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**THE CITY OF BLUE ISLAND COOK COUNTY, ILLINOIS**

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**ORDINANCE  
NUMBER 2024-032**

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**AN ORDINANCE OF THE CITY OF BLUE ISLAND, COOK  
COUNTY, ILLINOIS, AMENDING CHAPTER 150, “BUILDING  
REGULATIONS/CONSTRUCTION” OF THE CODE OF BLUE  
ISLAND, ILLINOIS**

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**FRED BILOTTO, Mayor  
RAEANN CANTELO-ZYLMAN, City Clerk  
JAIRO FRAUSTO, City Treasurer**

**DEXTER JOHNSON  
LUIZ MONTOYA  
NANCY RITA  
BILL FAHRENWALD  
GABRIEL McGEE  
CANDACE CARR  
JOSH ROLL**

**Aldermen**

**ORDINANCE NUMBER 2024- 032**

**AN ORDINANCE OF THE CITY OF BLUE ISLAND, COOK  
COUNTY, ILLINOIS, AMENDING CHAPTER 150 “BUILDING  
REGULATIONS/CONSTRUCTION”  
OF THE CODE OF BLUE ISLAND, ILLINOIS**

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**WHEREAS**, the City of Blue Island, Cook County, Illinois (the “City”) is a duly organized and existing City created under the provisions of the laws of the State of Illinois and 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 benefits of the residents of the City; and

**WHEREAS**, the Mayor and City Aldermen may from time to time amend the text of the City Code of Blue Island (the “Code”) when it is determined to be in the best interests of the health, safety and welfare of the City and its residents; and

**WHEREAS**, the City currently regulates fences throughout the City; and

**WHEREAS**, the Mayor and City Aldermen desire to modify the Code and create efficient and effective systems for the regulation of fence installation and fence maintenance within the City; and

**WHEREAS**, the Mayor and City Aldermen find that the following amendments to the Code of Blue Island, Illinois, as set forth herein, are in the best interests of the health, safety and welfare of the City and its residents.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and City Aldermen of the City of Blue Island, Cook County, Illinois as follows:

**Section 1.** That the above recitals and legislative findings are found to be true and correct and are hereby incorporated herein and made a part hereof, as if fully set forth in their entirety.

**Section 2.** That the Mayor and City Aldermen find and determine that the adoption of this Ordinance is in the best interests of the City as well as in the best interests of the public.

**Section 3.** That Section 150.116 (“*Construction Requirements*”) of Chapter 150 (“*Building*”

Regulations/Construction”) of Title XV (“Land Usage”) of the Code of Blue Island, Illinois is

hereby amended by adding the underlined language as follows:

### § 150.115 PERMIT REQUIRED; FEE

...

### § 150.116 CONSTRUCTION REQUIREMENTS

No fence shall be constructed unless it meets the following requirements.

(A) Any fence erected on a property line or within one foot of any property line shall be so constructed that the fence posts or other supports for such fence shall be placed or located on that side of the fence which faces the property of the person erecting or causing such fence to be erected. However, in the case of a fence erected under a mutual agreement between two adjoining properties, the fence posts or other supports may be placed on whichever side such property owners by mutual agreement may elect.

(B) No fence on any lot or parcel of ground located in any R-1 Single-Family Residential District, ~~or R-2 Two- and Three-Family Residential~~, as defined and established by Ch. 165, Zoning Code, of this code of ordinances or any amendment thereto, shall exceed six feet in height above the sidewalk grade, or above the surface of the ground where no grade is established, except that a fence designed and used to enclose a swimming pool may be more than six feet, but not more than eight feet in height above the grade as aforesaid.

(C) No fence on any lot or parcel of ground located in any R-1 Single-Family Residential, ~~R-2 Two- and Three-Family Residential~~, C-1 Central Area or C-2 Highway Commercial District as defined and established by Ch. 165, Zoning Code, of this code of ordinances or any amendment thereto, may be erected on any portion of such lot or parcel of ground lying within the front yard as defined in said zoning code and as the same is applicable to such lot or parcel of ground, ~~except as otherwise permitted by § 150.117 of this chapter~~.

(D) No fence on any real estate located in the R-1 Single-Family Residential ~~and R-2 Two- and Three-Family Residential~~ as defined and established by Ch. 165, Zoning Code, of this code of ordinances shall be erected in whole or in part of what is commonly known as barbed wire. No fence located on real estate in the C-1 Central Area Commercial, C-2 Highway Commercial, I-1 Limited Industrial and I-2 General Industrial Districts as defined and established by Ch. 165, Zoning Code, of this code of ordinances may be constructed in whole or in part of what is commonly known as barbed wire, except as otherwise permitted by § 150.117 of this chapter.

(E) No fence on any lot or parcel of ground located in any R-1 Single Family Residential, as defined and established by Ch. 165, Zoning Code, of this code of ordinances or any amendment thereto, may be erected on any portion of a corner side yard, defined as a side yard which adjoins a street, unless the fence is set back at least a foot from the lot line and is not constructed in whole or in part of what is commonly known as white vinyl.

### § 150.117 VARIATIONS

(A) The requirements of § 150.116 may not be varied, except regarding the criteria contained in § 150.116(E) and only upon application to the ~~Purpose~~ The Planning and Zoning Board of Appeals, which may recommend to the Mayor and Aldermen of the city a variation in fence the regulations of this subchapter in harmony with the its general purpose and intent of this chapter, only in the specific instances and in accordance with standards and procedures hereinafter set forth.

(B) *Procedure and notice of hearing.* An application for a variation shall be filed in writing with the Building Official on forms recommended by the Planning and Zoning Board of Appeals. Such application shall be forwarded from the Building Official to the Planning and Zoning Board of Appeals with a request to hold a public hearing and thereafter set forth its findings and recommendations. The findings and recommendations of the Planning and Zoning Board of Appeals shall be made in writing and shall be forwarded to the Mayor and Aldermen of the city.

Notice of the time and place of such public hearing shall be published at least once, not more than 30 days or less than 15 days before the hearing, in a newspaper of general circulation published within the city.

(C) ~~Standards for variations of decorative or ornamental fences.~~

(1) No variation shall be recommended by the Planning and Zoning Board of Appeals, or granted by the Mayor and Aldermen of the city, unless findings have been made based upon the evidence presented in each specific case that the following conditions have been met:

- (a) The proposed variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship which would result if the strict letter of the regulations were carried out and which is not generally applicable to other property within the same district;
- (b) The alleged hardship has not been created by any person presently having a proprietary interest in the property;
- (c) The property in in question cannot yield a reasonable return if a fence may only be built under the regulations;
- (d) The proposed variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood;
- (e) The proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, or endanger the public safety;
- (f) The proposed variation will not alter the essential character of the neighborhood; and
- (g) The proposed variation is in harmony with the spirit and intent of this chapter.

For the purpose of this division (C), the following definitions shall apply unless the context clearly indicates or requires a different meaning:

~~—~~ **CORNER SIDE YARD.** A side yard which adjoins a street.

~~—~~ **FRONT LOT LINE.** The boundary of a lot which is along an existing or dedicated public street or, where no public street exists, is along a public way. The owner of a corner lot may select either street lot line as the **FRONT LOT LINE**.

~~—~~ **FRONT YARD.** A yard extending along the length of the front lot line between the side lot lines.

~~—~~ **FRONTAGE.** All the property on one side of a street between the two nearest intersecting streets measured along the line of the street or, if dead-ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

~~—~~ **FRONTAGE, ZONING LOT.** All the property of such zoning lot fronting on a street and measured between the side lot lines.

~~—~~ **YARD.**

~~—~~ (a)1. An open space on the same lot with a building or structure unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted by this subchapter.

~~—~~ (b)2. A **YARD** extends along a lot line and to a depth or width specified in the yard requirements for the zoning district in which such zoning lot is located.

(2) ~~Such fences may not exceed four feet in height. No variance shall be granted to allow a fence in a front yard.~~

(3) ~~Fences in which the openings between the materials of the fence represent more than 70% of the total surface may be permitted as decorative fencing. No variance shall be granted to allow a fence in a corner side yard in a residential district if any of its design elements are prohibited, as specified above.~~

(4) No variance shall be granted if the proposed fences would may not detract from the total appearance of the surrounding area. However, creative fencing and landscaping designs will be evaluated.

**Section 4.** If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any other provision of this Ordinance.

**Section 5.** All ordinances, resolutions, motions or orders in conflict with this Ordinance are

hereby repealed to the extent of such conflict.

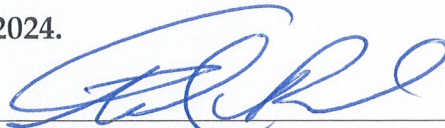
**Section 6.** This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

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ADOPTED this 25<sup>TH</sup> day of JUNE, 2024, pursuant to roll call as follows:

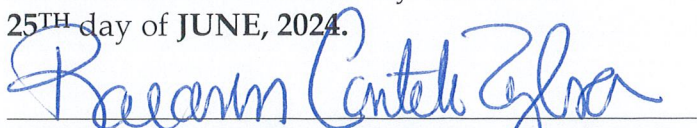
|                     | YES | NO | ABSENT | PRESENT | ABSTAIN |
|---------------------|-----|----|--------|---------|---------|
| Alderman JOHNSON    | X   |    |        |         |         |
| Alderman FAHRENWALD | X   |    |        |         |         |
| Alderman RITA       |     |    | X      |         |         |
| Alderman MONTOYA    | X   |    |        |         |         |
| Alderman MCGEE      | X   |    |        |         |         |
| Alderman CARR       | X   |    |        |         |         |
| Alderman ROLL       | X   |    |        |         |         |
| Mayor BILOTTO       |     |    |        |         |         |
|                     | 6   |    | 1      |         |         |

APPROVED by the Mayor on JUNE 25, 2024.



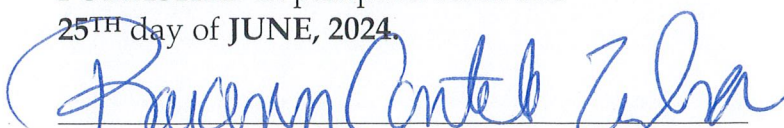
FRED BILOTTO  
MAYOR OF THE CITY OF BLUE ISLAND,  
COUNTY OF COOK AND STATE OF ILLINOIS

ATTESTED and Filed in my office this  
25<sup>TH</sup> day of JUNE, 2024.



RAEANN CANTELO-ZYLMAN, CITY CLERK

PUBLISHED in pamphlet form this  
25<sup>TH</sup> day of JUNE, 2024.



RAEANN CANTELO-ZYLMAN, CITY CLERK

STATE OF ILLINOIS        )  
  ) SS  
COUNTY OF COOK         )

CERTIFICATE

I, RAEANN CANTELO-ZYLMAN, certify that I am the duly elected and acting Municipal Clerk of the City of Blue Island of Cook County, Illinois.

I further certify that on **June 25, 2024**, the Corporate Authorities of such municipality passed and approved Ordinance No. **2024-032**.

Entitled:


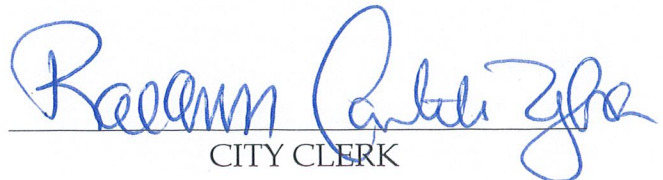
**AN ORDINANCE OF THE CITY OF BLUE ISLAND, COOK COUNTY, ILLINOIS, AMENDING CHAPTER 150, "BUILDING REGULATIONS/CONSTRUCTION" OF THE CODE OF BLUE ISLAND, ILLINOIS.**

Which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. **2024 - 032** including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance posted in the municipal building commencing on **June 25, 2024**, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at Blue Island, Illinois, this **25<sup>TH</sup>** day of **June, 2024**.

CORPORATE SEAL

  
  
CITY CLERK

STATE OF ILLINOIS        )  
  )  
COUNTY OF COOK        )

  ss.

**CERTIFICATION**

**I, RAEANN CANTELO-ZYLMAN, DO HEREBY CERTIFY THAT I** am the duly elected City Clerk of the City of Blue Island, Illinois, as such City Clerk, I am the keeper of the minutes and records of the Proceedings of the City Council of the said City and have in my custody the ORDINANCE and BOOKS of the records of said City.

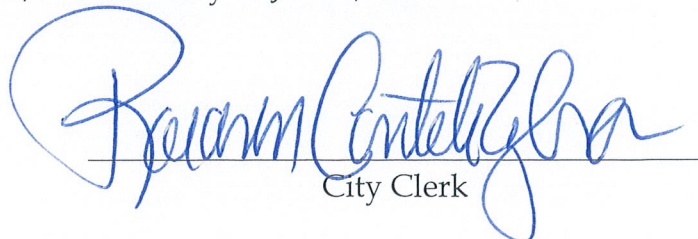
**I DO FURTHER CERTIFY** that the attached and foregoing is a true and correct copy of the certain **2024 - 032** Entitled: **ORDINANCE: AN ORDINANCE OF THE CITY OF BLUE ISLAND, COOK COUNTY, ILLINOIS, AMENDING CHAPTER 150, "BUILDING REGULATIONS/CONSTRUCTION" OF THE CODE OF BLUE ISLAND, ILLINOIS.**

**ORDINANCE NO. 2024-032** which was adopted at a regular meeting of the City Council of the City of Blue Island, Illinois held on the **25<sup>th</sup> day of JUNE, 2024**; that at said meeting **6** Alderman were present; that at said meeting, on motion duly made and seconded that the Ordinance did pass and on the roll being called the vote of each Aldermen present on the question of the passage of said Ordinance was duly and separately taken by Ayes and Nays and their names and votes recorded in the minutes of **6** Alderman voted Aye and **0** Alderman voted Nay and **0** Alderman voted Abstain and **1** Alderman Absent.

**I DO FURTHER CERTIFY** that the original Ordinance which the foregoing is a true copy, is entrusted to my care for safe keeping, and that I am the lawful keeper of the same.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the Corporate Seal of the City of Blue Island aforesaid, at the said City in the County and State aforesaid, this **25<sup>TH</sup>** day of **JUNE, 2024**.

CORPORATE SEAL

  
\_\_\_\_\_  
City Clerk