

**Chapter 7**  
**FENCES\***

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State law reference(s)--Fences generally, 765 ILCS.  
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**Sec. 7-1. Reserved.**

Editor's note--Former § 7-1, which defined "fence," and derived from § 21-22 of the 1975 Code, has been deleted pursuant to Ord. No. 7980-113, § 6(I), enacted June 16, 1980.

**Sec. 7-2. Construction with sharp-pointed material--Prohibited.**

It shall be unlawful for any person within the city to place, build or erect a fence, railing or guard of any kind constructed of barbed wire, iron spikes, or other sharp-pointed material provided, however, this section shall not prohibit the use of such material when:

- (1) Located in commercial or industrial zoning districts, or for government use;
- (2) Used to provide security for a bona-fide business operation; and
- (3) Approved by the building official, after a review of the documentation indicating the need for security and bona-fide operation of a business;

provided such barbed wire, iron spikes, or other sharp-pointed material is securely affixed to the top of a soundly constructed fence or structural barrier which is at least six (6) feet six (6) inches in height. Further, regardless of the zoning district, barbed wire, iron spikes, or other sharp-pointed material meeting the aforementioned height standards may be used for security around hazardous equipment or installations, such as but not limited to, high voltage equipment, electrical transformer, volatile fuel installation, etc.

(Code 1975, § 21.21; Ord. No. 7677-64, § 1, 12-6-76; Ord. No. 7677-87, § 1, 4-4-77)

**Sec. 7-3. Same--Exception for existing fences.**

Fences, railings or guards of any kind existing on May 3, 1977, regardless of the zoning district where located, which are at a minimum of five (5) feet ten (10) inches in height and have barbed wire, iron spikes or other sharp-pointed material securely affixed to the top, may continue to lawfully exist, provided such may not be substantially rebuilt without complying with section 7-2.

(Code 1975, § 21.21; Ord. No. 7677-64, § 2, 12-6-76; Ord. No. 7677-87, § 2, 4-4-77; Ord. No. 8889-5, § 1, 7-18-88)

#### **Sec. 7-4. Electrification prohibited.**

It shall be unlawful for any person within the city to maintain an electrified wire fence of any sort.

(Ord. No. 7677-87, § 4, 4-4-77)

#### **Sec. 7-5. Height and opacity limitations.**

(a) No fence within a required front yard, as such required front yard is defined in the zoning ordinance of the city, as amended, may be taller than four (4) feet measured from the ground at a point directly beneath the fence. Fences within a required front yard shall be no more than 50% opaque, allowing for the passage of light directly through the fence, except that on corner lots, fences behind the front face of the principal structure may be up to six (6) feet tall and solid. Where such a required front yard abuts a principal or minor arterial street, as designated by the comprehensive plan of the city, as amended, fences may be constructed as a rear or side yard fence pursuant to subsection (b) of this section. However, any fence constructed within ten feet of the intersection of public right-of-way and a driveway, shall be no more than 50% opaque, as shown in Figure 1. Any fence existing on March 1, 1989, which is not in compliance with this subsection (a), may continue to lawfully exist, and normal repairs to such fences are permissible where such repairs do not constitute a total fence replacement.

(b) No fence within a required side or rear yard, as such required side or rear yard is defined in the zoning ordinance of the City of Urbana, as amended, may be taller than eight (8) feet measured from the ground at a point directly beneath the fence.

(c) Where the ground at a point directly beneath the fence has been increased in elevation from its original elevation at the time of subdivision development through berming, retaining walls, fill or other measures and where such increased ground elevation has resulted in an increase in ground elevation above an adjoining lot anywhere within a required yard as defined by the Urbana Zoning Ordinance, the height of a fence shall be measured from the original ground elevation before installation of berming, retaining walls, fill or other measures as determined by the building official. The building official shall consult U.S. Geological Survey contour maps, city base map contours and recorded subdivision plat information in making such a determination. The building official's determination of original ground elevation at the time of subdivision development may be appealed to the building safety code board of appeals.

(d) The building official may grant a permit for the construction of a fence exceeding the height limits set forth in this section when:

- (1) Demonstrated as necessary to secure property from trespass; or
- (2) Used to protect adjacent residences and rights-of-way from a demonstrable hazard or nuisance; and

(3) Approved by the building official, after a review of the documentation indicating the need for security or protection from a demonstrable hazard or nuisance.

(Code 1975, § 21.22; Ord. No. 7677-64, § 3, 12-6-76; Ord. No. 7677-87, § 3, 4-4-77; Ord. No. 8687-24, 9-15-86; Ord. No. 8889-5., § 1, 7-18-88; Ord. No. 8889-57, § 1, 2-20-89; Ord. No. 8990-89, 3-5-90; Ord. No. 9091-15, 8-6-90; Ord. No. 9596-32, 10-2-95; Ord. No. 9798-95, § 1, 3-16-98)

**Sec. 7-6. Chapter provisions no exemption to visibility triangle provisions.**

Nothing in this chapter shall be construed to exempt any person from complying with the requirements of the visibility triangle provisions set forth in Article VI of Chapter 20.

(Ord. No. 7677-87, § 3, 4-4-77)

Figure 7-1: Fence Height and Opacity Standards

