business entity may be fined not less than twenty-five dollars (\$25.00) nor more than two hundred fifty dollars (\$250.00).

SECTION 3: REPAIR AND MAINTENANCE OF FENCES

- 3.1 Owner's of residential fences have a duty to maintain the fences under their control. Fences shall not lean, have broken or defective components, or be kept in a manner that present a danger to any person or living thing.
- 3.2 Upon any circumstance causing damage, malfunction, or decay of residential fences, the fences shall be repaired from defects and returned to their original condition within seven (7) days.

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- 3.3** Before the end of the initial seven (7) day period, the owner of the residential fence can apply in writing to the Codes Enforcement Officer for a thirty (30) day extension for completion of the fence. If the residential fence owner requires additional time, they can apply in writing to the Zoning Board of Appeals, before the initial thirty (30) day extension expires, for an additional extension of up to a one (1) year to be determined by the discretion of the Zoning Board of Appeals.

SECTION 4: APPEAL

- 4.1** Any appeals regarding the requirements and penalties in Section 1 or 2 of this ordinance, shall be appealed to the West Frankfort Zoning Board of Appeals and follow all requirements set out in the ordinance creating the West Frankfort Zoning Board of Appeals.

**PASSED BY THE CITY COUNCIL OF THE CITY OF WEST FRANKFORT,
FRANKLIN COUNTY, ILLINOIS, THIS 13th DAY OF FEBRUARY, 2024.**

AYES: 5

NAYS: 0

ABSENT: 0

**13th APPROVED BY THE MAYOR OF THE CITY OF WEST FRANKFORT THIS
DAY OF FEBRUARY, 2024.**



Tim Arview

Mayor of the City of West Frankfort

ATTEST:



Andrea Bolen

West Frankfort City Clerk