

=====

**VILLAGE OF MELROSE PARK
COOK COUNTY, ILLINOIS**

ORDINANCE NO. 970

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF
CHAPTER 91 "FENCES" OF THE MUNICIPAL CODE OF
MELROSE PARK OF 1970, AS AMENDED, FOR THE VILLAGE
OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS.**

**ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE
VILLAGE OF MELROSE PARK**

THIS 24TH DAY OF APRIL 2006

**RONALD M. SERPICO, Village President
MARY ANN PAOLANTONIO SALEMI, Village Clerk**

Board Of Trustees

- JOHN S. CONTEDEUCA**
- CATHLEEN COSSIDENT ITALIA**
- THOMAS KLEIN**
- RUBEN LOMELI**
- ARTURO J. MOTA**
- ANTHONY J. PRIGNANO**

=====

**Published by authority of the
President and Board of Trustees
Of the Village of Melrose Park,
Cook County, Illinois on
This 25th day of APRIL 2006**

ORDINANCE NO. 970

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF
CHAPTER 91 "FENCES" OF THE MUNICIPAL CODE OF
MELROSE PARK OF 1970, AS AMENDED, FOR THE VILLAGE
OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS.**

* * * * *

WHEREAS, the Village of Melrose Park, Cook County, State of Illinois ("the Village") is a duly organized and existing Village created under the provisions of the laws of the State of Illinois, and is now operating under the provisions of the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto with full powers to enact ordinances for the benefit of the residents of the Village; and

WHEREAS, the Village President, the Honorable Ronald M. Serpico, the Village Clerk, the Honorable Mary Ann Paolantonio Salemi, having taken office on May 2, 2005 and the Village Board of Trustees, the Honorable John S. Conteduca, Cathleen Cossident Italia, Tom "T.K." Klein, Ruben Lomeli, Trustee Arturo J. Mota and Anthony J. Prignano, having taken office on May 2, 2005, constitute the duly elected, qualified and acting officials of the Village; and

WHEREAS, after due investigation, inquiry and consideration by, among others, the Director of Public Works, the Board of Trustees are of the opinion that certain sections of Chapter 91 "Fences" of the Village Code, requires amendment as set forth herein; and

WHEREAS, the enactment of this Ordinance directly pertains to and is in furtherance of the health, welfare and safety of the citizens of the Village Of Melrose Park; and

WHEREAS, to carryout and give effect to the above findings and determinations of the President and Board of Trustees, Chapter 91 "Fences" of the Village Code must be amended; and

WHEREAS, based upon the above findings and recommendations, the President and the Board of Trustees of the Village have determined that it is necessary, advisable and in the best interest of the Village and its citizens to amend Chapter 91 "Fences" for the Village of Melrose Park; and

NOW THEREFORE, BE IT ORDAINED by the Village President and the Board of Trustees of the Village of Melrose Park, Cook County Illinois, as follows:

ARTICLE I. IN GENERAL

Section 01. Incorporation Clause.

The President and Board of Trustees of the Village (the "Village Board") hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and does hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

Section 02. Purpose.

The purpose of this Ordinance is to make a certain amendments to Chapter 91 of the Municipal Code of Melrose Park, Illinois of 1970 (the "Village Code").

Section 03. Invocation of Authority.

This ordinance is enacted pursuant to the police powers and authority granted to this Village by the Constitution of the State of Illinois and the Illinois Compiled Statutes.

Section 04. State Law Adopted.

All applicable provisions of the Illinois Compiled Statutes, including the Illinois Municipal Code, as may be amended from time to time, relating to the purposes of this ordinance are hereby incorporated herein by reference.

Sections 05-09. Reserved.

**ARTICLE II.
AMENDMENT TO CHAPTER 91.**

Section 10.00 Amendment to Chapter 91, Fences.

That Chapter 91, Fences, of the Village Code is hereby repealed and replaced, notwithstanding any provisions, ordinances, resolutions, or Village Code sections to the contrary, by the following language and shall read as follows:

FENCES

91.1 Residential Areas

1. It shall be unlawful for any person, persons, firm, or corporation to construct or erect any fence over six (6) feet in height from the front building line of any property to the rear of said property on all residential property.
2. It shall be unlawful for any person, persons, firm, or Corporation to construct or erect any fence over four and one-half (4-1/2) feet in height from the front building line of any property to the front of said property in residential areas zoned "B" Districts.
3. It shall be unlawful for any person, persons, firm, or corporation to construct or erect any fence from the building line to the front property line of a property in residential areas zoned "A" Districts.

4. All fences in front of residential homes in "B" Districts must be constructed of wrought iron or vinyl (no wood or chain link fences shall be allowed) and must be painted a neutral color.
5. All fences in front of homes in "B" districts must have sufficient openings at intervals so as not to form a closed surface, which impedes the view of the property being enclosed.
6. Fences located in residential areas may not contain barbed wire, sharp points or other such devices.

91.2 Non-Residential Areas

1. Fences in areas other than areas zoned residential must not exceed eight (8') feet in height.
2. The Director of Public Works must approve type of material used in the construction of a fence in a non-residential area before permits shall be issued.
3. Exceptions to the eight (8') foot maximum height may be obtained, by submitting a request for an exemption to this Chapter to the Director of Public Works. Said request for exemption shall include a description of the fence to be erected and the reason for the requested exception.

91.3 General Requirements

1. Fences may not be constructed on public property.
2. All fences must be at least one foot (1') from a public sidewalk or right of way.
3. All fences must be at least six (6) inches within the property the fence is enclosing or erected upon.
4. The finished side of a fence must face the neighboring property.
5. Solid surface fences may not be constructed at intersections of streets, alleys, or driveways that may block or impede the view of traffic.
6. Applicants for a permit to construct or erect a fence must submit a plat of survey of the property on which the fence is to be constructed or erected prior to the issuance of a permit.

7. No person shall construct any fence or fences within the limits of the Village of Melrose Park without first obtaining a permit as required herein.

91.4 Penalty

1. Any person, persons, firm, or corporation who shall violate the provisions of this Chapter shall be fined not less than \$100.00 nor more than \$750.00 for each and every offense.

Section 11.00 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 amendment contemplated by this Ordinance and to 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 to be utilized in connection with this amendment.

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

Section 12.00 Headings.

The headings for the articles, sections, paragraphs, and sub-paragraphs 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 provisions of this Ordinance.

Section 13.00 Severability.

The provisions of this Ordinance are hereby declared to be severable and should any provision, clause, sentence, paragraph, sub-paragraph, section, or part 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. It is hereby declared to be the legislative intent of the Board of Trustees that this Ordinance would have been adopted had not such unconstitutional or invalid provision, clause, sentence, paragraph, sub-paragraph, section, or part thereof had not been included.

Section 14.00 Superseder.

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

Section 15.00 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 16.00 Effective date

This Ordinance shall be in full force and effect upon passage, approval and publication, as provided by law.

On The Individual Poll And Voice Vote Of The Board Of Trustees:

AYE VOTES: Trustee Conteduca, Trustee Italia, Trustee Klein,
Trustee Lomeli, Trustee Prignano

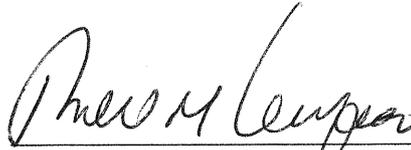
NAY VOTES:

ABSTAIN:

ABSENT: Trustee Mota

SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE
VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS, THIS
TWENTY-FOURTH DAY OF APRIL, 2006 A.D.

APPROVED:



RONALD M. SERPICO,
VILLAGE PRESIDENT

ATTEST:


Mary Ann Paolantonio Salemi
Village Clerk

(SEAL)

Recorded in the Municipal Records: April 24, 2006

Published in pamphlet form: April 25, 2006