

# VILLAGE OF ORLAND HILLS

## CHAPTER 152: FENCES

### Section

152.01	Definitions
152.02	Permit required; application; fee
152.03	Construction requirements; restrictions
152.04	Obstructions
152.05	Authority to review all fence variances
152.99	Penalty

### Cross-reference:

Swimming pools, see §§ 157.07 and 157.23

### § 152.01 DEFINITIONS.

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

**ANIMAL RUN.** A completely enclosed fence for the exercising or containment of an animal.

**BARRIER.** Any obstacles or obstruction, natural or otherwise, erected to bar passage.

**BARRIER AREA.** That area derived by multiplying the\* length times the height measured at the topmost member

**BARRIER HEIGHT.** The height of the barrier shall be measured to the topmost member including any ornamental member located on the top of the fence.

**CORNER BARRIER.** Any open barrier extending in one or two directions parallel to said property lines, driveways, or sidewalks, not exceeding five in either direction.

**CORNER SIDE LOT LINE.** On corner lots, one side of the lot shall be defined as being a front lot line, the other lot line, adjacent to a street, shall be the corner side lot line.

**FENCE.** A structure or growth not otherwise a part of any building or structure, which encloses or partially encloses any parcel of land.

**FRONTAGE.** That portion of a lot between the front building set-back line and the street right-of-way. Every lot shall have only one front line and shall be the narrowest side of the lot line which adjoins a street. Where such lot lines are not obviously evident, the Planning, Zoning and Development Commission shall determine the front lot line.

**OPEN BARRIER.** A barrier in which the openings between the materials of which the barriers is constructed represents more than 70% of the total barrier area.  
(Ord. 77-22, passed 10-12-77; Am. Ord. 82-07, passed - -82)

**§ 152.02 PERMIT REQUIRED; APPLICATION; FEE.**

(A) No person, firm, corporation, or trust owning or occupying land or premises within the village, nor shall other persons or contractors construct upon said premises any fence, barrier, or other structure without having first obtained a permit from the village.

(B) All applications for fence or barrier permits shall be made to the Building Department and shall include such information as will be sufficient to show compliance with this chapter.

(C) Working without a permit or not requesting the required inspections shall be charged an additional fee. This fee shall be computed to an amount that is equal to twice the initial application and permit fee and/or an amount that is equal to twice the initial inspection fees.

(D) The fee for a fence, barrier, or other structure shall be as per village fee schedule.  
(Ord. 77-22, passed 10-12-77; Am. Ord. 80-12, passed - -80; Am. Ord 82-07, passed - -82) Penalty, see § 152.99.

**§ 152.03 CONSTRUCTION REQUIREMENTS; RESTRICTIONS.**

(A) Any fence or barrier shall be constructed of harmonious material to be designated at the time of application; provided, that no barrier or fence may be constructed or maintained which is composed in whole or part of any dangerous or hazardous material or containing any wire which is charged with electric current to better protect the health and safety of the people.

(B) Any type of chain link fence or barrier shall be constructed with the sharp points pointed down.

(C) Any fence or barrier that is determined by the Building Commissioner to have different types of sides, shall be constructed so the attractive side faces away from the property on which the fence or barrier is constructed in order to maintain a stable residential community which is aesthetically pleasing.

(D) All fences or barriers shall be maintained in a safe, neat and attractive condition, free from rot or deterioration and shall not be leaning.

(E) No fence shall be built in the property front yard frontage setback

requirement.

(F) A barrier or fence shall be constructed in such a fashion so that all portions of such barrier or fence shall be located within the owner's property and shall be a minimum of three (3) inches from the owner's property line. The installer shall be responsible for maintaining the minimum setback of three (3) inches. A barrier or fence may be erected or maintained upon an public utility or drainage easement provided that the owner agrees in writing at the time of permit application that the utility company and/or village not be refused the right to use of the said easements, and that if the barrier or fence or any portion thereof is required to be removed for such utility company's or village's use of the easement, the cost of such removal and replacement of the barrier or fence shall be at the expense of the owner.

No fence or barrier shall be constructed in such a manner as to impede or alter the natural surface water drainage of the property upon which the fence or barrier is constructed or any adjoining property. The bottom of the fence shall be a minimum of three (3) inches above the drainage area.

(G) No more than four corner barriers on a lot is permitted. Front or corner side yards shall have only open type barriers. Front yard or corner side yard open barriers shall be a maximum of thirty (30) inches in height and shall not exceed five (5) feet in either direction. Rear yard barriers shall be a maximum of six (6) feet in height.

(H) If the Building Commissioner considers a fence or barrier to be a public safety hazard, either prior to, during, or after construction he may stop the building of the fence and submit his recommendations to the Planning, Zoning and Development Commission who may declare such fence or barrier to be a public nuisance and direct removal of such fence or barrier as may be permitted by law.

(I) No fences may be placed in the landscaping easement that may interfere with village approved landscaping, berms, or drainage. The Building Department will make a determination as to whether or not a fence can be installed in the easement. Any growth or previous plantings in the easements must remain intact unless deemed necessary for removal by the Planning, Zoning and Development Commission.

(J) Only open chain link fences may be constructed in that area designated as the corner side property starting from the rear foundation on the principle building extending to the corner side lot line and continuing to extend to the rear lot line. No garden patches, hedges, or growth areas will be allowed to grow in that area between the corner side property line and the building setback line. Said open chain link fence shall be a maximum height of four (4) feet.

(K) Animal runs shall not be allowed in front or side yards and the perimeter of such animal run shall not be closer than five feet from the adjoining property lines. On corner lots, no animal run shall be in that area between the corner side lot line and the building setback line. Said animal runs shall have an area not to exceed 100 square feet and not more than six (6) feet in height.

(L) When the owner's fence is to be attached to a neighbor's fence, written permission shall be attained and submitted with the permit application.

(M) A rear yard fence or barrier shall be a maximum height of six (6) feet. Alterations to the existing grade level preceding the use of a fence for the purpose of altering the height of the fence shall not be permitted.

(N) 1. Every fence to be erected within the village shall be designed and constructed to resist and withstand a wind pressure of at least twenty (20) pounds per square feet of the gross proposed area of the fence, less any openings from any angle of approach.

2. All fence posts used in the construction of a fence shall be buried in the ground to a depth of at least forty-two (42) inches. Said posts shall be set in concrete.

3. All fence parts and anchors made of wood or other organic materials shall be treated with a chemical treatment to protect them from deterioration when they are placed in or upon the ground.

(O) Chicken wire, square welded mesh wire, barbed wire, temporary snow fence, solid concrete block, and sharp-edged material along the top or sides are considered non-suitable construction material for purposes of this ordinance.

(P) Double fencing is prohibited; only one fence may be erected to separate two (2) lots.

(Q) Garbage and trash areas shall have a fence enclosure of six (6) feet in height for properties that are zoned R-4, R-5, R-6, B-1, B-2, O-1, and M-1.

(R) The Building Commissioner shall judge each cause by the same standards and not be unreasonable in his opinion and construction of this chapter.

(Ord.. 77-22, passed 10-12-77; Am. Ord. 80-12, passed - -80; Am. Ord. 82-07, passed - -82; Am. Ord. 83-19, passed - -83; Am. Ord. 92-16, passed 6-10-92) Penalty, see § 152.99.

#### **§ 152.04 OBSTRUCTIONS.**

No obstruction of any nature shall be allowed in the public dedicated right-of-way except for those trees allowed by the village. No obstruction will be permitted which will obscure the view of any person driving along the street of the village and approaching an intersection or exiting from a driveway.

(Ord. 82-07, passed - -82) Penalty, see § 152.99

**§ 152.05 AUTHORITY TO REVIEW ALL FENCE VARIANCES.**

The Planning, Zoning and Development Commission shall have the authority to hear appeals from and review any order, requirement, decision, or determination made by the Building Commissioner/Inspector charged with enforcement of the chapter, or hear applications for variances from this chapter. The process shall be held in accordance with policies and procedures of the Planning, Zoning and Development Commission as regulated by the village zoning code.

(Ord. 92-22, passed 7-8-92; Am. Ord. 95-06, passed 4-10-95)

**§ 152.99 PENALTY.**

Any person, firm, corporation, or trust violating any of the provisions of this chapter shall, upon conviction, be fined in a sum not less than \$25 nor more than \$500 for each offense. Each day of violation shall be deemed a separate offense.

(Ord. 82-07, passed - -82)

March, 1996