

**ARTICLE XVIII** Fences (§ 99-1801 — § 99-1809)**§ 99-1801** Definitions.**§ 99-1802** Permitted fences in R and CX District.

Fences may be erected, installed or maintained within any R or CX District, notwithstanding the yard requirements of this chapter, in accordance with provisions as follows:

**A.**

Front yard fences. An open or solid fence, not exceeding three feet in height, measured from sidewalk grade, shall be permitted within the front yard area. For purposes of this article, the front yard area shall be deemed to be bounded by the front property line and the front building line of the principal building and the side property lines enclosing such front yard. Any yard which abuts a public street shall be subject to regulations for front yard fences.

**B.**

Side yard fences. An open or solid fence not exceeding four feet in height, measured from the natural grade along the line of installation, shall be permitted within the side yard areas. For the purposes of this article, the side yard areas shall be deemed to extend along a side property line to the nearest side of the principal building from the front building line of such principal building to the rear building line.

**C.**

Rear yard fences. An open or solid fence not exceeding six feet in height, measured from the natural grade along the line of installation, shall be permitted in the rear yard area at any point where such rear yard abuts the rear yard of an adjoining property. For the purposes of this article, the rear yard area shall be deemed to be bounded by the rear building line of the principal building and the rear property line and the side property lines enclosing such rear yard. In all other cases, an open or solid fence not exceeding four feet in height shall be permitted in the rear yard area.

**D.**

Corner lots. A corner lot shall comply with fence regulations for front yard areas on each property line and yard which is adjacent to a street. Fences not exceeding four feet in height shall be permitted along all other lot lines and yard areas.

**E.**

Through lots. Through lots shall comply with fence regulations for front yard areas for each yard of the lot which is adjacent to a street. Such front yard fences shall be located within the required front setback areas. All other fences within the through lot shall not exceed four feet in height except that a fence six feet in height shall be permitted along any side lot line which abuts a yard of an adjoining lot where a fence six feet in height is permitted.

**§ 99-1803** Permitted fences in districts other than R or CX Districts.

Fences may be erected, installed or maintained in districts other than R or CX Districts, notwithstanding the bulk requirements of this chapter, in accordance with provisions as follows:

**A.**

Front yard. Front yard fences shall be permitted only by special permit approval of the Board of Appeals.

**B.**

Side and rear yard. A fence not exceeding six feet in height shall be permitted in a side or rear yard, unless otherwise specified by this chapter.

**§ 99-1804** General regulations.**A.**

A fence not exceeding six feet in height shall be permitted along any lot line of a lot on which a single-family or two-family dwelling use is located when such fence is contiguous to the property line of a lot in a C, P or PK District, except that where such property is used for single-family or two-family dwelling purposes, the fence regulations for R District shall apply.

B.

A solid fence not exceeding eight feet in height shall be permitted on any lot line which abuts a railroad right-of-way.

C.

Post or support members of a fence may exceed specified height requirements by eight inches as long as each such extended post or support member is separated from any other extended post or support member by not less than four feet.

D.

Where a retaining wall is required or installed to avoid erosion or to maintain elevated grade levels, any side or rear yard fence may be erected on top of or adjacent to such retaining wall in accordance with the height regulations of this article, provided that such retaining wall is not higher than 18 inches above the lower grade of the nearest adjoining property. A front yard fence erected on or adjacent to a front yard retaining wall may not exceed in the aggregate 36 inches above sidewalk grade. All other fences erected on or adjacent to retaining walls shall be subject to approval by the Board of Appeals.

E.

Decorative or landscape plantings, shrubs, evergreens, deciduous plantings and similar plants which are not designed or intended as fencing are permitted in any yard and are excepted from the height provisions of this article, provided that such plantings do not obstruct traffic or driveway access, are maintained and kept at a safe and aesthetically pleasing height and are not detrimental to adjoining properties.

F.

All fences shall be durable, properly maintained and not detrimental to adjoining property. The Superintendent, Planning Board and Board of Appeals may impose more restrictive standards for aesthetic or safety purposes than are required by this article in connection with any matter reviewed by such officer or Board.

G.

Any fence in any district shall have its most pleasant or decorative side facing the adjacent lot with all posts being in the applicant's yard unless such posts are an integral part of the decorative design of the fence. The pleasant or decorative side of a fence may face an applicant's yard where such fence will be adjacent to a preexisting opaque fence or screening on the adjoining property of the same height or higher.

H.

Screening and swimming pool fence requirements shall be deemed to supersede the requirements imposed by this article to the extent that they conflict with or impose greater restrictions than are required by this article.

I.

The Village Board may exempt from these regulations any fence on public lands, playgrounds or schools.

J.

Barbed wire, razor wire or other electrified, sharp or hazardous points are prohibited on the top or at any other portion of a fence in any district.

**§ 99-1805**      Permit required.

After the effective date of this chapter, no person shall erect any fence, as defined herein, without first obtaining a permit therefor from the Superintendent.

**§ 99-1806**      Fence permit application.

Application for the permit shall be made in writing, in duplicate, upon forms provided by the Department of Building and Code Enforcement. No fence shall be erected until the Department of Building and Code Enforcement determines that the fence complies with all applicable regulations and until the permit has been issued.

**§ 99-1807**      Fees.

Fees for applications for fence permits shall be established by the Village Board by resolution at an open meeting.

**§ 99-1808**      Appeals.

Any person aggrieved by any decision of the Superintendent relative to the provisions of this article may appeal such decision to the Board of Appeals as provided in this chapter and shall comply with all procedural requirements prescribed by such Board of Appeals.

**§ 99-1809**      Licensing.

Any person, contractor, business or corporation erecting, installing or altering any fence on any premises shall comply with all licensing and bonding provisions required by the village.