

**VILLAGE OF FLANAGAN  
LIVINGSTON COUNTY, ILLINOIS**

**ORDINANCE NO. 2023-01**

**AN ORDINANCE ESTABLISHING THE REGULATION OF FENCES**

ADOPTED BY  
THE PRESIDENT AND BOARD OF TRUSTEES  
OF THE  
VILLAGE OF FLANAGAN

On this 21st day of February 2023

## VILLAGE OF FLANAGAN, ILLINOIS

### ORDINANCE NO.2023-01

#### AN ORDINANCE ESTABLISHING THE REGULATION OF FENCES

##### DEFINITIONS.

The following terms shall apply to this chapter as written unless the context indicates or requires different meanings:

*Fence.*

"Fence" includes commercial grade material that encloses an area, typically outdoors, constructed from posts that are connected by boards and rails (wood fencing), wire (chain link fencing), metal posts (wrought iron or aluminum style fencing), masonry (stone fencing), vinyl (synthetic resin or plastic fencing) or composite (usually made from recycled ground plastic and sawdust held together by resins and formed by being pressed in high-pressure molds).

*Transparent fence* shall mean a fence that is at least 50 percent open and does not block or obstruct one's view.

*Solid fence* shall mean a fence that blocks or obstructs the view.

*Recreational purpose fences* shall mean a fence erected to provide fencing around sports or recreation facilities or areas.

##### Applications

All applications must be filed with the Village of Flanagan Zoning Board. Once it is determined that the application is complete, the Zoning Board will determine if the materials meet this section's requirements. For applications that meet the requirements of this section, the Zoning Board shall process these applications. For applications that do not meet the requirements of this section, the Zoning Board shall advise the applicant of the process for Variations. A fee of \$35.00 shall be charged to the owner for each accepted permit application. **It shall be unlawful to erect, construct, reconstruct, enlarge, or structurally modify a fence without first obtaining a fencing permit.**

An accurate sketch showing the proposed location of the fence on the premises shall be furnished to the Zoning Board when the application is made for the permit to erect a fence. The sketch shall show the location of any utility easements on the property, if known, property dimensions, location and height of the fence, the setback of the fence from property lines, and structures on the property. An aerial image can also demonstrate the fence's location but must include all information.

1. *Transparent fences.* Transparent fences shall not exceed six feet in height in any residential district except that in a front yard, the height shall not exceed 4 feet. Transparent fences in any business or manufacturing district shall be at most eight

feet in height. The heights of fences shall be measured at the natural average grade. The average distance between the base of the fence panels and the finished elevation shall be at most six inches.

2. *Solid fences.* Solid fences shall be at most six feet in height in any residential district and not more than eight feet in height in any business or manufacturing district. **A solid fence shall not be erected in a front yard.** Solid fences are permitted on the lot line or along access strips backing thoroughfares, providing written permission from the utility company once an easement holder has been obtained. The heights of fences shall be measured at the natural average grade. The average distance between the base of the fence panels and the finished elevation shall be at most six inches.
3. *Approved Materials.* Fences shall be constructed of materials customarily manufactured as common fence material. No fence shall be erected except those of board panel, picket, split rail, wrought iron, chain link, masonry construction, composite materials designed for fencing, or decorative fence material approved by the building official. The use of pallets as a building material is prohibited within Village limits.
4. *Construction Requirements.* **No fence, wall, or other obstruction is permitted in the public right-of-way, and all fences must be located within the lot's property lines.** Both sides of all fences shall be maintained in good repair.

The property owner and contractor must ensure that the fence is erected within the property boundaries and that it can be constructed and maintained appropriately without trespassing onto the adjoining property. A survey is recommended to ensure the correct fence location inside the property boundaries.

The unfinished side of any fence, including exposed posts, framing, and cross members, shall face the interior of the lot. All fences other than masonry construction shall be securely anchored below the ground level at depths equal to or exceeding 40 percent of the above-ground height and conform to all applicable building codes adopted by the city council. All fence posts shall be decay or corrosion-resistant and set in concrete bases. No fence, except for masonry construction, shall be erected, constructed, or installed on posts greater than eight inches in width or diameter. Both sides of all fences shall be maintained in good repair.

5. *Recreational purpose fences.* Fences erected for purposes of providing fencing around sports or recreations facilities or areas, as listed below, shall not be subject to the height restrictions specified elsewhere in this section, provided that such facility or area is not located within 20 feet of a zoning lot corner formed by the intersection of any two street lines; the fence is at least 75% open; and a fence permit is obtained. The maximum height of a fence is listed by each sport or recreational facility or area as follows:

<i>Use</i>	<i>Maximum Height (Feet)</i>
Tennis court (public or private)	12
Baseball diamond backstop (public or private)	16



Swimming pools (public)	8
Elementary, middle, or high school (public or private)	8

6. *Fence Replacement.* It shall be unlawful for the owner, occupant, or person in custody of any premises in the Village, having a fence thereon, to permit such fence to exist in a state or condition which is liable to cause injury to any person or property, or which is liable to collapse, or which infringes upon or leans upon the premises of another or to property.
7. *Restrictions.* Those fences existing in front yards that are legally nonconforming on the effective date of this Ordinance shall be removed entirely when more than 50 percent of the said fence has been damaged or is in a state of disrepair. Other than routine maintenance, alterations, structural changes, and additions to nonconforming fences are prohibited. For this section, any yard abutting a roadway on a corner lot should be considered a front yard.
8. *Variations.* The Village Board may authorize variations from the provisions of this Ordinance.

#### **ENFORCEMENT AND PENALTIES.**

(A) Failure to comply with any requirement of Ordinance 2023-01 shall be subject to a fine of no less than \$150.00 and no more than \$750.00 plus court costs. A separate offense shall be deemed committed each day a violation occurs or continues.

(B) The failure to abide by Ordinance 2023-01 shall be considered a basis for the Village filing an action to remediate a nuisance.

(C) Notwithstanding the provisions of division (A) or any other section or provision of this code, the following penalty provision and procedure shall apply to all violations except as otherwise indicated.

A written notice of violation shall be issued to the individual, person, or entity alleged to have violated any provision of the code of ordinances. The notice of violation shall contain the name and address of the violator; the section of the code alleged to be violated; the date, time, and location of the violation; any other relevant information; the name and identification of the complainant; a specific due date; together with a statement that the violation may be resolved without a court appearance upon payment of a pre-filing penalty paid on or before the due date and proof of compliance with the Ordinance. The pre-filing penalty shall be one-half of the minimum fine indicated for such a violation if there is no stated minimum fine for such a violation, half the amount indicated in the Uniform Fine Schedule.



PRESENTED to the Board of Trustees of the Village of Flanagan, Livingston County,  
Illinois, this 21st day of February 2023.

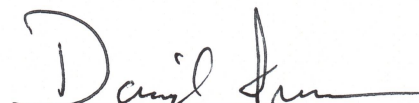
PASSED by the Board of Trustees of the Village of Flanagan, Livingston County,  
Illinois, this 21st day of February 2023.

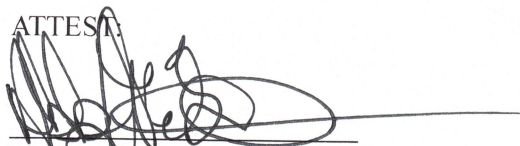
SIGNED by the President of the Board of Trustees of the Village of Flanagan, Livingston  
County, Illinois, this 21st day of February 2023.

AYES: 6

NAYES: 0

ABSENT: 0

  
David Iverson  
Village President  
Village of Flanagan

ATTEST:  
  
Abby L. Tower Simpkins  
Village Clerk  
Village of Flanagan