

Addison Construction and Maintenance of Barbed Wire or Electric Fences.

(A) Definitions.

(1) **High hazard uses** means electrical transformers, substations, transmission towers, sanitary sewerage treatment facilities and such other uses determined by the corporate authorities of the Village to be capable of posing an unreasonable risk to the health and safety of the public.

(2) **Fire Protection District** means the Addison Fire Protection District.

(B) It shall be unlawful to maintain or construct any fence composed in whole or in part of barbed wire, or with any similar materials designed to cause injury to person, or any wire charged with electrical current anywhere within the Village except where an exemption has been obtained as hereinafter provided.

(C) The following standards and procedures shall apply for obtaining exemption from the prohibition against barbed wire fences:

(1) The applicant will submit a written request for an exemption to the Director of Community Development, together with a \$100.00 non-refundable fee and evidence demonstrating that the erection of a barbed wire fence is necessary in order to protect the health and safety of the public from a high hazard use.

(2) The applicant will also provide, at the time of application, a certification by the Fire Protection District that the use is in fact a high hazard use. No certification shall be required if the use is specifically identified in the definition of "high hazard use" herein.

(3) The Commercial and Industrial Commission shall conduct a hearing on the application and make a recommendation to the Public Health, Safety and Judicial Committee of the Village Board as to whether the exemption should be granted or denied.

(4) The Committee shall review all the pertinent information with respect to the application, and the corporate authorities shall determine whether an exemption is warranted. The decision of the corporate authorities shall be final.

(5) The exemption shall only apply to the particular use and the property identified in the application.

(D) Any person who has obtained an exemption under Subsection (C) and who subsequently changes the use of the property for which the exemption was granted shall, within ten days of the change in use, apply for a new exemption. In the event that the new application is not made on a timely basis or in the event that the new application is denied, the previous exemption shall immediately be rendered null and void. In addition, the Director of Community Development, or his designee, as part of the business license renewal process, shall determine whether the particular use, for which an exemption has been granted, remains the same.

(E) Any person who has obtained a barbed wire fence exemption prior to December 16, 1991 shall be considered to have complied with the requirements of Subsection (C), and said exemption shall continue in force and effect subject to the remaining provisions of this Section.

(F) No exemption may be granted or continue in effect if the barbed wire portion of a fence is located within six feet of ground level. (Ord. 80-05; 81-39; 91-89.)