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VILLAGE OF MELROSE PARK  
COOK COUNTY, ILLINOIS

ORDINANCE NO. 1149

AN ORDINANCE AMENDING SECTION 15.48 OF THE VILLAGE  
OF MELROSE PARK MUNICIPAL CODE REGARDING THE  
REGULATION OF FENCES, 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 25<sup>TH</sup> DAY OF FEBRUARY 2008

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

Board Of Trustees

JOHN S. CONTEDEUCA  
CATHLEEN COSSIDENT ITALIA  
ARTURO J. MOTA  
ANTHONY J. PRIGNANO  
MARY RAMIREZ TACONI

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Published by authority of the  
President and Board of Trustees  
Of the Village of Melrose Park,  
Cook County, Illinois on  
This 26<sup>TH</sup> day of FEBRUARY 2008

**ORDINANCE NO. 1149**

**AN ORDINANCE AMENDING SECTION 15.48 OF THE VILLAGE OF MELROSE PARK MUNICIPAL CODE REGARDING THE REGULATION OF FENCES, FOR THE VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS.**

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

**WHEREAS**, the Village President (the "President"), the Honorable Ronald M. Serpico, the Village Clerk, the Honorable Mary Ann Paolantonio Salemi, having taken office on May 2, 2005, and the Board of Trustees of the Village (the "Village Board"), the Honorable John S. Conteduca, Cathleen Cossident Italia, Arturo J. Mota, Anthony J. Prignano and Mary Ramirez Taconi having taken office on May 14, 2007, constitute the duly elected, qualified and acting officials of the Village; and

**WHEREAS**, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and that protect the public health, safety, and welfare of its citizens, including the regulation of fences; and

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

**ARTICLE I.  
IN GENERAL**

**Section 01. Incorporation Clause.**

All of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct, and the Village Board 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 amend Chapter 15.48 of the Village Code regarding the regulation of fences.

**Section 03. Invocation of Authority.**

This Ordinance is adopted pursuant to the authority granted to the 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 OF CHAPTER 15.48 TO THE  
VILLAGE OF MELROSE PARK MUNICIPAL CODE**

**Section 10.00 Deletion of Section 15.48.010, Prohibition Generally.**

That Section 15.48.010 of the Village Code is hereby deleted in its entirety, notwithstanding anything to the contrary, and replaced with the following language:

*(Reserved).*

**Section 10.01      Amendment of Section 15.48.020, Construction.**

That Section 15.48.020, including its title, of the Village Code is hereby deleted in its entirety, notwithstanding anything to the contrary, and replaced with the following language:

**Section 15.48.020      Requirements for Fencing.**

No fencing may be installed, replaced, constructed, or located on any lot without compliance with the following regulations:

1. A Plat of Survey must be presented to the Village when requesting a building permit for the installation of a fence;
2. No fencing may encroach upon the public right-of-way or on another lot;
3. Postholes for installation of fencing must be a minimum of thirty-six inches (36") below grade level. A posthole inspection is required prior to posts being placed;
4. All fences adjacent to a public sidewalk, public alleyway or public right-of-way must be one foot (1') away from that sidewalk or alley and on the lot;
5. No sharp points are permitted on any fence, regardless of the material used or its location on the lot;
6. In the front yard of a lot and in the front of any building on any lot: (a) no fence may exceed four feet (4') in height; (b) the material used must be metal, not wood or vinyl; (c) the style of fencing must be transparent and may not be chain link fencing.
7. No lot zoned "A" Residence District, or located in the Village subdivision commonly known as Winston Park Subdivision, may have a fence located in its front yard;
8. The finished side of all fencing must face out from the lot;
9. Fencing located in side or rear yards of lots: (a) may not exceed six feet (6') in height; (b) may be solid or transparent; (c) may be comprised of metal, wood or vinyl;
10. Solid fencing may not be erected or installed in such a fashion as would block the view of traffic at the intersections of streets, alleys or driveways.
11. In no event may barbed wire be used for any part of a fence unless located in industrial or light manufacturing zoned areas, in extremely hazardous or

dangerous locations, and only as determined by the Village Building Inspector;

12. All contractors who install fences must be properly licensed by the Village.

**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 amendments contemplated by this Ordinance and shall take all action necessary in conformity therewith including, without limitation, the execution and delivery of any and all documents required to be delivered in connection with this Ordinance.

**Sections 12.00 – 15.00. Reserved.**

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

**Section 16.00 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 17.00 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, clause, sentence, paragraph, sub-paragraph, section, or part 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 Village Board that this Ordinance would have been adopted had not such unconstitutional or invalid provision, clause, sentence, paragraph, sub-paragraph, section, or part thereof been included.

**Section 18.00 Superseder.**

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

**Section 19.00 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.

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**Section 20.00 Effective Date.**

This Ordinance shall be in full force and effect ten (10) days following its 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 Mota,  
Trustee Prignano, Trustee Taconi

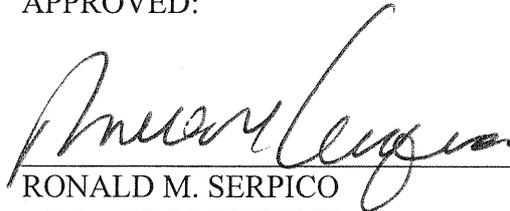
NAY VOTES:

ABSTAIN:

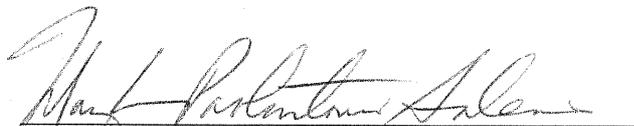
ABSENT:

SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE VILLAGE  
OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS, THIS TWENTY-FIFTH  
DAY OF FEBRUARY, 2008, A.D.

APPROVED:

  
RONALD M. SERPICO  
VILLAGE PRESIDENT

ATTEST:

  
Mary Ann Paolantonio Salemi  
Village Clerk

(SEAL)

Recorded in the Municipal Records: February 25, 2008  
Published in Pamphlet Form: February 26, 2008