



FENCE REQUIREMENTS

Village of Swansea
Building and Zoning Department
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Per Village of Swansea Code, the following definitions apply to fence requirements:

FENCE. Any construction of wood, metal, wire mesh, masonry or other material erected for the purpose of assuring privacy, protection or restraining animals.

SETBACK. The distance between the exterior lot lines and any structure on the lot.

LOT LINE. An imaginary line at the edge or boundary of a zoning lot, or a line at the boundary of a lot of record.

LOT LINE, CORNER SIDE. The boundary of a corner lot that abuts a dedicated street other than the front lot line.

LOT LINE, FRONT. The lot line abutting a dedicated street. In the case of a corner lot, the lot line abutting the street having the least length shall be the **FRONT LOT LINE**. In the case of a through lot, the Zoning Administrator shall establish the **FRONT LOT LINE**.

LOT LINE, REAR. The boundary of a lot, which is most distant from, and is, or is most nearly, parallel to, the front lot line.

LOT LINE, SIDE. Any boundary of a lot, which is not a front lot line or a rear lot line.

§ 154.052 MEETING MINIMUM AREA/BULK REQUIREMENTS.

Every lot must meet the minimum area/bulk requirements of the zoning district in which it is located, as those requirements relate to lot area, dimensions and setbacks, so that requirements are met independent of, and without utilizing any portion of, any abutting lot.

(Prior Code, § 20-403) (Ord. 1699, passed 3-17-2014)

§ 154.053 EXCEPTIONS TO HEIGHT LIMITS.

Intersections. On corner lots, in the triangular portion of land bounded by intersecting street lines and a line joining these street lines at points 30 feet from the point of intersection, no obstruction, whether natural or human-made, shall intrude into the air space that is between two feet and ten feet above the level of the adjacent street.

Accessory uses. Provided that, there shall be no height restriction on agriculture-related accessory structures, no accessory use in any zoning district shall be higher than:

- (1) Fifteen feet in a conservation or any residential zoning district; or
- (2) Twenty-five feet in any other zoning district.

(Prior Code, § 20-404) (Ord. 1699, passed 3-17-2014)

154.054 EXCEPTIONS TO SETBACK REQUIREMENTS.

Corner lots and through lots. Every building or structure constructed on a “corner lot” or a “through lot”, as defined, shall meet the minimum front setback requirement of the district in which it is located, for every yard area that fronts a dedicated street, unless otherwise indicated.

Accessory uses. Any accessory use in any residential or conservation district, unless specifically indicated otherwise, may be located as close as five feet to any side or rear lot line; provided, however, that, any accessory use attached to a principal structure shall be considered to be part of that structure and must meet the setback requirements of the district in which it is located, as those requirements apply to the principal structure.

(Prior Code, § 20-405) (Ord. 1699, passed 3-17-2014)

§ 154.056 AREA/BULK RESTRICTIONS; ACCESSORY USES.

Any “accessory use”, as defined, shall be deemed permitted in a particular zoning district if such use is accessory to a principal structure or use which is allowed in that particular zoning district as either a permitted or special use, is not used as a dwelling, and complies with the following restrictions.

(A) *Front yard restriction.* No accessory use in any zoning district shall be located in any part of any front yard that is required as a result of the setback regulations of such district.

(B) *Lot coverage restriction.* All accessory uses on any one lot in any zoning district, shall not occupy more than 30% of the rear yard area that is required as a result of setback regulations of such district.

(Prior Code, § 20-407) (Ord. 1699, passed 3-17-2014)

§ 154.059 ADDITIONAL RESTRICTIONS; SPECIFIC USES.

Because of the nature of certain specific uses, which require additional regulations in order to assure that the purpose and intent of this chapter is achieved, the following additional restrictions are applicable to the uses listed below.

Fences.

- (e) *Easements and rights-of-way.* Fences shall not be constructed on or over any dedicated public drainage or public rights-of-way. Construction may be allowed in utility easements; however, owners are responsible to replace or remove, at their cost, fences, and hedges that might be removed or damaged during utility repairs/ improvements by the village or other approved entities. The village will attempt to notify owners in advance about required removals but reserves the right to remove a fence, wall, or hedge in an easement without advance notice, as emergency or other scheduling considerations warrant. Trees are prohibited in all easements and all public rights-of-way.
- (2) *Front yard.* Fences not exceeding 36 inches in height may be erected in the front yard of any lot. Provided the fence is no more than one third opaque, and the materials are made of only plastic, wood, or aluminum/iron rail in front yard areas.
- (3) *Side yard.* Fences not exceeding six feet in height may be erected in the side yard of any lot provided they do not extend beyond the front setback line.
- (4) *Rear yard.* Fences not exceeding six feet in height may be erected in the rear yard of any lot.
- (5) *Placement offences.*
 - (e) Fences may be erected along lot lines.
 - (b) All structural or supporting members of any fence must be constructed to be within or toward the area to be enclosed. This provision will not preclude home owners to share a fence on the property line.
- (6) *Illinois Drainage Code.* No fence, wall or other obstruction shall be erected in violation of the Illinois Drainage Code, 70 ILCS 605/1-1 et seq.
- (7) *Rights-of-way.* No fence, or other obstruction shall be erected within any public right-of-way, except by written permission of the Code Administrator.
- (8) *Barbed wire and similar material.*
 - (e) If already constructed and installed upon property lines or property abutting streets, highways, alleyways, or any public right-of-way within a residential zoning. Up to three strands of barbed wire may be used on top of a fence abutting the public right-of-way in Planned Business, Light Industrial, Heavy Industrial zoning districts so long as the wire does not protrude beyond the property line.
 - (b) Any newly constructed fences containing barbed wire or similar material must be setback at least five feet from property lines and public rights-of-way, they are only

permitted in planned business, light industrial, and heavy industrial zoning classifications.

€ Fences constructed with razor wire, ribbon wire and material(s) of similar design are prohibited.

(d) Electric fences are not permitted in the village except when used to contain grazing animals in an area zoned to allow such a use. Electric fences must be set back at least five feet from the property line and/or must be enclosed by additional fencing or other barriers which prevent access to the electric fence by small children on the adjacent property.

€ All fences not in compliance with this section shall, within 20 days of notification from the Village of Swansea, shall be removed by the owner or, upon failure to remove the fence; the Code Administrator is empowered to cause the removal of the fence, the cost of which shall be billed to the owner.

ADDITIONAL INFORMATION

- Fences are permitted to be installed directly up to property lines. **However, fences must still meet all other code requirements.**
- Fences and walls shall be maintained structurally sound and in good repair. (§ 150.136 Exterior Property Areas)

FENCES FOR SWIMMING POOLS, SPAS, AND HOT TUBS

Enclosures.

(1) Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1,219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Openings in the fence or barrier shall not allow the passage of a four-inch-diameter (102 mm) sphere. The vertical clearance between grade and the bottom of the fence or barrier shall not exceed two inches (51 mm) for grade surfaces that are not solid, such as grass or gravel, where measured on the side of the fence or barrier that faces away from the vessel. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is a minimum of 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released

from an open position of six inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

(2) *Exception.* Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

(C) *Barrier*. Where a wall of a dwelling serve as part of barrier, one of the following conditions shall be met: (IRC AG 105.2(9))

(1) The pool shall be equipped with a powered safety cover in compliance with ASTM F 1346;

(2) Doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and/or its screen, if present, are opened. The alarm shall be listed and labeled in accordance with UL 2017. The deactivation switch(es) shall be located at least 54 inches (1,372 mm) above the threshold of the door; or

(3) Other means of protection, such as self-closing doors with self-latching devices, which are approved by the governing body, shall be accepted as long as the degree of protection afforded is not less than the protection afforded by division (C)(1) and (C)(2) described herein.

(Ord. 1806, passed 2-5-2018)

VILLAGE CODE:

Fence Guidelines:

https://codelibrary.amlegal.com/codes/swanseail/latest/swansea_il/0-0-0-10827

Property Maintenance:

https://codelibrary.amlegal.com/codes/swanseail/latest/swansea_il/0-0-0-8117

Swimming Pools and Hot Tubs:

https://codelibrary.amlegal.com/codes/swanseail/latest/swansea_il/0-0-0-8368