

VILLAGE OF FLANAGAN
ORDINANCE NO. 26-03

AN ORDINANCE AMENDING SECTION 150.45 – 150.46 OF THE CODE OF FLANAGAN
AS TO HEALTH AND SANITATION

WHEREFORE, BE IT ORDAINED by the President and the Board of Trustees of the VILLAGE OF FLANAGAN, Illinois, that CHAPTER 150: BUILDING REGULATIONS; CONSTRUCTION; SECTION 150.45-150.46 DEFINITIONS AND APPLICATIONS of the *Code of Flanagan* is amended as follows:

Bold: added text

~~Strikethrough:~~ deleted text

§ 150.45 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates, or requires, a different meaning.

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).

RECREATIONAL PURPOSE FENCES. A fence erected to provide fencing around sports or recreation facilities or areas.

SOLID FENCE. A fence that blocks or obstructs the view.

TRANSPARENT FENCE. A fence that is at least 50% open and does not block or obstruct one's view.

FRONT YARD. The portion of a lot located between the front property line adjoining a public street and the nearest wall of the principal building or structure.

§ 150.46 APPLICATIONS.

(A) All applications must be filed with the Village 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 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.

(B) 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 four 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.*

(a) 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.

(b) 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.

(c) 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% of the

aboveground height and conform to all applicable building codes adopted by the Village Board. 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.

(d) Any fence placed on an interior side or rear yard may be placed on the property line if a signed written agreement with the adjacent property owner is obtained and presented with the building permit application. If such an agreement is not available, a (3) three-foot setback is required. If an alley is present, a (5) five-foot setback is required.

(e) On a corner lot, each yard abutting a public street shall be considered a front yard and shall be subject to all applicable requirements governing front yards.

(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>
Baseball diamond backstop (public or private)
Elementary, middle, or high school (public or private)
Swimming pools (public)
Tennis court (public or private)

(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.

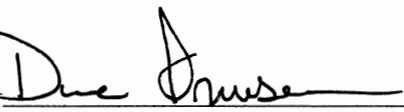
(7) *Restrictions.* The fences existing in front yards that are legally non-conforming on the effective date of this subchapter shall be removed entirely when more than 50% of the said fence has been damaged or is in a state of disrepair. Other than routine maintenance, alterations, structural changes, and additions to non-conforming 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 subchapter.

This Ordinance shall become effective from and after its passage and approval. This Ordinance may be published in pamphlet form as provided by law.

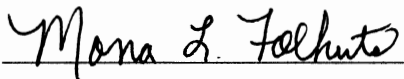
Passed and approved this 16th day of June 2026.

VILLAGE OF FLANAGAN

By 

President

Attest:

By 

Clerk