

ORDINANCE NO. 2015-15

AN ORDINANCE AMENDING CHAPTER 18, SECTION 18-327 OF THE MUNICIPAL CODE, VILLAGE OF STICKNEY, ILLINOIS REGARDING FENCING

WHEREAS, the Village of Stickney (the "Village") is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs, and to review, interpret and amend its ordinances, rules and regulations; and

WHEREAS, the Municipal Code, Village Of Stickney, Illinois (the "Village Code") sets forth, among other things, the applicable building, electrical and mechanical codes within the Village; and

WHEREAS, these codes govern and regulate the installation, maintenance and construction of various systems to help avoid accidents, injuries and deaths; and

WHEREAS, currently, the Village Code includes requirements regarding the construction of fences in residential areas; and

WHEREAS, to ensure that the Village Code's requirements reflect current best practices, the Village President (the "President") and the Board of Trustees of the Village (the "Village Board" and with the President, the "Corporate Authorities") have determined that it is in the best interests of the Village and its residents to update the Village Code provisions governing the construction of fences in residential areas; and

WHEREAS, based upon the foregoing, the Corporate Authorities have determined that it is necessary, advisable and in the best interests of the Village and its residents to amend Chapter 18, Section 18-327 of the Village Code as set forth below;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF STICKNEY, COOK COUNTY, ILLINOIS, as follows:

**ARTICLE I.
IN GENERAL**

SECTION 1. INCORPORATION CLAUSE.

The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

SECTION 2. PURPOSE.

The purpose of this Ordinance is to amend Chapter 18, Section 18-327 of the Village Code to update the Village Code provisions governing the construction of fences in residential areas and to authorize the President or her designee to take all actions necessary to carry out the intent of this Ordinance.

ARTICLE II.

AMENDMENT OF CHAPTER 18, SECTION 18-327 OF THE MUNICIPAL CODE, VILLAGE OF STICKNEY, ILLINOIS

SECTION 3.0. AMENDMENT OF CHAPTER 18, SECTION 18-327.

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 18, Section 18-327, which Section shall be amended as follows:

(a) A residence district zoning lot may have a fence in the rear yard, or as otherwise allowed by this chapter, constructed of open chain-link, solid decorative wood, cedar poles, painted or stained wood pickets or ornamental iron. The finished surface of the fence must face toward adjoining property or street frontage. ~~All posts for any fence must be on the owner's side of the fence.~~ No fence shall have any sharp, dangerous or impaling members. No second fence shall be attached, connected, otherwise affixed or installed parallel to an existing fence at the same lot line.

(b) In a residence district, a fence constructed of stone, brick or masonry may be erected to a height not to exceed 42 inches. However, all stone, brick or masonry fences must be erected on a four-foot deep foundation of concrete so as to prevent movement by frost.

(c)
(1) In a residence district, the below-ground depth of ~~the all posts~~ for all other fences construction (wood, metal and the like) shall be ~~one-half of the above-ground height of the fence, as follows: a minimum depth of 36 inches for our climatic conditions.~~

3	<u>18</u>	8
4	24	8
5	<u>30</u>	8
6	36	8

Above Ground (ft.)	Depth (in.)	Diameter of Hole (in.)
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(2) Before concrete shall be placed in each post hole, an inspection to confirm depth shall be performed by the Village Inspector and a minimum 24 hours notice shall be given for any and all inspections required and approved by the Village to the depth of the sunken post.

SECTION 3.1. OTHER ACTIONS AUTHORIZED.

The officers, employees and/or agents of the Village shall take all action necessary or reasonably required to carry out, give effect to and consummate the amendments contemplated by this Ordinance and shall take all action necessary in conformity therewith. The officers, employees and/or agents of the Village are specifically authorized and directed to draft and disseminate any and all necessary forms or notices to be utilized in connection with the intent of this Ordinance.

**ARTICLE III.
HEADINGS, SAVINGS CLAUSES, PUBLICATION,
EFFECTIVE DATE**

SECTION 4. HEADINGS.

The headings of the articles, sections, paragraphs and subparagraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance nor should they be used in any interpretation or construction of any substantive provision of this Ordinance.

SECTION 5. SEVERABILITY.

The provisions of this Ordinance are hereby declared to be severable and should any provision of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable and as though not provided for herein and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect.

SECTION 6. SUPERSEDER.

All code provisions, ordinances, resolutions, rules and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

SECTION 7. PUBLICATION.

A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

SECTION 8. EFFECTIVE DATE.

This Ordinance shall be effective and in full force immediately after its passage and approval.

PASSED this 15th day of September, 2015.

AYES: Trustees Hrejsa, Lazansky, Milenkovic, Savopoulos and White

NAYS:

ABSENT:

ABSTENTION:

APPROVED by me this 15th day of September, 2015.

Deborah Morelli, President

**ATTESTED AND FILED in my
office this 16th day of September, 2015.**

Audrey McAdams, Village Clerk