



ORDINANCE NO. 1016

**AN ORDINANCE AMENDING THE VILLAGE OF MACKINAW  
MUNICIPAL CODE SAID MUNICIPAL CODE BEING ORDINANCE  
513 OF THE VILLAGE OF MACKINAW TO PROVIDE  
AMENDMENTS RELATING TO FENCE**

Published in pamphlet form by authority of the Village President and  
Board of Trustees of the Village of Mackinaw.

February 17, 2022

STATE OF ILLINOIS )  
COUNTY OF TAZEWELL ) SS  
VILLAGE OF MACKINAW )

**CERTIFICATE OF ORDINANCE**

I, the undersigned, do hereby certify that I am the duly appointed, qualified and acting Village Clerk of the Village of Mackinaw, Tazewell County, Illinois (the "Issuer"), and as such official I am the keeper of the records and files of its President and Board of Trustees (the "Corporate Authorities").

I do further certify the foregoing constitutes a full, true and complete excerpt from the proceedings of the regular meeting of the Corporate Authorities held on the **14TH day of February 2022**, insofar as same relates to the adoption of **Ordinance No. 1016**, entitled:

**AN ORDINANCE AMENDING THE VILLAGE OF MACKINAW MUNICIPAL CODE SAID MUNICIPAL CODE BEING ORDINANCE 513 OF THE VILLAGE OF MACKINAW TO PROVIDE AMENDMENTS RELATING TO FENCE**

A true, correct and complete copy of which ordinance (the "Preliminary Ordinance" or "Ordinance") as adopted at such meeting appears in the transcript of the minutes of such meeting. The Preliminary Ordinance was adopted and approved by the vote and on the date therein set forth.

I do further certify the deliberations of the Corporate Authorities on the adoption of such Preliminary Ordinance were taken openly and was on the agenda at least 48 hours before the meeting at which it was adopted, that the adoption of such ordinance was duly moved and seconded, that the vote on the adoption of such ordinance was taken openly and was preceded by a public recital of the nature of the matter being considered and such other information as would inform the public of the business being conducted, that such meeting was held at a specified time and place convenient to the public, that notice of such meeting was duly given to all of the news media requesting such notice, that such meeting was called and held in strict compliance with the provisions of the Open Meetings Act of the State of Illinois, as amended, and the Illinois Municipal Code, as amended, and that the Corporate Authorities have complied with all of the applicable provisions of such Act and such Code and their procedural rules in the adoption of such ordinance.

The pamphlet form of **Ordinance No.1016**, including the ordinance and a cover sheet thereof, was prepared and a copy of such Ordinance was posted for public inspection in the municipal building, the Mackinaw United States Post Office, and the Mackinaw Library commencing on **February 17, 2022** and continuing for at least ten days thereafter. The original ordinance was adopted by the Board of Trustees of the Village of Mackinaw at a regular meeting, attended by **six** members of the Board, and approved by the President, as said Ordinance appears on file in my office and as the same is recorded in the Book of Ordinances of said Village.

IN TESTIMONY WHEREOF, I have hereunto set my hand and the official seal of said Village of Mackinaw, Illinois, this **27th day of February 2022**.



  
Village Deputy Clerk

ORDINANCE NO. 1016

AN ORDINANCE AMENDING THE VILLAGE OF MACKINAW MUNICIPAL CODE SAID MUNICIPAL CODE BEING ORDINANCE NO. 513 OF THE VILLAGE OF MACKINAW TO PROVIDE AMENDMENTS RELATING TO FENCE

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MACKINAW:

SECTION 1: §153.35 of the Village Code of the Village of Mackinaw is hereby amended by deleting the existing §153.35 and inserting in its place a new §153.35 which shall be as follows:

**§153.35**

**FENCE**

**A. Requirements**

No person shall construct any fence in the Village without first obtaining a permit from the Zoning Department. A site plan must be submitted showing the property lines, location, length, height, and type of fence being installed. A survey may be needed if applicant cannot locate property markers. A survey is at the expense of the homeowner. This chapter does not apply to fences or walls thirty (30") inches or less in height, measured from grade, unless such a wall is structurally supporting additional weight from a building or parking area.

A. Residential fences, landscape walls and decorative posts may be constructed of wood, stone, brick, wrought iron, and chain link. Residential fences along the front property line, and the side property lines to the building setback line, cannot exceed a height of four (4') feet. From the building setback line along the side and rear property line a fence, wall and/or hedge may be placed not to exceed eight (8') feet in height.

1. Berms may not be built to increase fence height; fence height is measured from the existing ground level as measured from the outside of the property line. A two (2") inch gap may be permitted below the fence.
2. Replacement of fences with prior permits is permitted; new fences and fences without permit require a building permit application.
3. Barbed wire may not be used in fencing for any residential use, including those in nonconforming zones.
4. Fence height measurements:
  1. For chain link fences, the fence line height is measured from the top of the fence post to the existing grade.
  2. For picket fences, the fence line height is measured from the top of the fence pickets to existing grade
  3. For privacy fences, the fence line height is measured from the top of the fence pickets to existing grade, irrelevant of whether the

fence has decorative caps, as long as they are no higher than four (4") inches.

4. Fence line height is measured from the top of the horizontal fence line of the exterior face to the existing grade. The horizontal fence line is defined as the horizontal line from top of fence post to fence post. If the topography at grade is sloped in parallel, the fence shall be installed in a stepped fashion or sloped with the grade. A maximum four (4") inch variance is allowed from grade to bottom of each fence lath when topography is inherently uneven. However, the fence line height shall not exceed eight (8') feet.

5. Fences built on retaining walls shall be measured from the existing elevation, prior to construction of a retaining wall, to the top of the fence.

**B. Non-Residential**

Nonresidential fences, landscape walls and decorative posts may be constructed of wood, stone, brick, wrought iron, chain link and wire mesh. Nonresidential fences along the front property line, and the side property lines to the building setback line, cannot exceed a height of four (4') feet. From the building setback line along the side and rear property line a fence, wall and/or hedge may be placed not to exceed eight (8') feet in height

**C. Temporary Fences**

Temporary fences are not permitted.

**D. Front Yards**

Front yard hedges, fences, and walls that are continuous in length shall have one (1) access opening a minimum of thirty-six (36") inches in width and shall remain unobstructed by any items other than a gate in order to form a clear passage to the street. Fences, walls, and hedges which existed before the adoption of the ordinance codified in this section that exceed the prescribed height or access points as defined in this chapter.

**E. Prohibited Types of Fences**

No electric wire, barbed wire or razor wire may be maintained in any residential, commercial, open space or recreational zone.

1. Residential properties with one and a half (1.5) acres or more within the Village limits will be allowed the use of electric fences for the confinement of animals and shall conform to the NEC, as to voltage, amperage, and safety factors, and shall be energized only with Underwriters Laboratories approved equipment. Electric fences shall be marked with warning signs spaced every one hundred (100') feet along the fence.

- F. Notwithstanding any provisions above, a permit must be obtained from the Village before any fence is constructed. The fee for such a permit shall be in accordance with fees specified in the currently adopted fee schedule as revised by the Village.

G. All fences shall be constructed and maintained in a structurally sound manner.

SECTION 2: If any section or part of this Ordinance is held invalid, it shall not affect the validity of the remainder of this Ordinance.

SECTION 3: This Ordinance shall take effect 10 days after publication thereof as provided by law.


SECTION 4: Ordinance No. 513 of the Village of Mackinaw, as amended by this Ordinance, shall remain in full force and effect and all previous amendments to Ordinance No. 513 shall remain in force and effect except as modified by this Ordinance.

PASSED in due form on a roll call vote by the Board of Trustees of the Village of Mackinaw at a duly held meeting on the 14<sup>th</sup> day of February, 2022.

APPROVED:

  
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President of the Board of Trustees of  
The Village of Mackinaw

ATTEST:

  
Village Clerk

AYES:

NAYES:

ABSENT:

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