

ORDINANCE NO. 2023-17

AN ORDINANCE AMENDING CHAPTER 18, SECTION 18-325 OF THE MUNICIPAL CODE, VILLAGE OF STICKNEY, ILLINOIS REGARDING FENCING

WHEREAS, the Village of Stickney (the “Village”) is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs, and to review, interpret, and amend its ordinances, rules, and regulations; and

WHEREAS, the Village President (the “President”) and the Board of Trustees of the Village (the “Village Board” and with the President, the “Corporate Authorities”) are committed to ensuring the health, safety and welfare of Village residents; and

WHEREAS, currently, the Municipal Code, Village of Stickney, Illinois (the “Village Code”) regulates fencing height (the “Regulations”); and

WHEREAS, the Corporate Authorities recognize the need to update and clarify the Regulations from time to time; and

WHEREAS, based on the foregoing, the Corporate Authorities have determined that it is in the best interests of the Village and its residents to amend Regulations as set forth herein; and

WHEREAS, based upon the foregoing, the Corporate Authorities have determined that it is necessary, advisable and in the best interests of the Village and its residents to amend Chapter 18, Section 18-325 of the Village Code as set forth below;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF STICKNEY, COOK COUNTY, ILLINOIS, as follows:

**ARTICLE I.
IN GENERAL**

SECTION 1. INCORPORATION CLAUSE.

The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

SECTION 2. PURPOSE.

The purpose of this Ordinance is to amend Chapter 18, Section 18-325 of the Village Code to update and clarify Regulations related to fencing and to authorize the President or his designee to take all actions necessary to carry out the intent of this Ordinance.

**ARTICLE II.
AMENDMENT OF CHAPTER 18, SECTION 18-325 OF THE MUNICIPAL CODE, VILLAGE
OF STICKNEY, ILLINOIS**

SECTION 3.0. AMENDMENT OF CHAPTER 18, SECTION 18-325.

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution, or Village Code section to the contrary, by amending Chapter 18, Section 18-325, which Section shall be amended as follows:

Sec. 18-325. - Height.

(a) *In general.* No fence shall be allowed or erected in the village which exceeds five feet in height, except as otherwise provided in this chapter. An additional one foot of decorative open trellis design may be erected atop a solid design fence to achieve a total height not to exceed ~~five~~ six feet. All heights in this section shall include any decorative top.

(b) *Rear lot lines.* Notwithstanding the provisions of subsection (a) of this section, fences along rear lot lines in all zoning districts may be erected to a height not to exceed six feet.

(c) *Residential lots adjacent to business, commercial or industrial districts.* Notwithstanding the provisions of subsection (a) of this section, fences on residential lots adjacent to a business, commercial, business or industrial district, residential lots adjacent to Pershing Road or Harlem Avenue, and residential lots adjacent to a "T" alley in a residence district, may be erected to a height not to exceed six feet.

(d) *Residential corner lots.* Fences along the sidewalk side of a residential corner lot may be erected to a height not to exceed six feet. A fence or gate connecting a sidewalk side fence to the residence or the garage may also be erected at the same height.

SECTION 3.1. 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. The officers, employees and/or agents of the Village are specifically authorized and directed to draft and disseminate any and all necessary forms or notices to be utilized in connection with the intent of this Ordinance.

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

SECTION 4. HEADINGS.

The headings of the articles, sections, paragraphs and subparagraphs 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 provision of this Ordinance.

SECTION 5. SEVERABILITY.

The provisions of this Ordinance are hereby declared to be severable and should any provision 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.

SECTION 6. SUPERSEDER.

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

SECTION 7. 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 8. EFFECTIVE DATE.

This Ordinance shall be effective and in full force immediately upon its passage, approval and publication in accordance with applicable law.

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PASSED this 15th day of August, 2023.

AYES: Trustees White, Savopoulos, Milenkovic, Torres, Kopolnek & Hrejsa

NAYS: None

ABSENT: None

ABSTENTION: None

APPROVED by me this 15th day of August, 2023.

Jeff Walik, President

**ATTESTED AND FILED in my
office this 15th day of August, 2023.**

Audrey McAdams, Village Clerk