

Chapter 236

FENCES

§ 236-1. Definitions.

§ 236-2. Fence permit required.

§ 236-3. Construction standards and specifications.

§ 236-4. Nonconforming fences.

§ 236-5. Maintenance.

§ 236-6. Variances.

§ 236-7. Swimming pools.

[HISTORY: Adopted by the Village Board of the Village of Endeavor at time of adoption of Code (see Ch. 1, General Provisions, Art. II). Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 198.

Zoning — See Ch. 480.

§ 236-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

FENCE — A fence constructed of rails, planks, stakes, strung wire, or similar material which creates an enclosure, barrier or boundary and has a more or less permanent location in the ground or is attached to something having a permanent location in or on the ground.

OPEN FENCE — A fence having more than 50% of its surface area open for the free passage of light and air. Examples of such fences include chain link, picket, and rail fences.

ORNAMENTAL FENCE — A fence whose only purpose is to decorate, accent, or frame a feature of the landscape, whose height does not exceed four feet, and which has more than 50% of its surface area open for free passage of light and air. Ornamental fences are often used to identify a lot corner or lot line or to frame a driveway, walkway, or planting bed. Ornamental fences are often of the picket, rail, or wrought iron type. If an ornamental fence is 20 feet or less in total length and freestanding, i.e., not connected to a structure, no permit or fee is required.

RESIDENTIAL FENCE — Any fence, other than an ornamental fence, which is constructed in a residential-zoned district.

SECURITY FENCE — A fence erected for the purpose of preventing entry to a property by unauthorized persons and/or for the purpose of protecting equipment, materials, or products contained within the enclosure. A security fence may also be erected to screen equipment, materials, or products from view. A security fence may not exceed 10 feet in height (less in certain zones; see below). It may include a maximum of four strands of barbed wire on the top of the fence, provided that the barbed wire is at least eight feet above grade, with the vertical supports for the barbed wire slanting inward away from the property line.

SOLID FENCE — A fence with 50% or less of its surface area open for free passage of light and air and which is designed to conceal from view the activities conducted behind it (may also be known as a "privacy fence"). Examples of such fences are stockade, board on board, board and batten, basket weave, and louvered.

§ 236-2. Fence permit required.

A. Permit fee.

- (1) No person shall erect or construct any fence on any property within the Village without having first obtained a permit for such fence from the Zoning Administrator and having paid the fee as set by the Village Board.
- (2) A plat, sketch, or survey map shall be submitted with each fence permit application showing the location of the fence in relationship to the property line, including measured distances. If a joint fence is to be constructed on the property line, a joint permit application shall be filed and signed by all parties having a property interest in the fence (only one fee is required).

- B. Destruction of fence. Upon the destruction of any fence, or deterioration from the elements or otherwise, a permit must be obtained in conformance with this chapter before a fence may be constructed or reconstructed in place of such destroyed or deteriorated fence.

§ 236-3. Construction standards and specifications.

Fences shall be constructed in such a manner that the "finished" side of the fence shall face the neighboring property. Fence posts shall be on the side of the fence facing the permit applicant's property. Except as otherwise provided in this chapter, no fence shall be more than six feet in height. All fences shall be constructed so as not to interfere with vehicular traffic visibility.

- A. Prohibited construction materials. The use of barbed wire, electric wire, or double- or triple-strand wire is not permitted in the construction of any fence, except as specifically allowed by this chapter.
- B. Residential zones. A residential fence may be installed up to the side or rear lot line in a residentially zoned district. Such a fence may not be installed in a street right-of-way. If separate fences are desired on a common lot line, a separation of three feet between the fences must be established for maintenance purposes. Security fences, as defined above, are not permitted in residential zones.
- C. Business and commercial zones. A fence, not exceeding eight feet in height, may be erected up to the front, rear, and side lot lines of a business located in a business-zoned area.
- D. Industrial zones. A fence, not exceeding 10 feet in height, may be erected up to the front, rear, and side lot lines in industrial-zoned areas.

- E. Rural development zones. In a rural development zone, barbed wire, electric wire or double- or triple-strand wire is allowed for agricultural and farming purposes only. Fences erected at residential, business, commercial, and industrial establishments which are located within a rural development zone must comply with the requirements of their respective zone.
- F. Residences in nonresidential zones. Residences (single-family or multifamily) located outside of a residentially zoned area must comply with the fence requirements of residential zones.

§ 236-4. Nonconforming fences.

All fences which exist on the effective date of this chapter and do not conform to this chapter may be maintained. However, no alteration, modification or improvement to such nonconforming fence shall be permitted without obtaining a permit as prescribed in this chapter. The only exception to this regulation is when a fence has been destroyed by an act of God or by the criminal acts of another person.

§ 236-5. Maintenance.

- A. All fences, including those grandfathered under the provisions of § 236-4 above, shall be maintained in a good, sound and presentable condition at all times. Fences that become an eyesore or otherwise adversely affect property values in the neighborhood shall be removed upon order of the Zoning Administrator. Such order shall be in writing, warning the property owner that he or she must be in compliance with this chapter within a specified time (a minimum of 30 days). Failure to comply may result in the property owner being assessed a penalty as provided in Chapter 1, § 1-4 of this Code for each day beyond the warning period that the violation continues in existence. Such an order is appealable to the Village Board.
- B. Such charges levied in accordance with the above shall be a debt due to the approving authority and shall be a lien upon the property. If this debt is not paid by the 10th day of the month following the billing day, a one-percent charge per month shall be added to the delinquent bills. Thereafter, if payment is not received prior to November 15 of the current year, the delinquent bill will be placed on the succeeding tax roll.

§ 236-6. Variances.

- A. Application must be made to the Zoning Board of Appeals for the installation of a fence which is at variance with the standards set forth in this chapter. A public hearing on the application will be scheduled by that Board. A written notice of such hearing shall be given to all adjoining property owners within a radius of 500 feet of the premises upon which the proposed fence is to be constructed.
- B. In making its decision on a requested variance, the Board shall take into consideration the character or shape of the lot or parcel of land, the placement of the principal structure thereon, the elevation and functional plan, the architectural appearance, including compatibility with adjoining structures and landscaping, and any hardship caused by the

proximity of commercial areas and/or heavy vehicular traffic to the property in question, together with any other factors which may, in the judgment of the Board, require a variance from the requirements of this chapter.

§ 236-7. Swimming pools.

- A. Enclosure required. All private residential swimming pools, whether in-ground or aboveground pools (except as noted below), shall be enclosed with an adequate and secure fence at least 48 inches high above adjoining grade to prevent straying into the pool area. Such fences shall be constructed to prohibit the passage of a five-inch sphere between fence members. Any gates installed in the fence shall be provided with self-closing and self-latching devices located inside the gate at least 30 inches above ground level. The following are acceptable substitutes for fencing:
- (1) A pool dome;
 - (2) Pool-top fencing attached to the pool to extend at least 48 inches above the ground; or
 - (3) A pool cover capable of supporting 100 pounds per square feet of area. Such pool cover must be fixed securely in place at all times when the pool is not supervised by a responsible person.
- B. Aboveground pools. Aboveground pools with walls that are at least 48 inches high at all points around the pool, or which have platforms and railings that are 48 inches or more in height above the ground, are not required to be enclosed as provided above. However, ladders and stairways providing access to the such pools shall be adequately secured to prevent entry when the pool is not in use. Also exempted from the requirements of this section are small children's wading pools less than 18 inches in depth.
- C. Existing swimming pools. Existing swimming pools, if not already in compliance, shall comply with the requirements of this section within 90 days of publication.